

To the,

16 August 2019

Information and Evidence Unit
Office of the Prosecutor
Post Office Box 19519
2500 CM The Hague
The Netherlands

Email: otp.informationdesk@icc-cpi.int

Dear Prosecutor Ms Fatou Bensouda and Deputy Prosecutor Mr James Stewart,

This is an official ‘communication to the International Criminal Court’, to the Office of the Prosecutor and Deputy Prosecutor, “of a criminal complaint to the Court on an alleged crime(s) falling under the Court’s jurisdiction” pursuant to **Article 13 of the Rome Statute of the International Criminal Court**.

1. I am a practicing legal professional in Australia, with approximately 35 years’ experience in criminal law. This is an official communication to the **International Criminal Court** (henceforth referred to as the **ICC**) in which a complaint of alleged crimes against humanity is made against several individuals including: Officers of the New South Wales Independent Commission Against Corruption in Australia, former Commissioners of the New South Wales Independent Commission Against Corruption in Australia, Judicial Officers of the Courts of New South Wales in Australia, and member of the New South Wales Parliament. All of the accused individuals are national of Australia, and a natural person, and within the jurisdiction of the International Criminal Court in accordance with **Article 12(2b) of the Rome Statute of the International Criminal Court**. The crimes alleged against the accused, in this communication, fall under **Article 5(b) and Article 7 (Crimes Against Humanity) of the Rome Statute of the International Criminal Court** (henceforth referred to as the **Rome Statute**), and are of grave international concern. I make this official complaint/communication to the **ICC** on behalf of named victims of the alleged crimes, who are three young females of colour: Sandra Lazarus, Michelle Lazarus,

Phone: +61

Email:

and Jessica Lazarus. Each of the named victims is a national of Australia, and a natural person.

2. **I emphasise that the situation and alleged crimes detailed in this communication are very severe, prolonged, widespread, and systematic. The gravity of the situation is severe, and includes crimes against humanity, threats against the victims' lives, including the lives of the named victims' children, as well as blackmail; all via the abusive conduct of State Officers. As a matter of deep concern, the accused public officials have and are using legislation in Australia as a vehicle to systematically commit crimes against humanity. Given the grave and widespread nature of the crimes (that evidently extend to victims beyond those named in this communication), this situation warrants serious concern from the international community as a whole. The abusive, and plainly criminal, legal precedence that the State of Australia (and its official representatives) is setting inevitably has a significant impact on the international community, particularly within the context of democratic legal systems. The alleged crimes against humanity described within this communication are a manifestation of the official and legal validation of human rights' abuses in Australia. As a legal professional (Lawyer), and as one who has been an Australian national for the entirety of my life, I too am horrified at the disturbing nature of the crimes against humanity alleged in this official complaint/communication, and the accused persons. Of Note: Forensic evidence proving the Mss Lazarus innocence was dismissed by a judicial officer in a court of law. The same judicial officer as outlined in this official complaint/communication convicted Sandra Lazarus, then physical tortured Sandra Lazarus, (an individual who suffers from a number of lifelong medical conditions) to obtain her signature (and her sisters signatures), releasing the State of NSW, and the health professionals of any legal obligation. In the interest of justice, and as a matter of fundamental human rights according to international law, I respectfully request urgency for the assessment of this official complaint/communication, and urge for an investigation/trial against the accused to commence without delay, and to provide protection to the victims (the three Mss Lazarus and family) as a matter of urgency, as their life and security have been threatened by official of the State. Further, there is NO element of "national security" in this official complaint/communication, to state otherwise, would be false, and would be solely for the purpose of hindering the investigation. Therefore, this**

official complaint/communication is within the jurisdiction of the ICC to investigate. Further, all material contained in this official complaint/communication is public information and publicly available, there are NO orders preventing the publication of the material contained.

3. As per the proper official complaint/communication process, this document contains as much detailed information as possible, and great effort has been made to ensure accuracy of all details within. However, I duly note that this official complaint/communication was completed with limitations relating to time and financial resources (**Note:** those limitations should not be interpreted as limiting or prejudicing the facts, details, information, and presentations, within this official complaint/communication, rather limitation of time, and financial resources). I write this official complaint/communication on behalf of the named victims (with their assistances) on a *pro bono* basis for the sake of natural justice, human rights, and as a matter of national and international interest, regarding a serious situation in which the victims' voices have been deliberately silenced for approximately one decade by the accused.
4. There are four parts to this official 'communication to the International Criminal Court':
 - the first part outlines the jurisdiction of the **International Criminal Court** to investigate the crimes against humanity by the accused pursuant to the Rome Statute and other international laws;
 - the second part outlines the utilisation of legislative process and the introduction of law by the State of New South Wales to contravene human rights, this includes the processes implemented by the State to make lawful abusive conduct and actions which were previously unlawful, this section will also provide numerous examples of individuals who are suffering due to crimes against humanity by the state;
 - the third part, outlines crimes against the three victims, Sandra Lazarus, Michelle Lazarus and Jessica Lazarus, how the accused have contravened the principles and provisions which define human rights within national and international law (including physical torture, which led to hospitalisation), and how such

contravention by the accused have caused great suffering to the three Mss Lazarus for almost ten years ; and

- the fourth part, reviews the Australian Attorney-General's "Report to the United Nations, Consideration of reports submitted by States parties under article 40 of the Covenant: Sixth periodic reports of States parties" (henceforth referred to as the Attorney-General's report) received by the United Nations Commission on 02 May 2016, this review outlines how the Attorney-General's report is misleading the international community in believing that human rights, rule of law and equality before the law are being practiced in Australia in accordance with the international law. **Of Note**, Australia has NO Bill of Rights (Human Rights) which is observed and practiced in all states and territories within Australia, human rights in Australia are NOT practice by virtue of legislation, rather assumed, and therefore, contravened with ease.

PART I

INTERNATIONAL CRIMINAL COURT'S JURISDICTION OVER THIS MATTER

5. In respect of the crimes against the victims the three Mss Lazarus, on behalf of whom this official complaint/communication is written, the alleged crimes against humanity are said to have occurred within the period from (at least) 28 May 2010 to the present date (and ongoing). In an effort to address components of this official complaint/communication systematically, the official complaint/communication has been divided into four parts and numbered paragraphs under various headings in bold text which signify the topics to which the paragraphs below those headings relate. As the alleged crimes against humanity were committed after 01 July 2002, in accordance with **Article 11 of the Rome Statute**, this official complaint/communication is within the jurisdiction of the **ICC**.
6. Relevant information regarding the criminal allegations that comprise this official complaint/communication with supporting documentation, videos and audio recordings, and website links. However, at first, I briefly confirm in this paragraph that all applicable conditions/criteria that are required to be met for the alleged crimes against humanity to fall under the jurisdiction of the **International Criminal Court** are indeed met (**Note**: the

points in the sub-paragraphs below are elaborated in later paragraphs of this communication; some of which address additional conditions/criteria met in order for the alleged crimes to fall under the jurisdiction of the **ICC**).

- a. The crimes against humanity alleged in this official complaint/communication were committed after the treaty (**Rome Statute of the International Criminal Court**) entered into force in 2002, therefore condition met as per **Article 11(1) of the Rome Statute**. The period in which the crimes are alleged to have occurred spans from (at least) 28 May 2010 to the present date (and ongoing). It is alleged that the accused continue to commit the alleged crimes against the victims, the three Mss Lazarus, and NO efforts by any authority within any jurisdiction in Australia have been made to investigate and/or to prevent the crimes stated in this official complaint/communication, the reasons for this will become apparent as this communication continues.
- b. The country (Australia) in which the alleged crimes against humanity occurred, is a State Party to the treaty (**Rome Statute of the International Criminal Court**), and became so after the treaty entered into force on 1 July 2002. The State Party (Australia) signed the Rome Statute on 9 December 1998, and deposited its instrument of ratification of the treaty on 1 July 2002 [**Appendix 1**: International Criminal Court website screen shot of the State Parties to the Rome Statute – Australia; Signatory Status: Australia signed the Rome Statute on 09 December 1998; Ratification and Implementation Status: Australia deposited its instrument of ratification on 01 July 2002. Website Link: https://asp.icc-cpi.int/en_menus/asp/states%20parties/western%20european%20and%20other%20states/Pages/australia.aspx]. Ratification of the **Rome Statute** by the State Party (Australia) occurred prior to the time at which the alleged crimes against humanity are said to have occurred (ratification prior to 28 May 2010), therefore, condition met as per **Article 11(2) and Article 12(1) of the Rome Statute**, and as such the situation described falls under the jurisdiction of the **ICC**, with respect to crimes against humanity referred to in **Article 5(b) of the Rome Statute**, and under **Article 7 of the Rome Statute** for the purpose of this official complaint/communication. **Of Note:** since the State Party (Australia) has adopted and ratified the treaty, **Article 12(3) of the Rome Statute** does NOT apply. Therefore, the **ICC** may exercise its jurisdiction

with respect to the crimes alleged in this official complaint/communication. Further, the within the Australian legislation of “International Criminal Court Act 2002”, section 5 states the following: “This Act binds the Crown in right of the Commonwealth and in right of each of the States”. Therefore, Australia including New South Wales, complies with the **ICC** jurisdiction. and the operation of the **Rome Statute**.

- c. The accused persons, against whom the criminal allegations are made, are nationals of the country (Australia) in which the alleged crimes against humanity are said to have been committed, therefore, condition met as per **Article 12(2b) of the Rome Statute**.
- a. The crimes alleged in this official complaint/communication are referred to in **Article 5(b), as well as Article 7 (Crimes Against Humanity), of the Rome Statute**. Hence, the alleged crimes fall within the jurisdiction of the **ICC**, therefore, condition met as per **Article 13 of the Rome Statute**.
- b. Information provided in this official complaint/communication concerns crimes within the “jurisdiction of the Court” (referred to in **Article 5 of the Rome Statute**), and may be used by the Prosecutor to initiate an investigation, *proprio motu*, therefore, condition met as per **Article 15 of the Rome Statute**.
- c. There are no immunities, either under national or international law, that protect the accused persons from criminal liability under the jurisdiction of the **ICC** in respect of the alleged crimes (**Article 27 of the Rome Statute applies**). At the time that the alleged crimes are said to have occurred, the greater majority of accused persons were individuals acting in their official capacities (Of **Note**: A small number of the accused individuals are now not in official roles). As per **Article 27 of the Rome Statute**, public officials, included amongst the accused, are not exempt from criminal responsibility, nor shall any immunities associated with their official roles bar the **ICC** from exercising its jurisdiction over the accused.
- d. The crimes alleged within this official complaint/communication constitute ‘attack[s]’ against an innocent civilian population. Those attacks are systematic, organised, intentional, and committed with knowledge, therefore, condition met as per **Article 7 of the Rome Statute**.

- e. It is not possible to address the criminal allegations in this official complaint/communication within the jurisdiction of the State (Australia) in which the alleged crimes against humanity are said to have occurred. The fundamental reason for this is that the State (Australia) is unwilling to genuinely carry out the investigation and/or prosecution against who have engaged in crimes against humanity. Evidence is detailed in paragraphs below, however, major reasons include: vested interests of the accused (particularly with respect to Judicial Officers, NSW ICAC Commissioners, and the NSW ICAC Officers, Members of Parliament), extensive prejudice and bias, and the obvious conflict of interest in calling upon the accused to commence proceedings (directly or indirectly) in which they are the very persons accused of criminal conduct. **In short, both impartially and independence cannot be achieved in the described circumstances, and any proceedings in such circumstances, by virtue, would be unavoidably inconsistent with any intent to bring the accused persons to justice. Hence, Article 17 of the Rome Statute cannot apply to support any notion of inadmissibility with respect to initiation of an investigation by the ICC for the crimes alleged in this official complaint/communication.** Further reasons are elaborated below and throughout this communication.
- f. The crimes against humanity stated in this official complaint/communication occurred from a period of 28 May 2010 to present date, and as such these crimes constituted crimes within the jurisdiction of the **ICC** at the time these crimes took place, and therefore, **Article 22 of the Rome Statute** does not apply to the crimes against humanity stated in this official complaint/communication.
- g. This official complaint/communication to the **ICC** is in relation to crimes against humanity by the following individuals. The named accused individuals have contravened, and/or facilitated in the contravention, of **Article 5(b) and Article 7 of the Rome Statute** (including other international human rights laws, as stated):
1. Michael Kane, an Officer of the NSW ICAC – is an accused person who contravened **Article 5(b) and Article 7 of the Rome Statute, and it is alleged he engaged in crimes against humanity.**

2. Jane Daly, Lawyer for the NSW ICAC – is an accused person who facilitated in the contravention of **Article 5(b) and Article 7 of the Rome Statute, and it is alleged that, such contraventions led to acts of crimes against humanity.**
3. David Ipp, former Commissioner for the NSW ICAC – is an accused person who contravened **Article 5(b) and Article 7 of the Rome Statute, and it is alleged he engaged in crimes against humanity.**
4. Todd Alexis, former Counsel Assisting for the NSW ICAC – is an accused person who contravened **Article 5(b) and Article 7 of the Rome Statute, and it is alleged he engaged in crimes against humanity.**
5. Lloyd Babb, NSW Director of Public Prosecution – is an accused person who contravened **Article 5(b) and Article 7 of the Rome Statute, and it is alleged he engaged in crimes against humanity.**
6. Michael Barnes, former NSW Local Court Magistrate – is an accused person who contravened **Article 5(b) and Article 7 of the Rome Statute, and it is alleged he engaged in crimes against humanity.**
7. Joanna Keogh, NSW Local Court Magistrate – is an accused person who contravened **Article 5(b) and Article 7 of the Rome Statute, and it is alleged she engaged in crimes against humanity.**
8. Peter Garling, NSW Supreme Court Judge – an accused person who facilitated in the contravention of **Article 5(b) and Article 7 of the Rome Statute, and it is alleged that, such contraventions led to acts of crimes against humanity.**
9. Michael King, NSW District Court Judge – is an accused person who contravened **Article 5(b) and Article 7 of the Rome Statute, and it is alleged he engaged in crimes against humanity.**

10. Paul Conlon, former NSW District Court Judge – is an accused person who contravened **Article 5(b) and Article 7 of the Rome Statute, and it is alleged he engaged in crimes against humanity.**

11. John Meagher – NSW Court of Appeal Judge – is an accused person who facilitated in the contravention of **Article 5(b) and Article 7 of the Rome Statute, and it is alleged that, such contraventions led to acts of crimes against humanity.**

The above mentioned eleven individuals, in their official capacity, are accused individuals who contravened and/or facilitated in the contravention of **Article 5(b) and Article 7 of the Rome Statute.** These above named individuals are nationals of Australia, acting in their official capacity, and individuals with authority, before whom the victims, the three Mss Lazarus were vulnerable individuals, therefore, condition met as per **Article 12(2b) of the Rome Statute.**

7. For the purpose of this official complaint/communication the international law referred to is the **International Covenant on Civil and Political Rights** (henceforth referred to as the **ICCPR**), and when required other law will be referenced, as stated. The ratification of the **ICCPR** treaty by Australia was on 13 November 1980.
8. A number of threats have been made against me personally due to my law firm providing legal services for the Lazarus judicial proceedings (legal services at times on pro bono bases). I too am fearful of this submission, as the accused in this official compliant/communication, are individuals who are official within Australia, and member of the parliament.
9. Australia is using the legislative process and legislation to validate crimes against humanity, and to ensure that, there is no legal accountability for such crimes. This is occurring more frequently, and the disregard to human rights is becoming more evident, such abusive conduct is reported upon by the local media, however, these report have made little difference in ensuring the practices of human rights. Such reports are simply dismissed by the governing bodies.

10. The supporting evidence discussed in this official complaint/communication is attached in the appendix section, and available through a number of website links. Any additional required evidence and/or information can be provided upon request. However, as per requirement of the **ICC** this official complaint/communication endeavours “to contain as much detailed information as possible”.

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11. This official complaint/communication is within the jurisdiction of the **International Criminal Court**, as stated throughout this official complaint/communication in particular the above paragraphs 1-10. The following sections of this official complaint/communication will provided additional supporting evidence, of crimes against humanity, and how these crimes give rise to investigations within the provisions of the **Rome Statute of the International Criminal Court**.

INTRODUCTION

12. The named victims of the crimes alleged in this complaint include three young females, all of whom are in their [REDACTED] and who are all women of colour. The names and dates of birth of the victims are: Sandra Lazarus ([REDACTED]), Michelle Lazarus (DOB: [REDACTED]), and Jessica Lazarus ([REDACTED])
- [REDACTED]
- [REDACTED]

13. [REDACTED]
- [REDACTED]
- [REDACTED]

Each of the children of the Lazarus family were educated in Australia including primary, secondary, and tertiary education. With respect to the victims' tertiary education in Australia; Sandra Lazarus completed university studies in the Faculties of Science and Medicine, and Theology, Michelle Lazarus completed tertiary studies in the Faculty of Arts & Social Sciences, and Jessica Lazarus completed university studies in the Faculties of Science and Medicine. The medical and health issues of the Mss Lazarus and their family are discussed in sections titled, 'threats, intimidation and abuse, and medical conditions and health issues' of this official complaint/communication.

PART II

INDEPENDENT COMMISSION AGAINST CORRUPTION (ICAC)

14. It is with the introduction of the ICAC legislation that the State of New South Wales in Australia, is able to breach the fundamental human rights of its population, and

justify these breaches simply because human right breaches are legislated. These actions of the Australian government are similar to those of, Nazi Germany, where the Gestapo was legislated to be abusive and criminal. It is interesting to note that parts of the ICAC legislation are very similar to that of the Gestapo, and also comprises of legislative provision which the Star Chamber. The following is a video link to interview of Peter Nagle a former Member of Parliament in Australia, who was present in Parliament on 26 May 1988, when the ICAC legislation was introduced by virtue of a resolution and a bill by the New South Wales Parliament, to become the ICAC Act 1988 [<https://m.youtube.com/watch?v=hHIJf0gvpc>]. As the Rome Statute was introduced in 2002, and cannot investigate crimes prior to its introduction, the conduct and actions of those individuals (in particular the former member of Parliament Nicholas Greiner) who introduced the ICAC legislation will not form part of the accused who contravened and/or facilitated the contravention of **Article 5(b) and Article 7 of the Rome Statute**.

15. As stated in the interview, it is common knowledge (in Australia) that the New South Wales ICAC was mostly based on the Hong Kong ICAC, except that the Hong Kong ICAC does not have public inquiry powers, even though it has private compulsory examination powers. The Hong Kong ICAC model was based on the Berlin Department of Investigation which came into existence to fight corruption in the German Weimar Republic. It is understood, that the Berlin model did not have public inquiry powers, but it did have private compulsory inquiry powers, and very extensive prosecution powers. When Hitler came into power in 1933 he repealed the Berlin Department of Investigation legislation and used those powers for the infamous Gestapo.
16. In 1988 the state of New South Wales in Australia, legislated a commission of inquiry to investigate corruption in the public sector of the state. The government advisers and legislators travelled to Hong Kong in the 1980's to develop and modelled the commission of inquiry legislation on the Hong Kong Independent Commission Against Corruption. In particular Gary Sturgess and then NSW Attorney-General John Dowd travelled to Hong Kong following which the New South Wales Independent Commission Against Corruption (ICAC) was legislated [**Newspaper Article** by Richard Ackland, 16 April 2014, "ICAC architect Gary Sturgess should be a household name", the Sydney Morning Herald.

17. In the ICAC Annual Report for the period of 2010-2011, and indeed on many other occasions prior to this period, ICAC Officers attended training sessions at the Hong Kong ICAC. During that same period, the NSW ICAC Chief Investigator attended a Chief Investigators training course, run and held by the Hong Kong ICAC during the period from 28 October 2010 to 29 November 2010. The cost of the training was listed in the Annual Report as 7,969.76 AUD [Appendix 2: ICAC Annual Report 2010-2011, page 131].
18. **Further, Australia is utilising legislation from as far back as the 1600's (i.e. Star Chamber Courts), which were later abolished due to their abusive nature. It was noted in the 1600's that such abusive legislation cannot provide fairness and just for the population, since those methods impeded and contravened the human rights of individuals, and deprived them of fair and just proceedings in which they ought to have stood equal before the law. The ICAC legislation was compared to star chamber legislation, by a university academic Peter van Onselen (Professor, University of Western Australia), he stated the following:**

“Those assisting such a star chamber are unencumbered by the rules of evidence and process that apply in criminal and civil courts and have been a feature of British and derivative legal systems for centuries. Before the rule of law being firmly established in Britain, the Court of Star Chamber and the Court of High Commission in Causes Ecclesiastical made determinations in supposed criminal matters. Citizens were summoned to appear, on oath, and while not charged or informed of the nature of what was under examination, they were cross-examined, with only very limited rights. By 1583 the process came under significant criticisms, not least because the court was going on fishing expeditions in the hope of uncovering, during questioning, wrongdoing. And so it is today with ICAC. The most common charges to come out of ICAC hearings have nothing to do with the matters under the microscope. Rather, they are charges of misleading ICAC: witnesses compelled to answer questions and, in so doing, contradicting something covertly obtained by ICAC that they have said previously, often many years earlier. As James Stephen noted in *A History of the Criminal Law of England*, in 1637 a man named John Lilburne was called before the Star Chamber but he refused to answer questions, claiming they were being used to implicate him in wrongdoing. It put the lack of due process under parliamentary

investigation and four years later the courts were abolished. It is disturbing that today these star chambers are proliferating and politicians are unprepared to condemn them for reaching beyond the fair limits of a legal system that has served Westminster democracies well for centuries. We must do as Lilburne did and stand up to the modern star chambers, which are eroding rights” [Newspaper Article by: Peter van Onselen. “Modern Star Chamber must be brought to Account”. The Australian, 22 March 2014].

ICAC Legislative breaches of Human Rights

19. According to Australian legislations, the NSW ICAC is NOT a Law Enforcement Agency, or an Investigative Agency, the ICAC Officers are NOT Law Enforcement Officers (however, they are given a number of protections within the Law Enforcement legislations), the NSW ICAC is a permanent ‘Special Commission of Inquiry’. The ICAC is not bound by the Rules of Evidence, this is stated in section 17(1) of the ICAC Act 1988:

17 Evidence and procedure

- (1) The Commission is not bound by the rules or practice of evidence and can inform itself on any matter in such manner as it considers appropriate.

As a result of section 17 of the ICAC Act 1988, any and all material/evidence collected during ICAC investigations/inquiries, is in breach of the Rules of Evidence. **As there are NO Rules of Evidence governing the ICAC and its Officers, the ICAC Officers use methods of harassment, bullying, threats and intimidation to influence evidence, hinder investigation, and manipulate evidence to ensure the desired inquiry/investigation outcome.** Such unjust methods of harassment, bullying, threats and intimidation were used by ICAC Officers during the inquiry/investigation involving the three Mss Lazarus. The ICAC has been strongly likened to Star Chamber Courts on many occasions due to its questionable methods of inquiry, evidence collection, its lack of adherence to the Rules of Evidence, it’s unfair conduct, severe denial of human rights, and its breach of principles and provisions which constitute fair and just inquiries and judicial proceedings within a democratic society. Breaches of such principles and provisions which constitute fair and just inquiries/investigations and judicial proceedings, are

contraventions of **Article 14 of the ICCPR**, giving rise to crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**.

20. ICAC Officers have the authority to request for a search warrant, the execution of the search warrant is not bound by the Rules of Evidence, as such evidence collected is not recorded in accordance with the rule of law nor rules of evidence. The ICAC Commissioner is not a judicial officer when presiding over commission inquiries nor an officer of the court, however, ICAC Commissioner has the power to issue a search warrant, pursuant to section 40(3) of the ICAC Act 1988:

40 Issue of search warrant

(3) Search warrants should, as far as practicable, be issued by authorised officers, but nothing in this subsection affects the discretion of a Commissioner to issue them.

ICAC Officers are not Law Enforcement Officers, this is clearly stated in the Australian legislations. During execution of a search warrant by ICAC Officers, a Law Enforcement Officer accompany the ICAC Officers, however, the Law Enforcement Officer does not take part in the execution of a search warrant. As mentioned above, ICAC Officers are not bound by the Rules of Evidence – this remains true whilst ICAC Officers are executing a search warrant. As such, they are not legally obliged to create a complete record/inventory of any documents/electronic, devices/material/evidence seized during execution of a search warrant for an ICAC investigation/inquiry. **Further, there is NO legislative power for the ICAC Officer to execution of a search warrant, the search warrant as a document may contain the names of ICAC Officers, this is the only authority which defines the individuals in the search.**

21. As the Rules of Evidence do not apply during ICAC Investigations/inquiries, a witness' 'right to remain silent' does not exist. Individuals giving evidence during ICAC inquiries, forcibly gives up her or his 'right to remain silent'. Instead, during ICAC inquiries/investigations individuals are forced, harassed, bullied, intimidated and threatened into answering questions, and providing answers to questions which will not be

permitted in a court of law. There is no privilege against self-incrimination – this is stated in and supported by sections 26, 37 and 38 of the ICAC Act 1988:

26 Self-incrimination

(1) This section applies where, under section 21 or 22, the Commission requires any person:

- (a) to produce any statement of information, or
- (b) to produce any document or other thing.

(2) If the statement, document or other thing tends to incriminate the person and the person objects to production at the time, neither the fact of the requirement nor the statement, document or thing itself (if produced) may be used in any proceedings against the person (except proceedings for an offence against this Act or except as provided by section 114A (5)).

(3) They may however be used for the purposes of the investigation concerned, despite any such objection.

Section 37 of the ICAC Act 1988 clearly outlines the lack of rights a witness has during ICAC inquires/investigations. Section 37 also ensures that no objection can be made against any question asked of the witness for any reason. Such power would not be tolerated in any court of law or judicial tribunal:

37 Privilege as regards answers, documents etc.

(1) A witness summoned to attend or appearing before the Commission at a compulsory examination or public inquiry is not entitled to refuse:

- (a) to be sworn or to make an affirmation, or
- (b) to answer any question relevant to an investigation put to the witness by the Commissioner or other person presiding at a compulsory examination or public inquiry, or
- (c) to produce any document or other thing in the witness's custody or control which the witness is required by the summons or by the person presiding to produce.

(2) A witness summoned to attend or appearing before the Commission at a compulsory examination or public inquiry is not excused from answering any

question or producing any document or other thing on the ground that the answer or production may incriminate or tend to incriminate the witness, or on any other ground of privilege, or on the ground of a duty of secrecy or other restriction on disclosure, or on any other ground.

22. Additionally, section 38 of the ICAC Act 1988 states that, any evidence produced and/or given by witnesses during ICAC investigations/inquiries are given under objection by the witnesses as she or he is involuntarily giving up their 'right to remain silence'. The 'right to remain silence' is a widely important legal principle which is not observed by the ICAC as a Commission. Since witnesses at ICAC are forced to answer all questions (on objection, according to section 38 of the ICAC Act 1988), they are often subjected to severe manipulation and trickery during ICAC inquiries. Such manipulation and trickery by the ICAC Officers often leads to witnesses being charged for criminal offences in a court of law, pursuant to the ICAC Act 1988, where evidence collected under duress is utilised, and submitted in a court of law, this is a blatant abuse of human rights and the right of fair and just judicial proceedings.

38 Declaration as to objections by witness

The Commissioner or person presiding at the compulsory examination or public inquiry may declare that all or any classes of answers given by a witness or that all or any classes of documents or other things produced by a witness will be regarded as having been given or produced on objection by the witness, and there is accordingly no need for the witness to make an objection in respect of each such answer, document or other thing.

The above sections of the ICAC Act 1988 breach the provisions of **Article 14, in particular 14(3g) of the ICCPR**, which ensure the right to a fair and just hearing/trial. Further, these sections allow for the use of legislation to systematic abuse human right, making such abuse legally possible. Such abusive use of legislation gives rise to crimes against humanity within **Article 5(b) and Article 7 of the Rome Statute**.

23. There has been much distaste surrounding the ICAC's methods of investigation and inquiries, including the ICAC's jurisdiction to hold public inquiries, which are essentially a repeat of the private inquiries, just in a very public manner, that inevitably causes harm to

those being investigated and/or accused by the ICAC, in particular inherently prejudice the investigation/inquires, including the judicial proceedings in a court of law which may follow. The Commissioner of the South Australian ICAC (SA ICAC), established recently in 2012, stated his own dislike of the NSW ICAC's decision to commence public inquiries:

“The Commissioner The Commissioner may have heard the evidence in private before she [or he] decides to hear the evidence again in public. For what purpose one asks would the Commissioner hear the same evidence again, upon which she can already make her decision, in public – It is somewhat unusual to hold a hearing to obtain evidence which the agency has. That raises other issues. A person who has been subject to a public hearing and a public statement that he or she has been guilty of corruption is likely to argue if charged with an offence that he or she cannot get a fair trial – Recently the High Court decided that a person's conviction should be set aside because the prosecutor in that case had obtained a copy of the transcript of evidence in which the accused had been examined using the coercive powers to which I have referred that required the appellant to answer questions. The evidence had not been used at the trial. It was simply that the prosecution was aware of the evidence. The High Court said that the prosecutor, in obtaining that evidence, obtained a forensic advantage in that he knew what the accused's defence was ahead of the trial. The appeal was allowed and the conviction was set aside and a new trial ordered. That result can be avoided by not providing the prosecutor with the evidence given by the accused. But, how can that be avoided if the examination is public?” [Lander, Bruce. ICAC South Australia, South Australian Press Club, 15 October 2014]. [**Speech** by Bruce Lander, ICAC South Australia, South Australian Press Club, 15 October 2014 Audio can be heard at the following website link: <http://sapressclub.com.au/project/bruce-lander-qc/> .]

In relation to the question of whether the SA ICAC should have powers to conduct public inquiries, the SA ICAC Commissioner said “I do not see the merit in examinations being held in public”. [**Speech** by Bruce Lander, ICAC South Australia, South Australian Press Club, 15 October 2014 Audio can be heard at the following website link: <http://sapressclub.com.au/project/bruce-lander-qc/> .]

24. South Australian ICAC Commissioner, Bruce Lander (a former Supreme Court Judge), declared that evidence collected during ICAC investigations are largely inadmissible in a court of law, due to the methods employed to collect that evidence, and the fact that the ICAC is not obliged to comply with the Rules of Evidence. This was best addressed by the South Australian ICAC Commissioner, Bruce Lander, in his speech of 15 October 2014 [**Speech** by Bruce Lander, ICAC South Australia, South Australian Press Club, 15 October 2014 Audio can be heard at the following website link: <http://sapressclub.com.au/project/bruce-lander-qc/> .]

“The evidence that is obtained at a private examination or a public hearing by an integrity agency under coercion will not be admissible at that person’s trial if that person is subsequently charged with a corruption offence - That is because it has been obtained in contravention of the right to silence which is a fundamental pillar of our criminal justice system. The New South Wales procedure allows for the public to become aware of evidence that both Parliament and the Courts consider unfair to be led against that person of interest at that person’s trial. And in NSW a person may be found to have acted corruptly on that same evidence.” [Lander, Bruce. *ICAC South Australia, South Australian Press Club*, 15 October 2014]. [**Speech** by Bruce Lander, ICAC South Australia, South Australian Press Club, 15 October 2014 Audio can be heard at the following website link: <http://sapressclub.com.au/project/bruce-lander-qc/> .]

As mentioned above the only purpose such conduct has is to publicly defame individuals stripping of their dignity, and any change they might have for a fair and just judicial proceeding in a court of law. This part of the ICAC legislation breach and contravene the provisions of **Article 14 and Article 17 of the ICCPR**, and give rise to crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**.

25. At the introduction of the ICAC legislation on 26 May 1988, it was stated in parliament that the ICAC, and its officers will not hold a prosecutorial role, the following is the section of the parliamentary speech from 26 May 1988:

“The proposed Independent Commission Against Corruption will not have power to conduct prosecutions for criminal offences or disciplinary offences, or to take action

to dismiss public officials. Where the commission reaches the conclusion that corrupt conduct has occurred, it will forward its conclusion and evidence to the Director of Public Prosecutions, department head, a Minister or whoever is the appropriate person to consider action. In doing so the commission can make recommendations. The person to whom the matter is referred is not required to follow the recommendation. However, the commission can require a report back on what action was taken. Where the commission considers that due and proper action was not taken, the commission's sanction is to report to Parliament. It is important to note that the independent commission will not be engaging in the prosecutorial role. The Director of Public Prosecutions will retain his independence in deciding whether a prosecution should be instituted” [**Parliamentary Speech** by: Nicholas Greiner (New South Wales Member of Parliament and then New South Wales Premier), “Second Reading Speech of the Independent Commission Against Corruption Act 1988”, Excerpt from Hansard Legislative Assembly, 26 May 1988, <https://www.parliament.nsw.gov.au/hansard/pages/home.aspx?s=1>].

26. There are a number of documents which address the issues relating to the commissions’ and their jurisdiction to commence criminal and/or civil judicial proceedings in a court of law. The more recent, was the letter written by former Supreme Court Judge and the former ICAC Inspector David Levine. The letter was requested by Nick Goiran, Chairman of the Joint Standing Committee of the Corruption and Crime Commission Legislative Assembly Committee Office in Western Australia. On 13 September 2016 David Levine, with his knowledge as a retired Supreme Court Judge, outlined the dangers associated with giving legislative jurisdiction to commissioner officers to institute and/or commence civil and/or criminal judicial proceedings in a court of law and assuming a prosecutorial role, David Levine stated the following:

“In a recent prosecution of a former SES Commissioner, Murray Kear, arising from the ICAC Investigation in Operation Dewar, the Magistrate was very critical of ICAC and the fact that it withheld exculpatory evidence from the DPP. Mr Kear was acquitted by the Magistrate of the charges of acting in reprisal contrary to section 20 of the Public Interest Disclosures Act 1994 (NSW) and the DPP was ordered to pay his costs. This case and the issues arising therefrom highlight the tension which can exist between an investigatory body, such as ICAC, which has a vested interest in

seeing a matter run its full course through to a successful prosecution and the functions of a prosecutorial body such as the DPP, which has to determine whether a prosecution should be initiated but which ultimately relies on the investigatory body to provide all relevant material, both inculpatory and exculpatory, in making that determination. The lack of full disclosure by that investigatory body can have serious consequences which then reflect poorly on both it and the prosecuting body as seen in *Kear*” [Appendix 3: Letter by David Levine to Nick Goiran, Chairman of the Joint Standing Committee of the Corruption and Crime Commission Legislative Assembly Committee Office in Western Australia. Office of the Inspector of the Independent Commission Against Corruption, 13 September 2016].

27. In the judicial proceedings for Murray Kear, which were instituted and commenced by an ICAC Officer, it was noted (in the court of law) that ICAC Officers withheld evidence which was exculpatory in nature, the charges brought forward by ICAC Officers against Murray Kear were dismissed (Murray Kear’s matter is discussed in detail in section titled, ‘ICAC and the investigation/inquiry of Kear’ of this official complaint/communication). In his written correspondence David Levine stated that, it is this “vested interest in seeing a matter run its full course through to a successful prosecution”, is a factor and motivation which causes ICAC Officers to perverting the course of justice in a court of law by withhold exculpatory evidence and manipulate evidence, abusing an individual right to a fair hearing. **Further, as the ICAC is NOT bound by the Rules of Evidence, ICAC Officers are not obligated by legislation to provide exculpatory evidence in a court of law.** This how ICAC Officers hindered investigation and perverted the course of justice in a court of law, and it is this abuse legislation which allowed for such abuse in the Lazarus judicial proceedings, which are discussed in detail in section titled ‘Michael Kane – is an accused person who contravened Article 5(b) and Article 7 of the Rome Statute, and engaged in crimes against humanity’ of this official complaint/communication.

28. In 1990 the High Court of Australia ruled in the judicial proceeding of *Balog v ICAC* 1990 169 CLR 625, that:

‘nor is it the Commission’s role to conduct prosecutions for criminal offences ... the Commission should not be able to pre-empt decisions of those authorities to prosecute or not to prosecute’ [*Balog v ICAC* 1990 169 CLR 625].

Confirming that the ICAC as a commission and its officer do not have jurisdiction to commence prosecutions in a court of law, nor do they have jurisdiction to prosecute.

29. In the NSW Local Court judicial proceedings of ICAC/DPP v MacDonald and Ors [2015] NSWLC 7, the presiding magistrate stated that the judicial proceeding which were instituted and commenced by an ICAC Officer was invalid as there was no power and/or no jurisdiction within legislation for an ICAC Officer to commence judicial proceedings in a court of law, as such the judicial proceedings and charges were dismissed. In 2013 the same principle of jurisdiction of the ICAC Officer to commence criminal proceeding in a court of law was raised in the Lazarus judicial proceedings, the presiding magistrate, ruled against the Lazarus, and stated that ICAC Officer had jurisdiction to commence criminal proceeding in court of law, the magistrate did so with full knowledge and privilege of having High Court judgement of Balog v ICAC 1990 169 CLR 625 as a reference.

30. **Following the judgment of NSW DPP v MacDonald and Ors [2015] NSWLC 7, once again the NSW Parliament breached human rights and the right for fairness and justice, by introducing legislation, making lawful for ICAC Officers to institute and commence criminal and civil judicial proceedings in a court of law, with the utilisation of evidence collected contrary to the rule of law and rules of evidence. Section 14A was added to the of the Criminal Procedure Act 1986, on 12 November 2015, this section breaches and contravenes the provisions of Article 14 of the ICCPR and breaches the principles which govern fairness and justice in court of law. By doing so, the NSW Parliament once again engaged in crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute, and abused human rights. Of Note: the following question should be considered - can your accountant act as your auditor? The NSW Parliament in allowing ICAC Officers to commence criminal and civil proceedings in a court of law, destroyed all principles of the rule of law which provide protection and ensure fairness and justice. Further, this legislation allows for the ICAC Officer to bring forward their “vested interest”, and see it succussed. The horrifying fact is that, based on pervious actions of the ICAC Officers, the ICAC Officer can and do withholding evidence (as in the cases of Murray Kear and Lazarus proceedings) to ensure a successful prosecution in a court of law, in order to justify their basely and groundless ICAC investigations/inquires.**

Section 14A of the Criminal Procedures Act 1986 now exposes the complete population of Australia to this systemic abuse which contravenes the provisions of Article 7 of the Rome Statute and gives rise to crimes against humanity pursuant to Article 5(b) of the Rome Statute. As mentioned throughout this official complaint/communication the law enforcement authorities and/or the federal Government is an unwillingness to investigate and/or hold ICAC Officer and the NSW Parliament accountable for such abuse of human rights, even though this abuse is publicly known and reported upon by the local media. The misconduct and abuse by the ICAC Officer give rise to matter of a criminal nature, such as perverting the course of justice, hindering an investigation, hindering judicial proceedings. The unwillingness of law enforcement authorities to investigate the abuse of human rights by the ICAC and the NSW Parliament is an abuse its self.

31. A further, horrifying factors is that, there are a number of legislative mechanisms which prevent the misconduct of the ICAC Officers and the abuse inflicted by the ICAC Officers to be investigated, for example, section 111D of the ICAC Act 1988, only allows for public officials to file complaints against the ICAC Officers misconduct to the ICAC Inspector, there are no provisions for private individual/citizens such as the three Mss Lazarus to file a complaint with the ICAC Inspector, though the newly introduced and amended section 8 of the ICAC Act 1988, which allows for private citizen to be investigated by the ICAC. Section 111D of the ICAC Act 1988 destroys the provisions which ensure equality for all before the law, section 111D stops private individual/citizens from being recognised as complainant, which would within rule of law be a human right, and be available as part of the remedy process.

111D Complaints by public officials

(1) A public official within the meaning of the Public Interest Disclosures Act 1994 may complain to the Inspector (orally or in writing) about the conduct of the Commission, an officer or former officer of the Commission or an officer of the Inspector.

(2) In this section:

"conduct" includes conduct by way of action or inaction or alleged action or inaction.

Section 111D of the ICAC Act 1988 breaches that provisions of **Article 16, Article 26, of the ICCPR**, and give rise to crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**.

32. Additionally, section 111C of the ICAC Act 1988 does not allow for any complaint in relation to the misconduct and abuse from the ICAC Officers to be reported to the New South Wales State Ombudsman. Once again there is no method or process which can be utilised to file a complaint of abuse and misconduct, and as such, there is no accountability for ICAC and its Officers for abuse of human rights.

111C Relationship with Ombudsman regarding conduct of Commission and Inspector
Conduct of a Commissioner or an officer or former officer of the Commission cannot be made the subject of a complaint, inquiry, investigation or other action under the *Ombudsman Act 1974*, except in relation to matters referred to the Ombudsman by the Inspector.

33. Further, the ICAC commission and its ICAC Officers are immune and protected from any judicial complaints being filed in a court of law for misconduct and/or any other offences within the criminal and/or civil judicial jurisdiction. Therefore, ICAC Officers cannot be held accountable in a court of law. Section 109 of the ICAC Act 1988 provides this protection:

109 Protection from liability

(1) No matter or thing done by the Commission, a Commissioner, the Inspector or any person acting under the direction of the Commission, a Commissioner or the Inspector shall, if the matter or thing was done in good faith for the purpose of executing this or any other Act, subject a Commissioner, the Inspector or a person so acting personally to any action, liability, claim or demand.

(3) An Australian legal practitioner assisting the Commission or representing a person before the Commission has the same protection and immunity as a barrister (within the meaning of the Legal Profession Uniform Law (NSW)) has in appearing for a party in proceedings in the Supreme Court.

(4) Subject to this Act, a person summoned to attend or appearing before the Commission as a witness, or producing a document or other thing to the Commission, has the same protection as a witness in proceedings in the Supreme Court.

(5) No criminal or civil liability (apart from this Act) attaches to any person for compliance, or purported compliance in good faith, with any requirement made under this Act.

(6) In particular, if a person gives any statement of information or produces any document or other thing under section 21 or 22, no civil liability attaches to the person for doing so, whether that liability would arise under a contract or otherwise.

The above legislations allow for the abuse of human rights, and breach the provisions and principles which ensure fairness and justice in a democratic judicial system which operates within the rule of law observing human rights. As such, Australia has failed to ensure the operation of the Charter of the United Nations, and many of the national and international laws which govern equality and the rights of each individual in the free world.

ICAC and the investigation/inquiry of Cunneen

34. In 2014, the ICAC commenced an investigation involving a NSW Senior Crown Prosecutor, Margaret Cunneen. The legal representatives for Margaret Cunneen filed judicial proceedings against the ICAC stating that the ICAC did not have the jurisdiction to investigate Margaret Cunneen, who at the time of the alleged corrupt conduct was not acting in her official capacity, and therefore was regarded as a private citizen in the matter. In 2015 the High Court of Australia determined in the case: *Independent Commission Against Corruption v Cunneen and Ors* [2015] HCA 14, that the ICAC did not have the legislated jurisdictional power to investigate Margaret Cunneen. The High Court judgement stated:

“if “adversely affect ... the exercise of official functions by any public official” in s 8(2) means adversely affect the probity of the exercise of an official function by a public official in one of the ways listed in s 8(1)(b)-(d), the alleged conduct was not

corrupt conduct within the meaning of s 8(2) - The alleged conduct was not conduct that could adversely affect the probity of the exercise of an official function by a public official. The alleged conduct was therefore not corrupt conduct within the meaning of s 8(2) of the ICAC Act and ICAC has no power to conduct the inquiry” [Independent Commission Against Corruption v Cunneen and Ors [2015] HCA 14].

Similar to the Margaret Cunneen’s High Court case, in the legal cases involving both Michelle Lazarus, and Sandra Lazarus, there was no allegation that either person had engaged in conduct that affected the probity of any official function. Therefore, there could not have been any corrupt conduct within the meaning of the ICAC Act 1988 (or any other legislation). This demonstrates a clear abuse of process and power by the ICAC for commencing the prosecutions against both Michelle Lazarus, and Sandra Lazarus. That abuse is severely amplified in the fact that both alleged persons were convicted and sentenced in those judicial proceedings, in the absence of any corrupt conduct according to the ICAC Act 1988, and/or any other legislation.

35. It is the duty of the Parliament to protect and uphold the rights of its citizens and not obstruct and/or impede the operation of laws (both national and international) which ensure such protections and rights. However, in order to protect the State of NSW, and its Parliament from numerous and inevitable judicial claims for damages in law suits (following Independent Commission Against Corruption v Cunneen and Ors [2015] HCA 14), the NSW Parliament moved quickly to introduce a retroactive law. That retroactive law once again violated the rules of law, and the human rights of individuals; all to protect the NSW Parliament from costly losses, public outrage, and to avoid any accountability for the ICAC’s undeniable, yet concealed, abusive operations; past, present and future. The deceit, concealment, and corrupt actions of the ICAC, together with the NSW Parliament are absolutely deplorable and should not be tolerated by any free democratic society, such as Australia. [**Newspaper Article** by: Michaela Whitbourn, “ICAC Inspector David Levine slams watchdog and urges Baird government not to change act”. The Sydney Morning Herald, 20 April 2015’].
36. Following the High Court judgment in the matter of Margaret Cunneen, the NSW Parliament introduced the retroactive law by way of a Bill, on 6 May 2015: ‘Independent Commission Against Corruption Amendment (Validation) Bill 2015’. This retroactive law

raised concerns amongst legal professionals, politicians, media representatives, and the public, once again the NSW Parliament ignored all publically voiced concerns. The following is the reported concern of the former Supreme Court Judge in relation to the retroactive law:

The “former Supreme Court judge David Levine, QC, who [then oversaw] the Commission, cautioned [the then] Premier Mike Baird against “any knee-jerk legislative reaction that will serve to render the ICAC a second police force or crime commission” - Mr Levine said his “initial reaction to ICAC’s statement was that it was as blustering a statement by a poor loser as it was an improper and dismissive attack on the judgment of the highest court in the land”” [Newspaper Article by: Michaela Whitbourn, “ICAC Inspector David Levine slams watchdog and urges Baird government not to change act”. The Sydney Morning Herald, 20 April 2015].

The specific reason identified by the state of NSW for this violation of the rule of law and the rights of its citizens through the introduction of the retroactive law was that, without the retroactive law, the state of NSW and the ICAC commission would be involved, ““in costly and protracted litigation involving persons who have been the subject of corrupt conduct findings” under the section of the ICAC Act as the heart of the Cunneen case” [Newspaper Article by: Michaela Whitbourn, “ICAC Inspector David Levine slams watchdog and urges Baird government not to change act”. The Sydney Morning Herald, 20 April 2015’].

37. It has become abundantly clear that the NSW Parliament uses legislation as a tool to make lawful breaches of human rights. This conduct of the NSW Parliament is similar to the actions of Nazi Germany, who legislated through Parliament such horrid acts. In present times, the NSW Parliament and the ICAC as the enactor are, without any consequences, deny human rights, and falsely convict individuals, via a severely biased system. In this way justice is not only seriously compromised, but it is outright denied.

ICAC and the investigation/inquiry of Kear

38. As mentioned earlier in this official complaint/communication ICAC Officers are not Law Enforcement Officers, and are not bound by the rules of evidence – this remains true

whilst ICAC Officers are executing a search warrant. As such, they are not legally obliged to create a complete record/inventory of any documents/electronic devices/material/evidence seized during execution of a search warrant for an ICAC investigation/inquiry. This was the case in the Lazarus matter (as well as many other ICAC investigations/inquires). The evidence of such abuse and denial of justice was demonstrated in the judicial proceedings in a court of law for Marry Kear. During which the ICAC Officers who commenced judicial proceedings brought forward criminal charge against Murray Kear, withheld the statements and evidence of 27 witnesses which supported Murray Kear's innocence, and did not support the ICAC's allegations and investigation/inquiry.

“Its investigation of Kear was, in the words of magistrate Greg Grogan, “unreasonable and improper”. DPP Lloyd Babb SC has made it known that ICAC withheld evidence 27 witness statements from his prosecutors until forced by court order to divulge that material after the trial had started. Babb blames ICAC for the fact the DPP has been ordered to pay Kear's legal costs” [Newspaper Article by: Chris Merritt, “ICAC and DPP contend for blame over botched Kear prosecution”. Australian, 21 October 2016].

The presiding Magistrate noted the abusive conduct of the ICAC, the following were his comments on record:

“Magistrate Greg Grogan criticised ICAC's investigation, saying it was conducted in “an unreasonable and improper manner”, “the proceedings were initiated without reasonable cause” and “the investigators withheld relevant evidence”. Kear also has written to every member of ICAC's parliamentary oversight committee saying: “My advice is that these actions should be investigated and are in the realm of perverting the course of justice and/or misconduct in public office. “As a result of this improper investigation I was forced to retire from a career that spanned 35 years in NSW Emergency Services, accessed my superannuation at an early age and reduced payment, had to forgo years of future income, while my family and I have had to endure three years of stress and depression.”” [Newspaper Article by: Miranda Devine, “ICAC victim Murray Kear needs justice”. The Daily Telegraph, 01 June 2016].

Of note: Murray Kear's public request for an investigation into ICAC Officers' conduct has never been acted on by the state government, or any other relevant authority. The unwillingness to investigate such abusive conduct continues.

39. Approximately two years after the judgment of Murray Kear the currently ICAC Inspector, (a senior barrister and not a judicial officer) Bruce McClintock, publically criticised the NSW Local Court Magistrate, Greg Grogin who presided over the judicial proceedings, for highlighting the misconducts of ICAC Officers. Bruce McClintock stated the following:

“According to the Independent Commission Against Corruption, the magistrate who made those findings did not properly analyse key evidence, omitted consideration of relevant facts and made comments in his rulings that “are with great respect both incorrect and misconceived”. ICAC’s outburst has come to light two years after Magistrate Greg Grogin severely criticised the agency in two judgments that were never challenged in the courts and which acquitted Mr Kear of criminal charges initiated by ICAC” [**Newspaper Article** by: Chris Merritt, 15 June 2018, The Australian, “ICAC is attempting to re-try me: Murray Kear”].

40. In his judgment relating to Murray Kear, Greg Grogin as the presiding magistrate ensured that the rule of law was practiced, and the rights to a fair hearing/trial were observed. In ensuring such practices and principles Greg Grogin upheld his Judicial Oath, and conducted Murray Kear’s hearing/trial in an independent and impartial manner, without the influence of the government executive and/or the ICAC. For this Greg Grogin was publically criticised (by a non-judicial officer), and without grounds and/or evidence his ability as a judicial officer was questioned. If the judgement of Greg Grogin was objected to by the ICAC, the ICAC had judicial appeal process available, which they did not unitise, and ~2 years following the judgment, the ICAC Inspector publically criticise Greg Grogin’s ability as a judicial officer. **Of Note** Greg Grogin is currently a NSW District Court Judge, see the following **Newspaper Article** by: Chris Merritt, “ICAC is attempting to re-try me, Murray Kear”, Australian, 15 June 2018.

41. In the two judicial judgments (dated 16 March and 25 May 2016) of Gerogery Grogin as the presiding magistrate, he was critical of the ICAC Officers' conduct, and stated that such conduct constituted "misconduct and maladministration" [**Newspaper Article** by: Chris Merritt, "ICAC is attempting to re-try me, Murray Kear", Australian, 15 June 2018].
42. The ICAC nor the New South Wales Director of Public Prosecution appealed the two judgments of the magistrate, Gerogery Grogin. However, ~2 years following the judgments, the current ICAC Inspector Bruce McClintock published a report to the NSW parliament, publicly criticising the magistrate, Gerogery Grogin stating:

"I regret to say that the learned magistrate does not seem to have understood this relatively obvious point - I regret to say that his honour seems to have misunderstood the effect of the evidence in question, Mr McClintock writes – I disagree with his honour's findings consider that there was a reasonable basis for the prosecution" [**Newspaper Article** by: Chris Merritt, "ICAC is attempting to re-try me, Murray Kear", Australian, 15 June 2018].

Being critical in such a public manner of the presiding magistrate of a court of law is not the duty of the ICAC Inspector, especially when the ICAC Inspector, Bruce McClintock is not a judicial officer and has never held the position of the judicial officer, this is stated in the abovementioned article [**Newspaper Article** by: Chris Merritt, "ICAC is attempting to re-try me, Murray Kear", Australian, 15 June 2018].

43. If the ICAC did not agree with the judgments of the magistrate in a court of law, the ICAC had the judicial appeal system available, which was never utilised, rather, the understanding of the magistrate as a judicial officer was criticised publicly, simply because the magistrate dismissed the case which was commenced by ICAC Officers following an ICAC investigation. Given that, public criticism awaits any judicial officer who wish to conduct themselves in accordance with the Rule of Law, independent and impartial, how are judicial officer accepted to ensure fairness and justice, and the practice of human rights.

ICAC and the investigation/inquiry of Gallacher

44. Also, the member of NSW Parliament who was involved in an ICAC investigation Mick Mike Gallacher, had unrepairable damage to his reputation and could no longer hold office, though he was cleared of wrongdoing.

“The damage to his reputation was so great. Premier Mike Baird declared Gallacher would not return to cabinet, nor to the Liberal Party.” [Newspaper Article by Chris Merritt. “Mike Gallacher: the man branded by ICAC”. Australian, 31 August 2016.]

45. During the ICAC investigation/inquiry involving Mike Gallacher, Arthur Moses was his Barrister on record, stated the following in regards to the abusive manner in which the ICAC conducts its investigations/inquiries:

“We might as well have not wasted our time,” he says. “It sends a message to anyone in the future that once you’re named (by ICAC), it doesn’t really matter whether you turn up to ICAC. Once they’ve made up their mind, it’s all over. I used to have faith in our justice system but there is no justice in this.” [Newspaper Article by Sharri Markson, “Mike Gallacher: the man branded by ICAC”. The Australian, 31 August 2016].

ICAC and the investigation/inquiry of Booth

46. There has been increased concern in recent years regarding the ICAC’s abusive methods of cross-examining witnesses, and the ICAC’s use of public inquiries, that are fundamentally a repeat of the ICAC’s private inquiry (also called Compulsory Examinations) and only serve to publicly defame individuals and bias the legal proceedings in a court of law. The following is a statement of an individual, John Booth, who was charged under section 87 of the ICAC Act 1988 following an ICAC inquiry. It is noted that John Booth’s clarification of answers, from the private to the public ICAC inquiries, resembles the clarifications made by Michelle Lazarus, and that he too, like Michelle Lazarus (for further details see sections titled ‘David Ipp, is an accused person who contravened Article 5(b) and Article 7 of the Rome Statute, and engaged in crimes

against humanity, and Todd Alexis, is an accused person who contravened Article 5(b) and Article 7 of the Rome Statute, and engaged in crimes against humanity' of this official complaint/communication), was falsely charged for making those clarifications. **Notably**, John Booth highlighted in an interview that the ICAC destroys fundamental human rights, he stated the following:

““They just call everybody liars all the time, it’s unbelievable, “ Mr Booth said. “The powers that they’ve got it’s worse than the Spanish inquisition and the Stasi put together.”” [Newspaper Article by: Leesha McKenny, “Tony Abbott's ‘mate’ John Booth cleared of misleading ICAC”, The Sydney Morning Herald, 20 April 2016].

47. Charges were laid against John Booth in a court of law were pursuant to section 87 of the ICAC Act 1988, and not pursuant to crimes legislation, this meant that the evidence used to support the charges was collected during ICAC inquiries, where the rules of evidence do not apply. Though, in any other judicial proceeding, this evidence would be inadmissible, the NSW Parliament once again used the parliamentary legislative process to abuse the rules of evidence in a court of law, and made lawful for inadmissible evidence to be admitted in a court of law. Evidence which is collected through bullying, harassment and intimidation, is now lawfully using used to criminally charge and convict individuals, this is once again an example of the systematic abuse of human rights by the NSW Parliament by making abuse of human rights lawful through the use of legislation. The legislation of section 87 of the ICAC Act 1988, and the admission of evidence collected under duress in a court of law contravenes **Article 9, Article 10, Article 14, Article 15 of the ICCPR**, giving rise to crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**.

48. The presiding Magistrate in the criminal proceeding for John Booth dismissed the charges. **Of note**, John Booth is an associate/friend of the former Australian Prime Minister, Tony Abbott. The following is an excerpt from an article written by acclaimed Australian journalist, Chris Merritt, who highlights the issues associated with ICAC’s procedures, including its methods of cross-examination, the major issue with ICAC public inquiries, and the lack of information/context provided to witnesses during ICAC inquiries which only serve as legal trickery in order to push witnesses to answer as the ICAC would like to favour their allegations.

“Booth said the affair stemmed from the fact he had been given no notice of what he would be asked at a compulsory secret examination and made a mistake that he corrected later at a public hearing. “They called me a liar because of that,” he said – Booth called for a royal commission into ICAC’s procedures, which he said meant the innocent were being wrongly tainted: “They’ve got this public-relations department and they issue press releases and everyone thinks you are corrupt even if you’re not.” He said one of the main lessons from his case was the need to abandon ICAC’s public hearings and conduct all inquiries in private to avoid tainting people groundlessly” [Newspaper Article by: Merritt, Chris. “Editor John Booth cleared of ICAC ‘rubbish’ accusation”. The Australian, 21 April 2016].

ICAC and the investigation/inquiry of Kazal

49. Charif Kazal was involved in an ICAC investigation/inquiry, he was stated in the ICAC’s report to the Parliament that he was found to be corrupt. However, Charif Kazal was not processed through the judicial system, and as such the label of “corrupt” remained with him without judicial proceedings. Charif Kazal filed a complaint with the United Nations pursuant to the **ICCPR** complaint process, stating that his rights pursuant to **Article 14 of the ICCPR** were contravened by the NSW Parliament and ICAC. The complaint to the United Nations stated the following:

“Coupled with the lack of an exoneration protocol, investigated person are left in a unique position: their lives are substantially affected as if they were guilty of a crimes but they are left without the fundamental mechanisms of the presumption of innocence, the right to appeal, and the protection provided through procedural and evidentiary burdens otherwise found within the criminal justice system”. [Newspaper Article by: Chris Merritt, “ICAC case ignites UN human rights row”. The Australian, 25 January 2018.]

50. In response to the complaint, the United Nations stated the following in regards to ICAC’s findings, which are, “practically unchallengeable under the law due to the extraordinary breadth of the ICAC’s jurisdiction” [Newspaper Article by: Chris Merritt, “ICAC case ignites UN human rights row”. The Australian, 25 January 2018.]

51. To date there has been no effect and/or steps taken by the government to address and/or correct this abuse of human rights by the ICAC and its legalisation. The government is unwilling to ensure a sound practise to human rights, **Of Note**, there is NO Bill of Rights in Australia which operates to ensure human rights throughout Australia.

ICAC and the investigation/inquiry of individual who were denied their human rights

52. Additionally, in the ICAC investigation involving Craig Ransley, where the ICAC made allegations and found his conduct corrupt in accordance with the ICAC Act 1988. However, during judicial proceeding the presiding Judge dismissed the charges against Craig Ransley, and during judicial proceedings it was once again noted that the ICAC withheld evidence during the investigation relating to Craig Ransley, evidence which would have supported Craig Ransley's innocents.

“just before his trial, the new commissioners running ICAC responded to a subpoena by providing “thousands and thousands of documents”. Among that material was a handful of exculpatory documents that Mr Ransley believes proved his innocence. “We won this case based on evidence,” he said. “That evidence was always in the possession of ICAC.”” [Newspaper Article by: Chris Merritt, “Craig Ransley: Evidence withheld by ICAC”. Australian, 01 December 2017.]

53. The member of the NSW Parliament, Ian McDonald is currently severing his custodial sentence following an ICAC investigation/inquiry and judicial proceedings, most recently it was noted that evidence of witness who provided evidence supporting Ian McDonald was withheld by the ICAC. **Of Note:** NSW Parliament was asked to investigate this matter, the current NSW Premier Gladys Berejiklian refused to investigate and/or comment on the matter, Ian McDonald remained in custody. This is again an example of the unwillingness of the law enforcement authority and Parliament to investigate misconduct and the abuse of human rights. Following the judicial appeal process, Ian McDonald is in the process of a re-trial, with additional evidence. However, this does not eliminate the fact Ian McDonald was placed in custody for almost two years.

“Mr Rees’s private evidence, which seems to support Macdonald’s version of events, was never revealed by ICAC, which produced a report to parliament that relies on the former premier’s public evidence - Dr Phelps said ICAC’s decision to withhold the private testimony was not merely a mistake, but was evidence of a systemic problem over many years that required an investigation by parliament’s ICAC oversight committee or some other committee - A spokesman for Premier Gladys Berejiklian said she would not be providing a response.” [Newspaper Article by: Chris Merritt, “ICAC withheld Nathan Rees’s private evidence: Peter Phelps”. Australian, 16 February 2018.]

54. This abuse of human rights is only possible due to the NSW Parliament making such abuse lawful through the parliamentary legislative process. As these unfair and unjust processes are legislated the very obvious abuse of basic human rights, and one’s right to a fair and just hearing is ignored and disregarded. This is particularly deplorable in ICAC’s public inquiries in which persons being investigated are publicly defamed and criminalised without the full body of evidence being made available. ICAC’s withholding of exculpatory evidence is an appalling practice that is now well known, and has been highlighted in the media:

“It is now well known that ICAC does not always make exculpatory evidence available. Such a course, while standard practice elsewhere, is viewed by ICAC as “impractical”. That much is beyond dispute after the commission’s counsel told the NSW Supreme Court last month that ICAC did not consider itself obliged to make exculpatory evidence available during its public hearings” [Newspaper Article by: Chris Merritt, “ICAC’s Megan Latham must share evidence with DPP Lloyd Babb”. Australian, 9 September 2016].

55. Additionally, businessman, Andrew Poole, who was involved in an ICAC investigation/inquiry stated that the ICAC Officer conducting the investigation, Mr Grainger harassed Andrew Poole’s family by calling Andrew Poole’s young son on his mobile phone, the young man who is still attending school had no involvement in the ICAC investigation/inquiry, the following are the events:

“... he thought he was finally rid of what he refers to as the buffoons of ICAC. But on November 25, Grainger [ICAC Officer] was back and this time he was talking to Poole’s son Jace on the young man’s mobile phone, asking to talk to his father. Jace, according to Poole, is “a pretty cool dude”. He was bemused, treated Grainger like a telephone pest and hung up”. [Newspaper Article by: Chris Merritt, “Justice has a high price when it comes to defeating ICAC” The Australian, 11 December 2015].

56. Despite, public knowledge of this abuse, NO investigation has taken place to address this blatant abuse of fundamental human rights, further, horrifyingly such abuses are made lawful by the NSW Parliament through the parliamentary legislative processes. There has been periodical and systemic abuse of human rights by the ICAC Officers, and the NSW Parliament. The NSW Parliament use of legalisation to implement abuse of human rights, this can only be defined “contempt of Parliament”, as the NSW Parliament is obstructing and impeding the operation of national and international laws which ensure human rights, . This is a breach of Australia’s obligations within the **Charter of the United Nations**, and its obligations to implement practices which observe human rights.

Legal Professional and Former Supreme Court Judge outline the ICAC’s Misconduct and Abuse of Human Rights

57. Following the ICAC investigation/inquiry of Charif Kazal, the ICAC Inspector retired District Court Judge John Nicholson, stated the following in regarding ICAC’s bullying, predetermined goals of findings of corruption, and unwarranted, and lasting, public defamation of persons:

“a renewed call for a fundamental overhaul after a parliamentary committee heard that it [the ICAC] gathered testimony “through superb bullying cross-examination” – the committee also heard that information obtained by bullying during hearings of the Independent Commission Against Corruption “cannot be relied upon as evidence or testimony” – Instead of finding people corrupt, Mr Nicholson believes the agency should only be allowed to state that there may have been corruption. This is because evidence had been relied upon that would not be admissible in a court – “I support the proposition that there should not be a definitive finding of corruption,” he told state parliament’s ICAC oversight committee – Mr Nicholson told the committee on March

22 that ICAC's public hearings had "predetermined" goals and warned they needed "to avoid the appearance of a show trial". While information obtained by bullying during ICAC hearings could not be relied upon, he said "it advances the investigation in the sense that it advances the goals, if the goals of the investigation are predetermined, as I sense they are in an ICAC investigation". "If the goals are predetermined and the bullying of the questioning heads towards the designated goals, they have got their corrupt finding." – "Public hearings run the risk of being portrayed as trials and perceived as such, with the individuals involved — including those against whom findings of impropriety are never reached — bearing personal indignity and stigma," Transparency International says in a discussion paper on the possible structure of a federal anti-corruption agency. "Media portrayals may fail to capture the nuances of investigative procedure or honour the need to suspend judgment of witnesses," the discussion paper says – Criminal investigations were accompanied by safeguards because they could result in "incredible consequences", he said. And while ICAC's corruption findings did not result in people being imprisoned "it is sometimes worse than custody" – Mr Nicholson told the committee that the legal system provided ways of having the findings of courts quashed on appeal but he believed a finding of corruption by ICAC "will last almost every challenge once it is made". "There is no way to deal with a finding of corruption. I am passionate about at least some avenue of review if findings of corruption are to be made," he told the hearing." [Newspaper Article by: Chris Merritt, "Superb bullying' puts ICAC in the crosshairs". The Australian, 7 April 2017].

Charif Kazal filed a complaint with the United Nations, the details of this are discussed in section titled 'ICAC and the investigation/inquiry of Kazal' of this official complaint/communication.

58. On 13 September 2016, in his written correspondence to the Parliamentary Legislative Assembly Committee Office in Western Australia, the former Supreme Court Judge David Levine QC, the then Inspector of the ICAC, stated the following in regards to the motivation behind the ICAC Officers' abusive actions of withholding exculpatory evidence. The serious consequences of the ICAC's actions are emphasised.

“In a recent prosecution of a former SES Commissioner, Murray Kear, arising from the ICAC Investigation in Operation Dewar, the Magistrate was very critical of ICAC and the fact that it withheld exculpatory evidence from the DPP. Mr Kear was acquitted by the Magistrate of the charges of acting in reprisal contrary to section 20 of the Public Interest Disclosures Act 1994 (NSW) and the DPP was ordered to pay his costs. This case and the issues arising therefrom highlight the tension which can exist between an investigatory body, such as ICAC, which has a vested interest in seeing a matter run its full course through to a successful prosecution and the functions of a prosecutorial body such as the DPP, which has to determine whether a prosecution should be initiated but which ultimately relies on the investigatory body to provide all relevant material, both inculpatory and exculpatory, in making that determination. The lack of full disclosure by that investigatory body can have serious consequences which then reflect poorly on both it and the prosecuting body as seen in *Kear*” [Appendix 3: Letter by David Levine to Nick Goiran, Chairman of the Joint Standing Committee of the Corruption and Crime Commission Legislative Assembly Committee Office in Western Australia. Office of the Inspector of the Independent Commission Against Corruption, 13 September 2016].

This abusive conduct is well known to the authorities and Parliament, the abuse is reported upon by the local media on regular bases, however, no measure are being taken to address this abuse and hold the individuals accountable. As mentioned, rather than addressing the abuse, the NSW Parliament introduces legislation which allow for human rights abuse to be lawful. Once again this action of the NSW Parliament contravenes its obligations pursuant to the **Charter of the United Nations**.

PART III

LAZARUS PROCEEDINGS

Lazarus and the ICAC Proceeding

59. The ICAC began an inquiry in which Sandra Lazarus, Michelle Lazarus, and Jessica Lazarus (Mss Lazarus) were named as ‘affected parties’ and were called to give evidence at the commission. The three Mss Lazarus were in their twenties at the commencement of the ICAC investigation/inquiries. The inquiry was officially named ‘Operation Charity’

by the ICAC. Each of the Mss Lazarus had either completed or were at the time completing tertiary education at major universities in Sydney (in the Faculties of Medicine/Science, and Arts & Social Sciences). During the above-mentioned ICAC inquiry, the ICAC had alleged that monies were received by persons (i.e., the Mss Lazarus) for work regarding clinical trials, where no work was completed. **The allegation was and is entirely false, evidence of work was provided, however, the ICAC withheld the evidence which proved that work was completed by the Mss Lazarus (as mentioned ICAC Officer have withheld evidence which proves innocence on many occasions involving many investigation). Further, there was NO jurisdiction for the ICAC to initiate the investigation/inquiries. I emphasise that there is still NO jurisdiction for the initiation of the mentioned ICAC investigation/inquiry, and there is NO jurisdiction for the initiation of the legal proceedings against any of the Mss Lazarus that stemmed from the ICAC investigation/inquiry** (these points are elaborated below).

60. During the ICAC inquiry the Mss Lazarus showed very clear and extensive documentary (and other) evidence that the work in relation to the clinical trials (completed at the Royal North Shore Hospital and the Royal Hospital for Women; both in NSW) had indeed been completed, and that the ICAC's allegations could not be substantiated. Important evidence that rejected the allegations included original reports showing work completed, and many original documents signed in ink by supervising doctors showing approval and completion of work by the Mss Lazarus relating to the clinical trials. This evidence was intentionally withheld by the ICAC Officers from ICAC reports and media releases by the ICAC. Regarding the nature of the trials, an early diagnostics tool (Medex Test) was being tested for potential use as a screening method for human pathologies, including cancers. The test was relatively brief in duration, non-invasive, non-painful, and showed promise in prior clinical trials in countries abroad. The clinical trials were rightly defined as human clinical trials, and required full ethical approval before any tests could be conducted on the human participants involved; who came from the clinics of the supervising medical doctors at the named NSW hospitals.
61. During the ICAC Inquiry it was learned that, contrary to agreement with the hospitals involved (Royal North Shore Hospital and the Royal Hospital for Women), the sponsor for the clinical trials ceased giving funds to the hospitals for the trials, some of which would

be used for payment of work completed by the Mss Lazarus (excluding Jessica Lazarus who was merely working in the clinical trials on an unpaid work-experience basis). In spite of the cessation of funding for the clinical trials (of which the Mss Lazarus were unaware, since communication regarding funding would and must occur between sponsor and supervising doctors and hospitals), the doctors supervising the clinical trials continued to pay the Mss Lazarus (excluding Jessica Lazarus) for the work they completed in relation to the trials.

62. Shockingly, when questioned during the ICAC inquiry, the supervising doctors (all of whom were then medical doctors) not only denied that they had approved and signed off on the work for the clinical trials, including reports, and other documents that confirmed work had indeed been completed by the Mss Lazarus, but they also denied their involvement in the clinical trials. In some instances, the same medical doctors even denied knowing the Mss Lazarus. I duly note that at the time of the ICAC Inquiry, all of the mentioned supervising doctors for the clinical trials were practicing medical practitioners in prominent/high-profile positions at renowned clinics in NSW, including clinics and departments in the hospitals named above. **Of Note, that earlier statements of one of the medical practitioner involved disclosed that he had indeed signed documents in question - this greatly supported the evidence of the Mss Lazarus. However, in a later statement he retracted his earlier statement and instead denied that he had signed those very documents.** [video link: <https://m.youtube.com/watch?v=kKfcAuWwFbU> and <https://m.youtube.com/watch?v=IKepd5UEbo> and <https://m.youtube.com/watch?v=oZeZOmGsaqg> and <https://m.youtube.com/watch?v=2AeXWxVXdrw>

63. Of interest, on examination of the statements of the mentioned medical practitioners (both written and oral in Court/at the ICAC), an obvious pattern of denial is apparent. That is, when questioned about their signatures on documents in question, virtually every medical practitioner involved stated words to the effect: “it looks like my signature, but I did not sign this document”. This pattern suggests that those medical practitioners have been collectively coached to deny their signatures on the documents. To support this suggestion, the medical doctor who initially stated he had signed documents but then later denied doing so, also confirmed during the ICAC inquiry that he altered his statement following a meeting with lawyers from the NSW Department of Health. **I emphasise, not**

one medical doctor or witness involved stated at any time that any of the Mss Lazarus had forged their signatures, I was present in court during the judicial proceeding for the Mss Lazarus.

Video link:

<https://m.youtube.com/watch?v=kKfcAuWwFbU>

and

<https://m.youtube.com/watch?v=lKeEpd5UEbo>

and

<https://m.youtube.com/watch?v=oZeZOmGsaqg>

Full ethics approval is essential when conducting human research

64. Unquestionably, and according to stringent rules that exist to ensure ethical conduct in human research in Australia, it is the responsibility of the supervising doctors in any clinical trial to obtain full ethics approval from the Human Research Ethics Committee (HREC). The ethics processes are in place so that the initiation, conduction, and completion of clinical trials, such as those in question during the ICAC inquiry ‘Operation Charity’, occurs in a manner that is ethical and in accordance with good clinical practice. It is certainly not the student’s responsibility to obtain ethical approval for clinical trials, and indeed Sandra Lazarus (then ~28 years) was the student in the situation described during the clinical trials and she conducted tests for the trials under the supervision of the medical practitioners involved, Jessica Lazarus (then ~20 years) was a student conducting tests under the same circumstances, though on an unpaid work-experience basis, and Michelle Lazarus (then ~26 years) was conducting marketing-related work for the clinical trials, and for potential expansion of the clinical trial. I again emphasise that all the described work by the Mss Lazarus was fully approved, including payments (excepting Jessica Lazarus who was never paid), by the supervising medical practitioners of the clinical trials at the named hospitals.

65. As research students Mss Lazarus were not aware the funding agreement between the hospitals and the sponsor for the clinical trials, it is the responsibility of the clinical institute and the clinical trial/research sponsor to communicate funding among themselves. The medical doctors supervising the clinical trials did not have full ethical approval for the clinical trials, yet those doctors had approved clinical testing on human participants. The supervising medical doctors who allowed and approved clinical tests to be conducted on human participants in clinical trials without full ethical approval engaged in serious misconduct. Such a grievous abuse of ethical standards is unlawful, wholly inconsistent

with good clinical practice, and the consequences of such misconduct are similarly serious. For this reason the supervising medical doctors denied involvement in the clinical trial, and denied their signatures on documents relating to the clinical trials.

Medical practitioners working for the NSW Health Department avoided accountability for conducting human research without full ethics approval

66. The consequences of the misconduct outlined above would not only include termination of the supervising medical doctors' positions at the hospitals and destruction of their high-profile reputations, but would also result in a hugely negative effect on the hospitals involved and the entire NSW Health Department, particularly given that there was more than one NSW government hospital involved and several medical doctors involved who were contracted to work for those government hospitals. Such vast and serious misconduct would inevitably reach both national and international news and media.
67. The unavoidable and foreseeable consequences provided ample motive for the medical doctors involved to deny their involvement in the clinical trials and deny their signatures, and for the government bodies involved to encourage such denial for their own protection. The situation was hugely problematic for the NSW Health Department, as well as the entire government of Australia who would come into serious question under national and international law for conducting clinical trials on human participants in the absence of full ethical approval. **In order to avoid accountability and consequences including those outlined above, the NSW ICAC, government-employed lawyers (e.g. representing the NSW Health Department), and later, the NSW Courts, and other Public Officials/State Officers, intentionally and repeatedly acted unlawfully, perverted the course of justice, withheld evidence that would support the Mss Lazarus innocence, and undoubtedly abused due legal process in order to frame the Mss Lazarus for crimes they simply did not commit.**

The Mss Lazarus used as scapegoats to avoid accountability and serious consequences for ICAC and NSW Health Department

68. During the course of the ICAC Inquiry, the ICAC retracted their initial allegations, and instead alleged that Sandra Lazarus had forged the signatures of the medical doctors

involved in the clinical trials in order to falsify their approvals for the trials, reports related to the trials, other trial-related documents, and invoices approving monies paid for trial-related work completed by both Sandra Lazarus and Michelle Lazarus. The allegation was not only entirely false, but extraordinarily absurd – the ICAC had NO evidence to support these false allegations. Shocked and deeply distressed at the ICAC’s false allegations, that would ordinarily never be supported in a proper and impartial judicial process this is discussed in detail in sections titled ‘lack of judicial independence’ of this official complaint/communication, Sandra Lazarus and her then legal counsel requested forensic analysis of the signatures and handwritings in question. The request was abruptly rejected, despite the fact that forensic examination of the signatures/handwritings in question would provide compelling evidence as to their genuineness. It became progressively clearer that the NSW ICAC was manipulating the inquiry, the ICAC named ‘Operation Charity’, in favour of the allegations against the Mss Lazarus.

The Mss Lazarus sought advice outside of their then legal counsel as the abuses continued at the Commission. In doing so they inadvertently learned that the ICAC had in fact engaged known Forensic Document Examiner, Michelle Novotny, but deliberately did not disclose this information, nor did the ICAC produce any report from the analysis conducted by Michelle Novotny (either preliminary or otherwise) in relation to the signatures in question. Knowledge of the underhanded actions of the ICAC was placed on record at the soonest opportunity, though deliberate and strategic efforts were made by both the Commissioner and Counsel Assisting during the ICAC inquiry to prevent the information from being placed on record. A host of deceitful and highly questionable methods were used by the ICAC to support their false allegations against the Mss Lazarus (as well as the unfounded judicial proceedings that followed). This discussed in detail in section titled ‘David Ipp, is an accused person who contravened Article 5(b) and Article 7 of the Rome Statute, and engaged in crimes against humanity’, and ‘Todd Alexis, is an accused person who contravened Article 5(b) and Article 7 of the Rome Statute, and engaged in crimes against humanity’, of this official complaint/communication.

Video links: <https://m.youtube.com/watch?v=V1Mflp0HoMM> and <https://m.youtube.com/watch?v=oZeZOmGsaqg>

69. The ICAC inquiry concluded approximately two years after its initiation. At the conclusion of the Inquiry, the then ICAC Commissioner, David Ipp, published a report to Parliament in which he made findings of corruption against Sandra Lazarus, and further, made findings of the giving of false/misleading evidence against Michelle Lazarus. The same report stated that Jessica Lazarus lied to the Commission, though no findings were made against her. Importantly, the same report also included vast and unsubstantiated evidence, highly-skewed accounts of the available evidence, and a great deal of irrelevant slander, all of which was exceptionally inconsistent with due judicial process, and served only to validate the ICAC's false allegations/findings, and to publicly defame the Mss Lazarus, **Of Note**, there was NO evidence present in the report to the parliament was supported the ICAC's false allegations. The ICAC undeniably used the Mss Lazarus as 'scapegoats' for the misconduct of the supervising medical practitioners contracted to work for the named government hospitals in NSW. **Of Note**, the supervising medical practitioners are NOT employees of the named government hospitals in NSW, rather, they are contractors to the hospitals.
70. The principal Investigator of the ICAC investigation/inquiry, named by the ICAC 'Operation Charity', was Michael Kane. Michael Kane not only illegally commenced prosecutorial proceedings against Sandra Lazarus and Michelle Lazarus (details are discussed in sections titled, 'Michael Kane is an accused person who contravened Article 5(b) and Article 7 of the Rome Statute, and engaged in crimes against humanity', of this official complaint/communication), he also engaged in serious unlawful misconduct in order that the ICAC's allegations against the Mss Lazarus be supported and favoured, resulting in prosecutions, this is the "vested interest" David Levein wrote about in his correspondence, and the reason why ICAC Officers should not have jurisdiction to commence judicial proceedings (the full details are discussed in section titled 'legal professional and former Supreme Court judge outlined the ICAC's misconduct and abuse of human rights' of this official complaint/communication). **Acting in his official capacity as ICAC Officer, Michael Kane deliberately lied to known Forensic Document Examiner, Michelle Novotny, in order to prevent her from examining the signatures belonging to the supervising medical doctors involved in the abovementioned clinical trials.**
71. Evidence presented in Local Court proceedings revealed that Michael Kane made false statements to Michelle Novotny which had the direct effect of the signatures analyses

being terminated. In email evidence tendered in the judicial proceeding in a court of law (NSW Local Court), Michelle Novotny emphasised that the analyses would provide compelling evidence as to the genuineness of the signatures in question, and even offered a subsidised rate for the work, yet the analyses was terminated on false bases by Michael Kane. **Michael Kane falsely stated to Michelle Novotny that Sandra Lazarus had made admissions as to signing the documents in question. When questioned about this in the Local Court, Michael Kane admitted that he had not told the truth to Michelle Novotny, and that Sandra Lazarus has always maintained that the signatures in fact were authored by the medical doctors who were supervising the clinical trials (this email correspondence between Michael Kane and Michelle Novotny is discussed in detail in section titled ‘Michael Kane is an accused person who contravened Article 5(b) and Article 7 of the Rome Statute, and engaged in crimes against humanity’ of this official complaint/communication).**

72. In the same email evidence, tendered in the Local Court, there was a strong indication that Michael Kane, ICAC Officer, colluded with former Commissioner, David Ipp, to manipulate the ICAC inquiry in a manner that would favour the allegations against the Mss Lazarus. In his email to Michelle Novotny, Michael Kane stated that the Commissioner ‘directed’ that signature analysis be terminated as it was no longer required. The evidence in the Local Court revealed very clearly that ICAC Officer, Michael Kane, and even former Commissioner, David Ipp, engaged in serious misconduct, and acted unlawfully. There is no provision in any Act that allows such deplorable perversion of justice. Yet, the issue remained unaddressed, and accountability was avoided. The fact David Ipp is the very person who said that with Commissions like the ICAC ‘there is no justice seen to be done’. **Megan Latham a former Supreme Court Judge and a former ICAC Commissioner elaborated on the abusive conduct of the ICAC and its officers, she stated in a speech that questing witnesses during the ICAC inquires is like:**

“pulling wings off butterflies”.

[**Newspaper Article** by Michaela Whitbourn, “ICAC Commissioner Megan Lathan defends watchdog inquiry into Margaret Cunneen at heated public hearing”, The Sydney Morning Herald, 07 August 2017.]

This describe conduct of “pulling wings off butterflies”, is referred to the witnesses (the three Mss Lazarus) which are called to give evidence at the ICAC inquiries. **Of Note**, the rules of evidence do NOT apply during ICAC investigation/inquires. These breaches of a witness’ human rights are only possible due to the abusive legislative structure of the ICAC legislation, which contravenes human rights, as defined by the **Charter of the United Nations** and the **ICCPR**. The NSW Parliament used its parliamentary legislative process to abuse human rights, and contravened Parliament’s obligations within the **Charter of the United Nations**, which ensure protection against such crimes against humanity.

Signatures in question proven to be authentic in Local Court

73. During the abovementioned Local Court proceedings, in which the ICAC sought to prosecute both Sandra Lazarus and Michelle Lazarus, the highly-experienced and renowned Forensic Document Examiner, Christopher Anderson, was commissioned to conduct signature analyses for the signatures in question. **Of note**, the NSW Director of Public Prosecution (DPP) and the Crown are known to call upon the expertise and forensic skills of Christopher Anderson to support DPP and Crown cases. Upon employing a series of scientifically-established forensic techniques, including x-ray analysis, Christopher Anderson wrote a report of more than 500 pages [**Appendix 4**: Christopher Anderson, Forensics Document Examiner’s report (Summary) submitted in a court of law on 18 September 2014, in relation to judicial proceedings ICAC v Lazarus, NSW Local Court]. In the highly-detailed report, Christopher Anderson irrefutably established that the signatures in question were indeed authentic, and authored by the medical doctors supervising the clinical trials. The allegations made by the ICAC against Sandra Lazarus in Local Court proceedings were based on allegations of forgery. Those allegations could not be substantiated with regard to the compelling forensic evidence established by Forensic Document Examiner, Christopher Anderson. In spite of the compelling evidence that supported Sandra Lazarus’ defence, and essentially rejected the ICAC’s allegations at their core, the presiding Local Court Magistrate shockingly upheld the allegations made by the ICAC, dismissed the forensics evidence, and convicted Sandra Lazarus. The highly-flawed judgement was made in the absence of any circumstantial evidence, in the absence of any evidence from a witness, and in the absence of any forensic evidence. (Forensic evidence is discussed in details in sections titled ‘forensic evidence supporting the

innocence of the Mss Lazarus’, and ‘Joanna Keogh is an accused person who contravened Article 5(b) and Article 7 of the Rome Statute’, of this official complaint/communication)

Forensic Evidence supporting the innocence of the Mss Lazarus

74. During the judicial proceedings for Sandra Lazarus, I subpoenaed the two NSW hospitals and each of the medical practitioners involved in the clinical trials, to produce handwriting and signatures samples. Upon the production of the subpoenaed documents, the court ordered that the original documents with the signatures in question, and the subpoenaed documents be released to Christopher Anderson for forensics analysis.
75. On 18 September 2014 Christopher Anderson submitted in the judicial proceedings in a court of law a 600 page forensic document examiner’s analysis report which included the including the EDSA (electrostatic detection apparatus) examination. This report was objected to by the DPP Solicitor, who had stated, that though his prosecution was based on forgery, he would not be engaging and/or relying on the evidence of a forensic document examiner. I wrote the follow email to the NSW Director of Public Prosecution in relation to his objection to the forensic document examiner’s analysis report.

“10/10/14

Mr Lloyd Babb SC

Director of Public Prosecutions

Via email: enquiries@odpp.nsw.gov.au

MOST URGENT

R v Sandra Lazarus

Dear Director

I act for Sandra Lazarus in a matter currently before Keogh LCM in the Downing Centre Local Court. This matter arose out of an ICAC inquiry named Operation Charity. It was initiated by ICAC but the DPP now has carriage of, and responsibility for, the hearing. Alex Poulos, one of the DPP’s solicitors, is prosecuting.

The matter essentially comes down to whether or not Ms Lazarus forged the signatures of nine doctors on some 60 documents which were payment vouchers which authorised the payment of monies to her. The nine doctors have all

given evidence that their purported signatures are forgeries. Ms Lazarus denies this stating that the signatures are genuine.

I have retained Chris Anderson, Principal Forensic Document Examiner of Chris Anderson & Co Pty Ltd of Carlingford, a handwriting expert, at great expense to forensically examine the disputed documents. Mr Anderson has prepared a report of some 500 pages which conclusively finds that all the doctors' signatures are genuine. Were this expert opinion to be accepted by the court it would essentially put an end to this matter and establish the innocence of Ms Lazarus.

Furthermore, there is evidence before the court from Michael Kane, ICAC Senior Investigator, that during Operation Charity ICAC had engaged the services of Michelle Novotny, Senior Forensic Document and Handwriting Examiner of Forensic Document Services Pty Ltd of Manly.

Her preliminary view was also that the doctors' signatures were genuine. Mr Kane gave evidence that he did not proceed with Ms Novotny and terminated her services rather than instruct her to prepare a final report.

Mr Poulos has objected to the admission of Mr Anderson's report at every stage. It would be unethical and a travesty of justice for Mr Poulos to seek to exclude the admissibility of Mr Anderson's expert report. Without a doubt, without Chris Anderson's report being in evidence, the weight of evidence of the nine doctors, all eminent specialists, against the evidence of one woman, a PhD student at the time, will result in her conviction and probable custodial sentence despite her innocence.

Mr Anderson's report is conclusive that the doctors' signatures were genuine. It is my understanding that it is the DPP's duty to seek the truth and not to pursue political prosecutions at the behest of ICAC.

I write to you now so that on future occasions when these issues are further ventilated, you cannot say that you did not know that your solicitor, Mr Poulos, was seeking to prevent the admission of highly relevant and critical evidence in this matter. To exclude such evidence favourable to the accused would prevent this trial being a fair trial.

I request you to give this matter your most urgent attention and look forward to receiving your urgent response.

Yours faithfully

Leigh Johnson

Leigh Johnson Lawyers”

76. Based on this objection by the DPP, I made a formal request to the court that Christopher Anderson be called as a witness to give forensic evidence in judicial proceedings in a court of law. On 22 October 2014, Christopher Anderson gave the following oral evidence in judicial proceedings in a court of law for Sandra Lazarus:

COUNSEL FOR LAZARUS: Do you wish to add anything further to that CV?

CHRISTOPHER ANDERSON: No, I think that's a very comprehensive summary of my expertise in this area, sir.

COUNSEL FOR LAZARUS: Have you worked for any other agency not mentioned in the CV, government agency?

CHRISTOPHER ANDERSON: I'd have to check, I would imagine I've mentioned most of them, but it's quite possible I have worked for other that are not in the CV.

COUNSEL FOR LAZARUS: Have you done work for the New South Wales police?

CHRISTOPHER ANDERSON: Yes.

COUNSEL FOR LAZARUS: You've done work for the Federal police?

CHRISTOPHER ANDERSON: Yes.

COUNSEL FOR LAZARUS: Worked for the ICAC?

CHRISTOPHER ANDERSON: Yes.

[ICAC v Lazarus. “Local Court Transcript”. NSW Local Court Downing Centre, 22 October 2014].

COUNSEL FOR LAZARUS: What do you mean when you write "ESDA", what does that mean?

CHRISTOPHER ANDERSON: ESDA stands for electro static detection apparatus. Now, this is a piece of equipment used to develop latent indentation impressions on the surface of documents, and by latent it means that basically we can't see them, just like fingerprints. Sometimes you can see indentation impressions, they are a lot more obvious but in many instances and particularly experience with ESDA, you don't have to see the impressions for them to be there, ESDA can develop them up. And so in this examination all the original documents, question documents, were subject to a latent indentation examination using ESDA to see if there were any

latent indentation impressions and they have - what we found on those is listed as part of my report.

[ICAC v Lazarus. "Local Court Transcript". NSW Local Court Downing Centre, 22 October 2014].

COUNSEL FOR LAZARUS: Can you tell the Court the method if any that you adopted to examine the handwriting and/or signatures of the various doctors involved in this case except Dr Back?

CHRISTOPHER ANDERSON: Yes.

COUNSEL FOR LAZARUS: Please tell the Court what you did?

CHRISTOPHER ANDERSON: Well, first thing is that I obtained specimen signatures of--

COUNSEL FOR LAZARUS: How did you get those specimen signatures?

CHRISTOPHER ANDERSON: They were part of the statements obtained by the ICAC investigators, and/or they were documents subpoenaed I believe from the hospitals

[ICAC v Lazarus. "Local Court Transcript". NSW Local Court Downing Centre, 22 October 2014].

COUNSEL FOR LAZARUS: Assume that one person had forged the eight doctors' signatures. Do you have anything to say about that?

CHRISTOPHER ANDERSON: Yes, sir.

COUNSEL FOR LAZARUS: What do you have to say?

CHRISTOPHER ANDERSON: Impossible.

[ICAC v Lazarus. "Local Court Transcript". NSW Local Court Downing Centre, 22 October 2014].

SOLICITOR FOR THE DPP: Do you agree that the term impossible is an absolute certainty?

CHRISTOPHER ANDERSON: In - in this case, yes.

[ICAC v Lazarus. "Local Court Transcript". NSW Local Court Downing Centre, 22 October 2014].

Video link: <https://m.youtube.com/watch?v=oZeZOmGsagq>

77. Christopher Anderson provided expert evidence as a 'Forensic Document Examiner' in a court of law, judicial proceeding for Sandra Lazarus, confirming that the signatures in questions were authentic signatures of the authors who were supervising medical practitioners at the two hospitals. As the Solicitor on record I was present in court on the day the 'Forensic Document Examiner's Report' is, **Appendix 4.** the following is Christopher Anderson extensive experience as a Forensic expert:

Christopher Anderson was employed by the Australian Federal Police, and provided his expert services within the Document Examination Bureau from November 1976 to October 1984. During his period of employment within the Australian Federal Police, Christopher Anderson worked with a former Examiner of Questioned Documents for the United States Department of Defence. From October 1984 to January 1989, Mr Anderson was employed by the Department of Immigration, Local Government and Ethnic Affairs as an Examiner of Questioned Documents, and as Officer in Charge of the Regional Operations of the Document Fraud Section, Sydney. Of note, in September 1994, Mr Anderson was one of two examiners selected to provide document examination services to the Independent Commission Against Corruption, NSW. Christopher Anderson has examined in excess of 70,000 documents in over 2000 cases encompassing all facets of document examination. Christopher Anderson has provided expert testimony in civil and criminal judicial jurisdictions. Christopher Anderson has also lectured on the subject of forensic document examination, and Christopher Anderson has over 36 years of experience in his field of expertise. In addition, Christopher Anderson has provided expert evidence in the following judicial jurisdictions:

- Supreme Courts of New South Wales, Victoria, the Australian Capital Territory and the Northern Territory, in criminal matters;
- Supreme Court of New South Wales and Queensland, in civil matters;
- Federal Court of Australia, Perth, in a civil matter;
- Special Federal Court of Australia, Sydney, in criminal matters;
- District or Country Courts of New South Wales, Victoria and Queensland, in criminal matters;
- Local and Magistrates Courts in New South Wales, Victoria, Queensland, the Australian Capital Territory and the Northern Territory in criminal matters;
- Local Court in New South Wales, in civil matters;

- High Courts of Singapore and Malaysia;
- Stewart Royal Commission, the Royal Commission into Aboriginal Deaths in Custody and the Fitzgerald Commission of Inquiry.

[**Appendix 4:** Christopher Anderson, Forensics Document Examiner's report (Summary) submitted in a court of law on 18 September 2014, in relation to judicial proceedings ICAC v Lazarus, NSW Local Court.]

Of Note, as outlined above Christopher Anderson's forensic expertise were engaged by the ICAC in past ICAC investigation. This forensic evidence submitted in a court of law clearly proved that the Mss Lazarus were innocent of the false allegations and false charges.

78. On 17 September 2017, Christopher Anderson, completed a further report in relation to the errors in the judicial judgment of Joanna Keogh's, **Appendix 5:** Christopher Anderson, Forensics Document Examiner's report dated 17 September 2017.

ICAC's acts beyond its legislated jurisdiction

79. The mentioned earlier the NSW Parliament introduced a retroactive law to validate past ICAC investigation/inquires which were previously beyond the legislative jurisdiction of the ICAC. The NSW Parliament stated cost to the government as the reason why the retroactive law was introduced. The referred costs by the NSW Parliament, are the costs which the NSW government would incur due to lawsuit being filed by individuals, who would have had the rights abused when the ICAC acted beyond its legislative jurisdiction. The NSW Parliament requested a report into ICAC's jurisdiction, the parliament want to know how many investigation/inquiries were at the time beyond the jurisdiction of the ICAC.

80. Wide-ranging concerns regarding the ICAC, and its highly questionable operations, pushed the NSW Parliament to order a 'Parliamentary Report' to review 125 reported and completed ICAC investigations/inquiries from the period of December 1990 to 3 June 2015. The Parliamentary Report was compiled by two individuals; a senior NSW Barrister, and a former High Court Judge. The Parliamentary Report, dated 30 July 2015, concluded that the ICAC investigation/inquiry titled 'Operation Charity', which involved the Mss Lazarus, was directly affected by the principles outlined in the High Court case of

Margarite Cunneen. It was concluded that, like the ICAC investigation involving Margarite Cunneen, the ICAC investigation/inquires involving the Mss Lazarus, titled ‘Operation Charity’, was beyond the legislated jurisdiction/power of the ICAC:

“Operation Charity (report 31 August 2011) concerned an investigation into alleged fraud on two Sydney hospitals. Two persons were alleged to have submitted requisitions and invoices and thereby misled public officials associated with the hospitals and the management of hospital funds. No impropriety on the part of any public official appears to have been in contemplation as a possibility in the inquiry. (If there had been, that would have been a basis for jurisdiction to investigate).” [Parliamentary Report by Murray Gleeson and Bruce McClintock, “Independent Panel – Review of the Jurisdiction of the Independent Commission Against Corruption”. NSW Department of Premier and Cabinet, 30 July 2015, page 1 and , website link: <https://www.oicac.nsw.gov.au/assets/oicac/reports/other-reports/Independent-Panel-Review-of-the-jurisdiction-of-ICAC-2015-Report.pdf> .]

The Parliamentary Report further stated that the NSW Parliament’s introduction of the retroactive law validated ICAC investigations/inquires which were previously without jurisdiction. This meant that those previously invalid investigations/inquiries were now valid. Once again the NSW Parliament utilised the parliamentary legislative process to make lawful what was previously unlawful, and abused the rights of individuals. This contravenes the NSW government’s obligations within the **Charter of the United Nations** which ensure the practice of human rights, and directly contravened **Article 15 of the ICCPR**, and as such contravened the provisions of **Article 5(b) and Article 7 of the Rome Statute**.

81. In this way, the Parliament quickly avoided accountability, and associated costs, for all the illegal ICAC investigations/inquiries since 1988, when the Commission was established. As a result of the retroactive law, ‘Operation Charity’, which non-exclusively stands with the principles of Margaret Cunneen’s successful High Court argument, is now justified as valid, in spite of the prior falsehood of the investigation. The Report stated that in Operation Charity “findings of corrupt conduct [were] based on section 8(2) and, apparently, on reasoning of a kind that could not now stand with Margaret Cunneen [due to the retroactive law]” [Parliamentary Report by Murray Gleeson and Bruce

McClintock,. “Independent Panel – Review of the Jurisdiction of the Independent Commission Against Corruption”. NSW Department of Premier and Cabinet, 30 July 2015, page 1 and , website link: <https://www.oiacac.nsw.gov.au/assets/oiacac/reports/other-reports/Independent-Panel-Review-of-the-jurisdiction-of-ICAC-2015-Report.pdf> .]

82. **This is misleading, at the time the retroactive law was introduced on 06 May 2015, judicial proceedings for Michelle Lazarus and Sandra Lazarus were active judicial proceeding in a court of law, appealing the very grounds of ICAC lack of jurisdiction to investigate. However, the presiding District Court Judge, conclude that due to the retroactive law, the ICAC investigation involving Michelle Lazarus and Sandra Lazarus was now within the ICAC jurisdiction. This breached all fundamental principles of the rule of law and human rights to a fair and just judicial proceeding. This erroneous judgment contravenes Article 14 and Article 15 of the ICCPR. Through the judicial appeal system, this judgment was appealed to the higher court, the NSW Court of Appeal, during which the two Mss Lazarus were legal represented by the then President of the Bar Association, Arthur Moses who is now the President of the Australian Law Council. Arthur Moses as a senior barrister stated in court that the retroactive law could not apply to judicial proceedings which were active judicial proceeding in court of law at the time the retroactive law was introduced, and therefore, the ICAC lacked jurisdiction to investigate. Mark Leeming The presiding NSW Court of Appeal judge, stated in his judgement that Arthur Moses presented “judicial nonsense” in court, and that the retroactive law did apply to the Mss Lazarus judicial proceedings. No senior barrister, let alone the then President of the Bar Association and now the President of the Australian Law Council would present “judicial nonsense” in a court of law. Mark Leeming is a NSW Court of Appeal judge with full knowledge of the principle which govern the rules of law, with this knowledge, knowingly Mark Leeming over ruled one of the fundamental principles of law, in doing so he contravened Article 14 and Article 15 of the ICCPR, and engaged in crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute, causing further suffering to the Mss Lazarus. Mark Leeming knew the consequence of his erroneous judgment, he had the authority to stop the suffering and ensure the practice of the rules of law and uphold his judicial oath.**

83. The introduction of the retroactive law by the NSW Parliament, on 6 May 2015, increased the jurisdictional power of the ICAC so that it could investigate almost all citizens (public officials and/or private citizens), whether the actions and/or corrupt conduct of the private citizens affected the public sector or not. However, while the ICAC can now investigate private citizens, no legislative changes have been made to create equality within the provisions of the ICAC Act 1988 between public officials and private citizens. There are a number of sections within the ICAC legislation which only make reference to public officials and not private citizens, creating inequality before the law for those individuals who are not public officials. The referred sections of the ICAC legislation are discussed in detail in section titled 'ICAC legislative breaches of human rights' of this official complaint/communication. This inequality before the law created by the NSW Parliament contravenes the parliament's obligations within the **Charter of the United Nations** and contravenes the provisions of **Article 14 and Article 26 of the ICCPR**, giving rise to crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**.

MICHAEL KANE – is an accused person who contravened Article 5(b) and Article 7 of the Rome Statute, and it is alleged he engaged in crimes against humanity.

84. In accordance with the ICAC legislation section 104B the ICAC Officer Michael Kane engaged the Forensic Document Examiner Michelle Novotny for her expert services in order to forensically examine signatures/handwritings in question.

104B Commission may engage consultants

The Commission may engage any suitably qualified person to provide the Commission with services, information or advice.

85. On 01 July 2010 at 9:24am Michael Kane wrote the following email to Michelle Novotny:

"Michelle,

Thanks for your prompt response.

No problems. There is no rush on this matter. I just want to make sure that I can provide the best handwriting examples for comparison purposes to assist you and your colleagues.

Regards,

Mick”

[**Appendix 6:** Email of 01 July 2010 sent at 9:24am from Michael Kane to Michelle Novotny].

86. According to the email of 02 July 2010 sent at 2:50pm by Michael Kane to Michelle Novotny, Michael Kane provided documents seized upon execution of the search warrant on 28 May 2010 to Michelle Novotny for forensic document examination. The following is a section of the email confirming the delivery of the documents:

“As discussed with you earlier today, attached are a sample of the various forms and handwriting required for forensic document examination. These are a small sample of the documents to be examined but the majority of a similar nature.”

[**Appendix 7:** Email of 02 July 2010 sent at 2:50pm from Michael Kane to Michelle Novotny.]

87. On 5 July 2010 at 6:20pm, Michelle Novotny sent a responding email to the Michael Kane requesting specific specimens documents which were required for her to complete a full forensic document examination:

“Hi Mick,

Further to our telephone discussion earlier today, please find below some direction on the most appropriate specimens for comparison with the questioned entries.’

[**Appendix 8:** Email of 05 July 2010 sent at 6:20pm from Michelle Novotny to Michael Kane].

88. Pursuant to section 30 of the ICAC Act 1988, on 12 July 2010 the ICAC held the first of two, Compulsory Examination (private inquiry). The following was stated on the ICAC Summons to Appear and Give Evidence, this was issued to Sandra Lazarus, Michelle Lazarus and Jessica Lazarus:

“The compulsory examination is being conducted for the purpose of an investigation of an allegation or complaint of the following nature:

The Commission is investigating whether Sandra Lazarus and others fraudulently obtained money from the funds of the Royal Hospital for Women (RHW) and Royal North Shore Hospital (RNSH) by submitting false requisitions and invoices from companies in which Sandra Lazarus or her sister, Michelle Lazarus, was a shareholder when no services were provided.”

89. Michelle Novotny on 13 October 2010 at 10:29am sent the following email in relation to the cost involved in complete the forensic examination:

“As to the estimated costs, as, this is a very large job. I have broken it down into parts according to our discussions yesterday regarding the G Burton signature and S Lazarus signature not needing to be examined at this time, as well as separating the signature/handwriting examinations from the ESDA examinations as you may decide to approach it on a stage by stage basis. We do not recommend foregoing the ESDA examinations on the basis of cost as it has been our experience in past matters that ESDA examinations can provide extremely compelling evidence as to the genuineness or otherwise of a document and information as to its origins or other information relevant to the investigation. (The estimate costs for the ESDA examinations are divided into two: questioned documents bearing signatures and/or handwritings and other questioned documents not bearing signatures/handwritings.) Given the very large nature of the job, I have provided the estimate costs calculated on the basis of our normal hourly rate, as well as the proposed reduced fee for this matter for the ICAC. The estimated costs include GST.”

[**Appendix 9:** Email of 13 October 2010 sent at 10:29am from Michelle Novotny to Michael Kane].

90. On 8 November 2010 at 4:44pm, Michelle Novotny wrote an email to Michael Kane expressing concern that the documents she requested to complete the forensic document examination have not been provided to date, below is the section from the email:

“It will be necessary to have specimen signatures attributed to Ms Lazarus in order possibly to express any conclusion as to whether or not she wrote the questioned signatures on the invoice (none have been submitted to date).”

91. On 15 December 2010 the ICAC held the second of the two Compulsory Examination (Private Inquiry) the following was state in the ‘Summons to Appear and Give Evidence’, which was issued only to Sandra Lazarus:

“The compulsory examination is being conducted for the purpose of an investigation of an allegation or complaint of the following nature:

The Commission is investigating whether Sandra Lazarus and others fraudulently obtained money from the funds of the Royal Hospital for Women (RHW) and Royal North Shore Hospital (RNSH) by submitting false requisitions and invoices from companies in which Sandra Lazarus or her sister, Michelle Lazarus, was a shareholder when no services were provided.”

92. On 11 January 2011 at 7:37am Michael Kane sent an email to Michelle Novotny, he wrote the following:

“Hi Michelle,

Hope you had a very Merry Christmas and are having a great New Year. I am back at work now and I just need to update you on the forensic work relating to Sandra Lazarus (Operation Charity). We had a Compulsory Examination with her just before Christmas where she has made certain admissions as to signing several of the documents.

The Commissioner of the ICAC has directed that we will not proceed with any forensic work at this stage due to Sandra Lazarus partial admission and the evidence of the witness now stating that they did not sign the relevant forms. I am sorry for all the hassles with this matter.

Can you please advise when I will be able to collect the exhibits from your office.

Regards

Michael Kane”

[**Appendix 10:** Email of 11 January 2011 sent at 7:37 am from Michael Kane to Michelle Novotny].

93. Following the inquires of 12 July 2010 and 15 December 2010, and the above-mentioned email correspondence, the ICAC held a Public inquiry within the provisions of section 31 of the ICAC Act 1988 on 14 February 2011, by issuing ‘Summons to Appear and Give

Evidence' Sandra Lazarus, Michelle Lazarus and Jessica Lazarus, the following was stated in the Summons:

"The public inquiry is being conducted for the purpose of an investigation of an allegation or complaint of the following nature:

The Commission is investigating whether Sandra Lazarus and others fraudulently obtained money from the funds of the Royal Hospital for Women (RHW) and Royal North Shore Hospital (RNSH) by submitting false requisitions and invoices from companies in which Sandra Lazarus or her sister, Michelle Lazarus, was a shareholder when no services were provided."

94. During the Local Court proceeding for Sandra Lazarus Michael Kane was called as a witness by the DPP Solicitor, he was questioned about the email he sent to Michelle Novotny on 11 January 2011, in which he terminated the forensic service of Michelle Novotny, terminating forensic examination, the following was his evidence:

"COUNSEL FOR LAZARUS: And then you received. So you sent an email to Michelle.

KANE: Yes.

COUNSEL FOR LAZARUS: If I may, Just, if, if, if you. I'll read it to you, instead of, keep walking around there. And if there's, ah, a problem with it just let me know.

"Hope you have a very Merry Christmas and are having a great New Year."

This is from you, this is from you to Michelle.

"I am back at work now and I just need to update you on the forensic work relating to Sandra Lazarus, Operation Charity."

Do you recall that email?

KANE: Vaguely.

COUNSEL FOR LAZARUS: I'll continue on.

"We had a compulsory examination with her just before Christmas. She has made certain admissions as to signing several of the documents."

KANE: Yes.

COUNSEL FOR LAZARUS: Did she make any admissions about signing any of the doctor's?

KANE: No, she said that the signatures as the requesting officer were hers, and that she believed that the doctors had signed those as the authorising officers.

COUNSEL FOR LAZARUS: Yes, and in fact, the fact of the matter is that totally throughout the investigation of Sandra Lazarus when you spoke to her on most occasions she always adhered to the fact that the doctors signed those non-order vouchers.

KANE: That's correct.

COUNSEL FOR LAZARUS: And maintenance forms.

KANE: That's correct.'

[ICAC v Lazarus. "Local Court Transcript". Downing Centre Local Court, 25 September 2014].

Video link of the audio transcript: <https://m.youtube.com/watch?v=V1Mflp0HoMM>

The content of the email dated 11 January 2011 (**Appendix 10**) is false, this was admitted by the author of the email Michael Kane in a court of law. At no time did Sandra Lazarus make any admissions in relational to signing documents, rather as confirmed by Michael Kane Sandra Lazarus always maintained and stated that the her supervisors (medical practitioners) signed as authorising individuals.

95. Michael Kane terminated the forensic service of Michelle Novotny, terminating forensic examination, by making false statements, and the ICAC continued issuing summons based on false grounds for the inquiries. It is clear that the false grounds for the ICAC inquiries would have NO bases for an investigation/inquiry had the ICAC and Michael Kane not terminated the forensic service of Michelle Novotny, and the forensic examination was completed. Section titled 'forensic evidence supporting the innocence of the Mss Lazarus' of this official communication discusses forensic evidence which supports Sandra Lazarus' innocence, confirming that forgery did not take place, and that the ICAC made false statements to substantiate their groundless and false investigation and inquiries which publicly caused mental and emotional harm to the three Mss Lazarus. This abusive conduct by the ICAC and Michael Kane continues to cause harm to date.

96. Additionally, the abusive conduct of the ICAC and Michael Kane is contrary to and an offence against national and international laws, as this conduct hindered the investigation, perverted the course of justice, and abused the rights of the three Mss Lazarus, depriving

them of fairness and justice in accordance with the rule of law. By terminating forensic analysis Michael Kane's ensured that the medial practitioners would not be held accountable for their actions and conduct, and that the ICAC would be able to continue its false investigation/inquires. This subjected the three Mss Lazarus to inequality before the law, abusing the three Mss Lazarus fundamental human rights. These actions and conduct of Michael Kane contravened **Articles 7, 14, 16 and 17 of the ICCPR**, and as such it is alleged that Michael Kane engaged in crimes against humanity pursuant to **Article 5(b) of the Rome Statute** and **Article 7 of the Rome Statute**.

97. As per email dated 01 July 2010 Michael Kane pursuant to the ICAC legislation engaged a Forensic Document Examiner, for a forensic analysis of the signatures in question which formed the grounds and bases for the ICAC investigation/inquiry. The email dated 11 January 2011 (**Appendix 10**), Michael Kane sent to Michelle Novotny in which he made false statements and lied to support his reasons for terminating the services of Michelle Novotny, and for stopping the forensic analysis which was material particular to the ICAC investigation/inquiry. The false statements of Michael Kane contravened **Articles 7, 14, 16 and 17 of the ICCPR**, and as such it is alleged that he engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**.
98. As mentioned above Michael Kane's lies and false statements were relived in the NSW Local Court proceedings, in which Michael Kane was called by the DPP Solicitor as a witness. When Journalists questioned the ICAC in regards to such abusive conduct, the ICAC failed to comment, and to dated such abusive conduct is not investigated by the authorities, once again there is an unwillingness to investigation such abuse of human rights see **Newspaper Article** by Chris Merritt, "Forensic testing was stopped by ICAC", The Australian, 26 May 2017.
99. Following the publication of the newspaper article and the numerous complaints made against Michael Kane by the Mss Lazarus, the authorities have failed to take the necessary actions to investigate the complaints. The unwillingness of the authorities, (law enforcement agencies in Australia) further contravene the provisions set in **ICCPR**, which define the practice of human rights to prevent such abusive conduct and actions.

100. This abuse is a complete destruction of the principles which constitute democratic society and its legal system. In relation to the above mentioned conduct international laws are being contravened, in particular **Article 14 of the ICCPR** is contravened, and as such, it is alleged that he engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**. Within the national laws of Australia this hindrance and perversion of an investigation and judicial proceedings in a court of law, also constitute criminal offences. As mentioned throughout his official complaint/communication, such abuse has been reported to the relevant authorities, not just by the Mss Lazarus, but also by other individual who's rights have been abused in a similar manner by ICAC Officers. NOT one complaint against the ICAC and its Officers has been investigated by the relevant authorities, there is an unwillingness by the relevant authorities to investigate such complaints, though such conduct constitute criminal offences. As such, this abusive conduct continues to take place, simply due to the fact the ICAC and its officers are not be held accountable and/or investigated.

101. A weeks before the public ICAC inquiry (14 February 2011), ICAC Officers released the following to local media:

“The public inquiry is being conducted for the purpose of an investigation of an allegation or complaint of the following nature:

The Commission is investigating whether Sandra Lazarus and others fraudulently obtained money from the funds of the Royal Hospital for Women (RHW) and Royal North Shore Hospital (RNSH) by submitting false requisitions and invoices from companies in which Sandra Lazarus or her sister, Michelle Lazarus, was a shareholder when no services were provided.”

102. Despite of the evidence collected supported the innocence of Mss Lazarus, the ICAC structured and manipulated the investigation/inquiry to ensure that, the ICAC's “vested interest”, would be successful, and that the Mss Lazarus would carry the false allegation of corruption/forgery. This abuse by the ICAC further ensured, that the medical practitioners were not held accountable for conducting medical clinical research/trial involving human patients without the approval from the human ethics committee. Further, this public defamation of the Mss Lazarus ensured that they would never get fair judicial proceedings

in accordance with the rule of law. This false media release, led to multiple newspaper article being published, and news segments being released on various news media, which directly impacted the Mss Lazarus' reputation, and breached their human rights pursuant to **Article 17 and Article 19 of the ICCPR** and it is alleged he engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**.

103. The Supreme Court Judge Bruce Lander, stated that, the only purpose the public inquiry, has following a private inquiry is to publicly defame the individual(s) being investigated, and to re-ask the questions which have already been asked and addressed in the private inquiry.

“An examination is an investigative tool. The purpose of examining a person is to obtain information of value to the ongoing investigation, including the identities of suspects and witnesses, the location of evidence and further avenues of inquiry. - An examination is conducted to obtain the type of information that, if disclosed in the public domain prematurely, would undermine the very investigation the examination is designed to advance. - The examinations I carry out are no more than the kind of interrogation that SAPOL carry out, except that in my case (and indeed in the case of the Crime Commission), the person who is being examined must answer the questions. - Why for that reason of distinction, that is that a person must answer questions that I ask, should the interrogation that I carry out be in public rather than as contemplated in this Act in private. - I realise of course that the media and the public have an interest in knowing who I am examining and the content of the examination but again I ask, why should the media be entitled to know of my examination but not be entitled to know of the content of a SAPOL interrogation prior to that being revealed in court? - What is the point of making a decision that a person has been corrupt which has no consequences except perhaps public shame? - The second thing one must understand about the New South Wales system is that the public hearing may follow upon a private hearing. - The Commissioner may have heard the evidence in private before she decides to hear the evidence again in public. For what purpose one asks would the Commissioner hear the same evidence again, upon which she can already make her decision, in public.” [Speech by Bruce Lander, ICAC South Australia, South Australian Press Club, 15 October 2014 Audio can be heard at the following website link: <http://sapressclub.com.au/project/bruce-lander-qc/> .]

104. Following a private inquiry, the NSW ICAC prior to the public inquiry, publicly shaming individual(s), and recollects the evidence public which it has collected during the private inquiry. As outlined by Bruce Lander, the purpose of publicly shaming individual(s) has NO forensic purpose in collecting evidence. Widespread negative perceptions of the ICAC public inquiries have emerged at an increasing rate in recent years. The ICAC is a commission, with the power to hold both private and public inquiries, this power is rarely given to other commissions of inquiries. An example of this is the NSW Crime Commission, where section 13(9) of the NSW Crime Commission Act 1985 ensures, a non-publication order on evidence given at the commission – this order avoids prejudicing the matter, and ensure a fair trial if charges are laid against the individual(s). There is no such provision in the ICAC Act 1988, and therefore the ICAC has freedom and power to conduct public inquiries, and release evidence to the media which support where investigations. The High Court judgment referred to by former Supreme Court Judge Bruce Lander is *Lee v The Queen* [2014] HCA 20 (21 May 2014). The relevance of this judicial case is discussed in detail in section titled ‘Lloyd Babb is an accused person who contravened Article 5(b) and Article 7 of the Rome Statute’ of this official complaint/communication.

105. Additionally, there has been many complaints to the relevant authorities by numerous individuals who have had their human rights abused by the ICAC, in regards to the ICAC’s failure remove the title/label of “corrupt” against the names of individual(s) who have been exonerated in a court of law, an example of this are the cases of Murray Kear and Charif Kazal. Many individuals, including legal professionals have voiced their concerns in relation this defamation of a person’s reputation, however, the NSW Parliament has failed to amend the ICAC legislation to include an exoneration process, so that label of “corrupt” is removed from an individual’s name. This failure of the NSW Parliament contravenes its obligations within the provisions of the Charter of the United Nations and further contravenes **Article 17 and Article 19 of the ICCPR**, giving rise to crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**.

106. The above mentioned is the same issue which is effecting Jessica Lazarus, the ICAC, without evidence and without proof stated that, Jessica Lazarus is “corrupt”, and has given false evidence during the ICAC investigation/inquiry. For almost ten years Jessica

Lazarus has been carrying the label of “corrupt”, Jessica Lazarus has NEVER been charged with any crime in a court of law, and since there is no method to remove this label of “corrupt”, Jessica Lazarus’ reputation is damaged, this is effecting her personal and professional life. Jessica Lazarus with her family (including her child) have been suffering for almost the past ten years. In failing to implement a process of exoneration following ICAC investigations/inquires, the NSW Parliament has breached Jessica Lazarus’ human rights, and their obligations within the provisions of the **Charter of the United Nations**, and contravened Jessica Lazarus’ rights which are protected within the provisions of **Article 7, Article 14, Article 16, Article 17 and Article 19 of the ICCPR**. **As such, the NSW Parliament together with the ICAC, in particular Michael Kane (ICAC Officer) and David Ipp as the ICAC Commissioner have allegedly engaged in crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute.**

107. In August of 2011, the ICAC released a report to the NSW Parliament in relation to the investigation/inquires involving the Mss Lazarus. The report contained NO evidence which supported that the false allegations of forgery (creating false instruments), and contained NO evidence to support that no work/services were provided to the hospitals involved.

108. On 04 March 2013, Michael Kane attended upon the homes of the Mss Lazarus and delivered ‘Court Attendance Notices’, with issue date of 01 March 2013, instituting and commencing judicial proceeding in a court of law, for Michelle Lazarus and Sandra Lazarus. [**Appendix 11:** ‘Court Attendance Notices’ for Michelle Lazarus, commencing criminal judicial proceeding a court of law, page 1. **Appendix 12:** ‘Court Attendance Notices’ for Sandra Lazarus, commencing criminal judicial proceeding a court of law, page 1]. This was the only document delivered, stating that both Michelle Lazarus and Sandra Lazarus are to attend court on 01 April 2013 in relation to criminal charges. As per requirement within the judicial legislative system a ‘Fact Sheet’ must accompany the ‘Court Attendance Notices’ outlining the details of the charges, this was never provided, this was raised during the judicial proceedings, a letter dated 7 August 2013 was written to the DPP’s office, requesting that details of the criminal charges be provided (see **Appendix 14, 15, 16 and 17**). To date NO adequate “fact sheet” has been provided detailing the particulars of the criminal charges for both Michelle Lazarus and Sandra Lazarus.

109. The fact that the DPP and Michael Kane failed to provide “fact sheet” with the “Court Attendance Notice” clearly outlining in detail the reasons and grounds upon which the Mss Lazarus were being criminally charged, directly contravened **Article 14 of the ICCPR**, as such the DPP and Michael Kane, it is alleged engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**.
110. Further, Michael Kane waited and delayed judicial proceedings for approximately one year and seven months, during which period, through media platforms portrayed the three Mss Lazarus as guilty of crimes which were not proven in a court of law, this undue delay caused great mental pain and suffering, this abuse by Michael Kane contravened **Article 14 of the ICCPR**, and it is alleged he engaged in crimes against humanity pursuant to **Article 5(b) of the Rome Statute and Article 7 of the Rome Statute**.
111. On 26 May 1988 the then NSW Premier Nicolas Greiner in his address to the Parliament, clearly stated that the ICAC would not be a prosecutorial agency, and that the ICAC Officers, and the Commission would not have the legislated power to be involved in the prosecution of individuals. This legal limitation placed on the ICAC is extremely important for the maintenance of independence, and to ensure a just and fair trial if the matter progresses to a potential prosecution. The most important reason that the ICAC was not legislated to play any role in the prosecutorial process is because the methods used by the ICAC to compile and collect evidence do not comply with the rules of evidence, and as such the evidence is inadmissible in a court of law. Undoubtedly, the rules of evidence serve to protect the Human Rights of individuals, and ensure a fair and just trial. Since those rules do not apply to the ICAC as a commission, it could not utilise evidence it collected in judicial proceedings in a court of law, in which both the rules of evidence and rules of law must apply. Instead, it is the job of the prosecuting body, such as the DPP, to initiate and conduct judicial proceedings, in accordance with the rules of law, and rules of evidence.

“The proposed Independent Commission Against Corruption will not have power to conduct prosecutions for criminal offences or disciplinary offences, or to take action to dismiss public officials. – It is important to note that the independent commission will not be engaging in the prosecutorial role. The Director of Public Prosecutions

will retain his independence in deciding whether a prosecution should be instituted.”
[**Parliamentary Speech** by: Nicholas Greiner (New South Wales Member of Parliament and then New South Wales Premier), “Second Reading Speech of the Independent Commission Against Corruption Act 1988”, Excerpt from Hansard Legislative Assembly, 26 May 1988, <http://www.parliament.nsw.gov.au/hansard/pages/home.aspx?s=1>].

112. Both the former NSW ICAC Commissioner, David Ipp, and the current South Australian ICAC Commissioner, Bruce Lander, declared that evidence collected during ICAC investigations/inquiries are largely inadmissible in a court of law, due to the methods employed to collect that evidence, and the fact that the ICAC is not obliged to comply with the rules of evidence. This was best addressed by the current South Australian ICAC Commissioner, Bruce Lander, (South Australian ICAC was legislated in 2012, it was legislated differently to the NSW ICAC, and these differences were highlighted by Bruce Lander in his speech on 15 October 2014):

“The evidence that is obtained at a private examination or a public hearing by an integrity agency under coercion will not be admissible at that person’s trial if that person is subsequently charged with a corruption offence - That is because it has been obtained in contravention of the right to silence which is a fundamental pillar of our criminal justice system. The New South Wales procedure allows for the public to become aware of evidence that both Parliament and the Courts consider unfair to be led against that person of interest at that person’s trial. And in NSW a person may be found to have acted corruptly on that same evidence.” [**Speech** by Bruce Lander, ICAC South Australia, South Australian Press Club, 15 October 2014 Audio can be heard at the following website link: <http://sapressclub.com.au/project/bruce-lander-qc/> .]

113. In 2015 ICAC Officers and the ICAC Commission again instituted and commenced judicial proceedings in a court of law, against Ian McDonald and John Maitland, ICAC/DPP v Ian McDonald and John Maitland [2015] NSWLC 7. As in the case of both Michelle Lazarus and Sandra Lazarus, the ICAC Officer was stated as a ‘prosecutor’ on the ‘Court Attendance Notice’, and the ICAC as the ‘prosecuting organisation’. During

both of the mentioned proceedings identical arguments were raised in relation to the serious jurisdictional error - that is, the ICAC is not legislated to initiate/commence judicial proceedings, and must not play any role in the prosecutorial process. The presiding Magistrate in the proceedings stated the following in his judgment:

“I find that the purported prosecutions were invalid as there was no authority for the Court Attendance Notices to be issued. There is therefore nothing before this Court” [DPP v McDonald and DPP v Maitland [2015] NSWLC 7].

114. Following the 2015 judgment in the judicial proceedings of Ian McDonald and John Maitland, the NSW Parliament once again thorough the parliamentary legislative process made an unlawful act by the ICAC lawful, and introduced an Bill, adding section 14A to the NSW Criminal Procedures Act 1986 on 12 November 2015. Importantly, the amendment was not retroactive. It should also be noted that evidence collected by the ICAC, in which the rules of evidence do not apply are utilised by the ICAC to prosecute individuals in a court of law.

14A Proceedings for offences commenced by officers Of ICAC or PIC

(1) An officer of ICAC does not have the power to commence proceedings for an offence unless the Director of Public Prosecutions has advised the Independent Commission Against Corruption in writing that the proceedings may be commenced by an officer of ICAC.

(2) For that purpose, the Director of Public Prosecutions may liaise with the Independent Commission Against Corruption, but is to act independently in deciding to advise that proceedings for the offence may be commenced.

(3) The Commissioner, an Assistant Commissioner and an officer of the Police Integrity Commission do not have the power to commence proceedings for an offence.

(4) In this section:

“officer of ICAC” means a person acting in the capacity of the Commissioner, an Assistant Commissioner or officer of the Independent Commission Against Corruption.

In introducing section 14A to the Criminal Procedures Act 1986 the NSW Parliament, it is alleged engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**, and contravened its obligations within the **Charter of the United Nations**. Further, section 14A of the Criminal Procedures Act 1986 will ensure that no individuals will receive a fair hearing/trial in accordance with the rules of law and in accordance with **Article 14 of the ICCPR**. This breach is against the very core of the rules of law, and the fundamental humans rights of all individuals. It should be noted that unlike ICAC Officers, Officers of the Police Integrity Commission (PIC), as stated in section 14A, do not have the jurisdictional authority to institute and commence judicial proceedings in a court of law or any judicial tribunal. It is highly unjustified that the ICAC Officers are given such power to prosecute – such unwarranted power represents the direct removal of the independence of the Commission, severe bias, and the now unavoidable commencement of countless and inherently unjust and unfair trials; past, present, and future.

115. During the ICAC’s judicial proceedings against Michelle Lazarus and Sandra Lazarus, in 2013 and 2014, it was raised by legal representatives that the ICAC did not possess the jurisdiction power in 2010 and 2011 to conduct and/or the investigation (titled by the ICAC: “Operation Charity”), and/or hold the ICAC inquiries involving Michelle Lazarus and Sandra Lazarus. This is particularly true since Michelle Lazarus and Sandra Lazarus are not public officials, and the medical practitioners involved were also not public officials; they are private citizens. **Of note**, the NSW Police had refused to conduct an investigation due to the fact that “there was nothing to investigate”. When this argument was raised by legal representatives the presiding Magistrates dismissed the argument and convicted both Michelle Lazarus and Sandra Lazarus in 2014. What is most appalling is that the mentioned convictions occurred in spite of the ICAC’s defined legal limitations at the time, which stated that the ICAC did not have the power to investigate Michelle Lazarus and Sandra Lazarus, and the ICAC especially did not have the power to prosecute.

116. On 28 June 1990, the High Court of Australia delivered a judgment in the case: *Balog v Independent Commission Against Corruption* [1990] HCA 28; (1990) 169 CLR 625. Following the judgment in *Balog v ICAC*, on 4 December 1990, the NSW Parliament introduced a Bill, ‘Independent Commission Against Corruption (Amendment) Act 1990’.

The Bill altered and/or added a total of fifteen amendments to the ICAC legislation, which legalised the previously unlawful actions of the ICAC.

117. Section 53 of the ICAC Act 1988 states that the ICAC (whether or not the investigation is completed, and whether or not the Commission has made any findings) may at any time refer the matter to a 'relevant authority' for further consideration, in particular, for consideration as to prosecution. The ICAC is defined as a permanent Special Commission of Inquiry; it is not a law enforcement agency, and it is not defined in legislation as an 'investigative agency'. Therefore, the ICAC does not fit into the legal definition of a 'relevant authority', i.e., who can make any prosecutorial considerations. Similar to all Commissions in English Law, the ICAC simply does not possess the legal authority to play a role in the prosecutorial process.

53 Referral of matter

(1) The Commission may, before or after investigating a matter (whether or not the investigation is completed, and whether or not the Commission has made any findings), refer the matter for investigation or other action to any person or body considered by the Commission to be appropriate in the circumstances.

(2) The person or body to whom a matter is referred is called in this Part a "relevant authority".

(3) The Commission may, when referring a matter, recommend what action should be taken by the relevant authority and the time within which it should be taken.

(4) The Commission may communicate to the relevant authority any information which the Commission has obtained during the investigation of conduct connected with the matter.

(5) The Commission shall not refer a matter to a person or body except after appropriate consultation with the person or body and after taking into consideration the views of the person or body.

(6) If the Commission communicates information to a person or body under this section on the understanding that the information is confidential, the person or body is subject to the secrecy provisions of section 111 in relation to the information.

118. Further, as part of the dialogue between ICAC and the 'relevant authority', the ICAC requests that the 'relevant authority' furnish a report (Report to the Commission) in

relation to the actions it may or may not take in regards to any findings that the ICAC has communicated. The generation of the mentioned report occurs under the ICAC's directions according to the ICAC's terms and requirements, and not on the terms of the 'relevant authority' – this is stated in section 54 (subsections 2 and 3). Such a provision within section 54 of the ICAC Act 1988, creates an inherent bias within the Report to the Commission, since independence between the ICAC and the relevant authority is lost.

54 Report to Commission

(1) The Commission may, when referring a matter under this Part, require the relevant authority to submit to the Commission a report or reports in relation to the matter and the action taken by the relevant authority.

(2) A report shall be of such a nature as the Commission directs.

(3) A report shall be submitted to the Commission within such time as the Commission directs.

119. Since the ICAC's communication between the 'relevant authority' (such as, the Police Force, the Director of Public Prosecution, and other commissions) is not in compliance with the rule of law and/or rules of evidence, on a number of occasions the ICAC has withheld exculpatory evidence from the 'relevant authority', such as the Director of Public Prosecution, this is discussed throughout this official complaint/communication. This abusive practice between the ICAC and the relevant authority enables ICAC to create a false representation of the legal matter and therefore results in severe bias, which greatly continues in the judicial tribunal. Importantly, there is no legislation, and no monitoring agency which has power to oversee these abusive actions of the ICAC. In this way, the ICAC removes itself from any accountability for its wide-ranging abuse of human rights. The written correspondence of David Levine to the Parliamentary Legislative Assembly Committee Office in Western Australia dated 13 September 2016, stated "vested interest" as motivation for the abuse of human rights. The correspondence of David Levine is discussed in section titled, 'legal professional and former supreme court judge outline the ICAC's misconduct and abuse of human rights' of this official complaint/communication.

120. The release of false and defamatory allegation to the media for "vest interest", removed the three Mss Lazarus' fundamental human right to be presumed innocent until proved guilty according to law, in a court of law, and subjected the three Mss Lazarus to unlawful

attacks on their honour and reputation, as such Michael Kane and the ICAC Officers contravened **Article 14 and 17 Article of the ICCPR**, and it is alleged he engaged in crimes against humanity pursuant to **Article 5(b) of the Rome Statute** and **Article 7 of the Rome Statute**.

JANE DALY – is an accused person who facilitated in the contravention of Article 5(b) and Article 7 of the Rome Statute, and it is alleged that, such contraventions led to acts of crimes against humanity.

121. During the ICAC inquiry of 12 December 2010, Jane Daly was the principle lawyer, and she questioned Sandra Lazarus. As mentioned above the rules of evidence do not apply during ICAC investigations/inquires, as such, Sandra Lazarus’ rights to be equal before the law were abused, as Jane Daly employed questioning methods which were contrary to the rule of law, further breaching Sandra Lazarus’ fundamental human rights, which operate to ensure a democratic legal system. This conduct of Jane Daly facilitated the contravention of **Article 14 of the ICCPR**, and facilitated alleged crimes against humanity pursuant to **Article 5(b)** and **Article 7 of the Rome Statute**.

122. On 16 March 2011, the legal representative for Sandra Lazarus during the ICAC investigation/inquiry wrote a letter to the ICAC requesting details of any forensic analysis of signatures in question. On 05 April 2011 Jane Daly as the ICAC principal lawyer replied to the letter, and identified cost as the reason why Michelle Novotny’s services were terminated and forensic analysis NOT conducted and completed:

“In regard to your letter dated 16 March 2011 (at page 12 of the bundle) I confirm my oral advice to Ms Soars that the Commission did approach Ms Novotny last year but did not engage her to conduct any forensic examination of signatures due to the cost of so doing.” [**Appendix 13**: Letter dated 05 April 2011 from ICAC Principal Lawyer Jane Daly to Lloyd Hart Lawyers].

123. Jane Daly provided “cost” the reason why Michelle Novotny’s services were terminated and forensics analysis stoped, this reason was dissimilar to those given by Michael Kane in his email dated 11 January 2011 (email dated 11 January 2011 is **Appendix 10** and is discussed in detail at section titled, ‘Michael Kane is an accused person who contravened

Article 5(b) and Article 7, and engaged in crimes against humanity' of this official complaint/communication). Such multiple and fabricated reasons for the termination of an exceedingly important process within the investigation/inquiry (a process that would clear any allegations of forgery), confirmed with conviction that the ICAC Officers were engaging in misconduct and abuse of human rights, and consequently prejudiced the matter to the extent that false prosecutions could be commenced, without jurisdiction by Michael Kane. This false representation by Jane Daly denied the three Mss Lazarus the human rights within the democratic investigative system, which is to ensure that all individuals are equal before the law. Further, these actions and conduct of Jane Daly ensured that the ICAC investigation/inquiry would be conducted to present the Mss Lazarus as guilty individuals of forgery, as a result, the Mss Lazarus have suffered for almost ten year. Jane Daly facilitated in alleged crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**, and contravened **Article 7, Article 14, Article 17, and 26 of the ICCPR**.

124. As mentioned earlier Sandra Lazarus' university testamurs were seized by the ICAC. During the judicial proceeding for Sandra Lazarus it was evidence before the court that, Jane Daly following the ICAC inquiry on 15 December 2010, stated to Sandra Lazarus that, she did not hold her qualification, and this is the reason why she will not be asked about her qualifications as a witness during the ICAC inquiries. This is exactly what took place, Sandra Lazarus was never questioned during the ICAC inquires about her qualification, and as a result the ICAC released false and defamatory information to the media in relation to Sandra Lazarus' qualification. This deliberate act of abuse by the ICAC removed Sandra Lazarus' equality before the law, and destroyed her dignity and reputation. These abusive acts by Jane Daly and ICAC allegedly engaged crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**. These abusive acts contravened the provisions of **Article 7, Article 10, Article 14, Article 17 and Article 26 of the ICCPR**.

DAVID IPP, is an accused person who contravened Article 5(b) and Article 7 of the Rome Statute, and it is alleged he engaged in crimes against humanity.

125. During the ICAC inquiry, the then legal representatives for Sandra Lazarus enquired about forensic document examination, the following was stated by the presiding ICAC Commissioner, David Ipp:

“LAZARUS LEGAL COUNSEL: Well, Your Honour, I don’t know whether there’s going to be handwritings experts or not in this- -

THE COMMISSIONER (David Ipp): I mean, they may be materially identical in some respects, I don’t know.

LAZARUS LEGAL COUNSEL: Well, Your Honour, I don’t know whether there’s going to be handwritings experts or not in this- -

THE COMMISSIONER (David Ipp): No, as far as I know, no.

LAZARUS LEGAL COUNSEL: - - in this case.

THE COMMISSIONER (David Ipp): Not from the- -”

[Operation Charity. “ICAC Public Inquiry Transcript”, 15 February 2011]

126. According to Michael Kane’s email of 11 January 2011 [**Appendix 10:** Email of 11 January 2011 sent at 7:37 am from Michael Kane to Michelle Novotny] David Ipp as the Commissioner of the ICAC instructed the termination of the forensic analysis, the following was stated in the email:

“The Commissioner of the ICAC has directed that we will not proceed with any forensic work at this stage due to Sandra Lazarus partial admission and the evidence of the witness now stating that they did not sign the relevant forms.”

[**Appendix 10:** Email of 11 January 2011 sent at 7:37 am from Michael Kane to Michelle Novotny.]

127. As discussed in the section titled, ‘Michael Kane is an accused person who contravened Article 5(b) and Article 7, and engaged in crimes against humanity’ of this official complaint/communication’ of this official complaint/communication, this is a false statement made by Michael Kane to justify the termination of the forensic analysis, at no

point during the ICAC inquiries did Sandra Lazarus make any sure admission, this was further admitted by Michael Kane in his evidence during judicial proceedings in a court of law.

128. David Ipp is a former Supreme Court Judge, he knew the consequences and the impact the termination of the forensic analysis would have on the investigation/inquiries and judicial proceedings. With full knowledge he terminated forensic analysis, and hindered the investigation and perverted the course of justice. He knew that, with the termination of the forensic analysis, the ICAC would have false grounds to continue make false allegations, and would continue justifying its baseless investigation/inquiry. David Ipp knowingly instructed the forensics analysis to be terminated, in doing so he manipulated the ICAC investigation/inquiry, and it is alleged he engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute** and contravened **Article 7, Article 9, Article 10, Article 14, Article 15, Article 16, Article 17 and Article 26 of the ICCPR**.

129. It becomes obvious that Michael Kane's and the ICAC's "vested interest" in seeing the matter go to prosecution was the motivation for his disgraceful actions which could only represent misconduct in a public office which hindered an investigation. From his evidence in a court of law, Michael Kane made it clear that he knowingly made false and misleading statements to forensic document examiner, Michelle Novotny, his email dated 11 January 2011 [**Appendix 10**: Email of 11 January 2011 sent at 7:37 am from Michael Kane to Michelle Novotny]. This abovementioned series of emails were submitted into judicial proceedings for Sandra Lazarus upon a subpoena served upon both Michael Kane and Michelle Novotny. The balance of evidence clearly indicates that the ICAC Officer, Michael Kane, intentionally ceased forensic document examination of signatures in question in order to retain the allegation of forgery, and ultimately bias the entire ICAC Investigation/Inquires in favour the ICAC's allegations in order that the matter reach prosecution. The described actions and conduct of Michael Kane certainly hindered the ICAC Investigation/Inquires, and seriously perverted the course of justice as administered in a Court of Law, during judicial proceedings which stemmed from the ICAC Investigation/Inquires; 'Operation Charity' (ICAC investigation/inquiry relating to the Mss Lazarus).

130. The above-described perversion of justice, and withholding of exculpatory evidence, is apparent within the ICAC Investigation involving Michelle Lazarus, Sandra Lazarus, and Jessica Lazarus. However, the same perversion of justice, withholding of exculpatory evidence, and hindrance of the investigation by the ICAC Officers, has occurred on numerous occasions in numerous ICAC investigations, which has subsequently resulted in a perversion of the course of justice in a Court of Law for many ICAC-related cases. The ICAC's undeniable pattern of behaviour, that continues to corrupt the justice system in Australia, is becoming increasingly apparent to law professionals, politicians, and the media. The following was written on 18 March 2018 in regards to the disgraceful actions and conduct of ICAC Officers:

“The suppression of exculpatory evidence is nothing new to ICAC. It happened in the failed prosecution of former emergency services commissioner Murray Kear. It happened again in the failed prosecution of businessman Craig Ransley. And now it has happened in the Macdonald case. This could be a simple case of incompetence, or it could be a persistent attempt to pervert the course of justice. Either way, it demands an inquiry.” [Newspaper Article by: Chris Merritt, “ICAC should be investigated over mine licence evidence”. The Australian, 16 March 2018].

131. The above mentioned actions and conduct of the ICAC Officers (Michael Kane, Jane Daly and David Ipp) contributed to the violation of the three Mss Lazarus' human rights, these actions and conducts contributed to the violation of **Article 14 of the ICCPR**, and as such it is alleged he engaged in crimes of humanity pursuant to **Article 5(b)** and **Article 7 of the Rome Statute**.

132. At the time of the ICAC private inquiry presided over by David Ipp as the ICAC Commissioner, on 12 July 2010, Michelle Lazarus was a first time mother, breast-feeding her young baby. Due to the trauma she suffered from being yelled at, bullied, and intimidated by the ICAC Commissioner and the ICAC Counsel Assisting, she became unable to breastfeed her baby. Additionally traumatic, was that during the ICAC Public Inquiry, which commenced on 14 February 2011 and concluded 25 March 2011, Michelle Lazarus was pregnant with her second child, and since the rules of evidence do not apply during ICAC Inquires, Michelle Lazarus was again subjected to yelling, repetitive questioning, bullying, and intimidation. This is evident on the ICAC Inquiry video

recordings/transcripts. **These actions and conduct of the ICAC (including the ICAC Commissioner, and Officers in their official capacities) constitutes, cruel, inhumane, and degrading treatment which lead to severe harm, stress, suffering (both physical and mental), which was intentionally inflicted upon Michelle Lazarus, her child who was at the time a few months old (12 July 2010), and her second child who at the time was an unborn (from the period of 14 February 2011 to 25 March 2011). According to the ‘Declaration of the Rights of the Child’, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”, - this part of the Declaration was once again impeded and contravened by the actions and conduct of the ICAC, including the ICAC Commissioner, and the ICAC Officers, in their official capacities. The ICAC, including the ICAC Commissioner, and the ICAC Officers in their official capacities, did not have the best interests for Michelle Lazarus’ child, and her unborn child, and instead placed the children (including her unborn child) in harm and in a deprived state, which was against provisions as stated in the ‘Convention on the Rights of the Child’, Article 3(1). Further, the treatment of Michelle Lazarus while she was a first time mother breastfeeding, and later a pregnant woman, constitutes cruel, inhumane, and degrading treatment which lead to severe harm, stress, suffering (both physical and mental), according to the provisions of Article 1 of the ‘Convention against Torture and Other Cruel, inhuman or Degrading Treatment or Punishment’. This also contravenes Articles 7, 24(1) and 26 of the ICCPR. These actions and conduct also impede and contravene the provisions state in Article 25(2) of the ‘Universal Declaration of Human Right’. As such, David Ipp it is alleged engaged in crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute.**

Video link: https://m.youtube.com/watch?v=YP5_B66ohc

133. As mentioned in earlier, subjecting witnesses to the ICAC’s above-described abusive methods of inquiry and investigation seriously violates the rights of individuals. Such methods of investigation had been abolished in the 1600s, with the removal of Star Chamber Courts. On 7 April 2017, the then ICAC Inspector, John Nicholson (a retired NSW District Court judge), was written about in regards to his comments on the ICAC, and its manipulative use of bullying techniques. Importantly, the comments made by John Nicholson demonstrate that it is publicly known that the ICAC bullies witnesses with

purposeful intent. John Nicholson highlights that the ICAC has pre-determined outcomes of corruption for its investigations, and essentially employs the mentioned bullying techniques to reach those outcomes, in spite of failed allegations made by the ICAC. John Nicholson emphasises that the ICAC is very skilled at using bullying techniques, describing the ICAC's cross-examination as 'superb bullying'. The overwhelming majority of individuals who are cross-examined by the ICAC, have no prior experience at hearings, and innocently expect that the ICAC would not bully or intimidate them into answering questions in a way that would favour the ICAC's allegations, and pre-determined outcomes of corruption. Through the use of such sly methods of manipulation, the ICAC abuses and exploits the vulnerability of witnesses, who are typically unsuspecting and inexperienced. In this way the ICAC both manipulates and biases its investigations to a great degree, in order to make findings of corruption even if such findings are entirely unjustified. Any findings of corruption made by the ICAC are made in the absence of any judicial tribunal. Yet, those findings are publicised, and serve only to defame the person/s against whom those findings are made. No exoneration protocol exists to clear the names of those against whom the ICAC has made findings of corruption, even when a prosecution has not eventuated. There is no available safeguard against the inevitable and severe discrimination that comes with the ICAC's findings of corruption. Consequently, individuals are subjected to bias and prejudice in any judicial proceedings that stem from an ICAC investigation, and they are further subjected to the life-long negative stigma of being labelled as 'corrupt' or a 'liar', in a very public way (John Nicholson's comments are discussed in details in section titled 'legal professional and former Supreme Court judge outline the ICAC's misconduct and abuse of human rights of this official complaint/communication'). This experience of manipulation, bullying, intimidation, and unjustified public defamation was the exact experience of Michelle Lazarus, Jessica Lazarus, and Sandra Lazarus. **All that the Charter of the United Nation hoped to achieve to ensure human rights are implemented and practiced in the democratic society is destroyed by the legislation of the ICAC, which allows for such abusive practices. The number of breaches of the human rights laws and international laws are countless, however, for the purpose of this section of the official complaint/communication, only make reference to Article 7, Article 9, Article 10, Article 14, Article 15, Article 16, Article 17, Article 20 and Article 21 of the ICCPR (but not limited to), all which give rise to crimes against humanity pursuant**

to Article 5(b) and Article 7 of the Rome Statute. As such it is alleged David Ipp engaged in crimes against humanity.

134. During the ICAC private inquiry, on 12 July 2010, Michelle Lazarus was a first time mother, breastfeeding her child. Due to the severe stress, bullying, yelling, intimidation, and harassment she experienced from the ICAC, she became unable to continue breastfeeding her child. During the ICAC inquiry which commenced on 14 February 2011, concluding on 25 March 2011, Michelle Lazarus was pregnant with her second child.

135. Again, the severe stress, bullying, yelling, intimidation, and harassment she experienced caused complications during and after the pregnancy. There were also a number of complications experienced by the baby after his birth, detailed in medical records. Due to the abuse inflicted upon Michelle Lazarus by the ICAC, and the NSW Judiciary, for the past eight years, she currently suffers from severe chronic stress, and various other related health conditions. Michelle Lazarus' two children suffer from chronic anxiety and other related health conditions, and her husband of nine years also suffers from chronic stress which has adversely affected his personal and professional life, having to live with the trauma of his wife being tortured and abused in such an inhuman and degrading manner, by a governmental bodies, including the ICAC, and the NSW Judiciary (further discussed in section titled 'lack of judicial independence'). **David Ipp as a former Supreme Court Judge both national and international, he has full knowledge of the judicial procedural practice and the rights of individuals during investigation/inquiries, with full knowledge, breached the fundamental principles which ensure human rights, and he did this knowingly, as a result David Ipp, it is alleged engaged in crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute, and breached Article 7, Article 9, Article 10, Article 14, Article 15, Article 16, Article 17, Article 20 and Article 21 of the ICCPR (but not limited to). Prior to his appointment as the ICAC Commissioner, David Ipp saw such inquisitor bodies as the ICAC as having the same powers as the Spanish inquisition, see Newspaper Article by Stephen Murray, "The odd appointment of Justice David Ipp". Crikey, 28 August 2009.**

Video link: https://m.youtube.com/watch?v=_YP5_B66ohc

TODD ALEXIS, is accused person who contravened Article 5(b) and Article 7 of the Rome Statute, and it is alleged he engaged in crimes against humanity.

136. On 12 July 2010, Michelle Lazarus was summoned to the ICAC inquiry ('Operation Charity'). At the time Michelle Lazarus was a first time mother, who was breastfeeding her young baby. In spite of her parental obligations, Michelle Lazarus was summoned by the ICAC to give witness on a compulsory basis. During questioning, Michelle Lazarus was subjected to compound questioning for an extensive period of time without a break, and her child was deprived of food while Michelle Lazarus gave oral evidence at the ICAC inquiry. Michelle Lazarus had met with a medical practitioner; Gilbert Burton, only once, almost three years prior to being questioned about it at the ICAC Inquiry. Michelle Lazarus had not met with two others involved in the matter: David Pleiskna and Vern Pleiskna. Since the ICAC is not obliged to comply with the Rules of Evidence, Michelle Lazarus was never shown photographs of the three individuals: Gilbert Burton, David Pleiskna and Vern Pleiskna, whom she was asked to identify and recall years after her interactions with those persons. At the time of questioning, those three individuals were not present at the ICAC inquiry for identification. Also, during Michelle Lazarus' questioning, she was never informed as to what those questions related to, in particular, marketing work she was contracted by the hospital to complete. During the ICAC Investigation, Michelle Lazarus was subjected to compound/double-barrel questions, repetitive questions, and bullying methods, none of which are acceptable in proper judicial tribunals. As an example of the kind of compound/double-barrel questions, Michelle Lazarus was asked questions containing the names of multiple individuals, and if she had met with those individuals. She had not met with the majority of those individuals, and therefore answered "no" to meeting those people as a collective. Yet the ICAC alleged she gave false evidence, for the fact that she met one of those individuals. Such abusive and manipulative methods of cross-examination serve to frame witnesses during ICAC Investigations. During the ICAC Public Inquiry, which commenced on 14 February 2011 and concluded on 25 March 2011, Michelle Lazarus became pregnant with her second child, and she was summoned to give oral evidence again; this time at the public ICAC inquiry. During the ICAC Public Inquiry Michelle Lazarus was asked identical questions to those asked in the private inquiry. Such repetitive questioning is neither just nor fair, and would certainly not be tolerated in a proper judicial tribunal as it breaches the Rules of

Evidence. The cruelty and inhumane treatment of Michelle Lazarus was further amplified by the fact that the Inquiry was public in nature, and served only to defame Michelle Lazarus in a public manner rather than to investigate, since identical questions had already been asked and answered in the ICAC Private Inquiry in July 2010. When Michelle Lazarus provided oral evidence at the ICAC Inquiries, she was subjected to bullying, harassment, intimidation, by the ICAC Commissioner, David Ipp, as well as the ICAC Counsel Assisting, Todd Alexis. The mistreatment and inappropriate behaviour of the ICAC Commissioner and Counsel Assisting is obvious on the ICAC video recordings of the inquiries. Further, on a number of occasions, Michelle Lazarus, as a witness, was provided inaccurate information by the ICAC Commissioner and ICAC Counsel Assisting. For example, she was asked about events whilst being given entirely inaccurate dates, and forced to answer those questions - this too is evident on the ICAC video recordings of the Inquires as well as the written transcripts for the Inquiries. The following is an example of the kind of compound questioning that Michelle Lazarus was subjected to during the ICAC Inquiries. **Of note**, the following questioned was asked of Michelle Lazarus without any photographs provided to her for identification, and the three individuals to be identified were not present during questioning.

“ICAC COUNSEL ASSISTING: Have you ever attended any meeting with Dr Gilbert Burton and Mr Vern or Pleiskna or David Pleiskna in his, that is Dr Burton’s office?” [Operation Charity. “ICAC Public Inquiry Transcript”. *Independent Commission Against Corruption*, 21 February 2011].

Michelle Lazarus answered a collective “no” to the above question. During the ICAC Public Inquiry, from 14 February 2011 to 25 March 2011, Michelle Lazarus saw and recognised Gilbert Burton in the waiting area of the ICAC Office. She returned to witness box to state that she had indeed met with Gilbert Burton, whom she recalled after seeing him in the waiting area of the ICAC Office.

137. Michelle Lazarus gave evidence at the ICAC inquiry on 21 February 2011, and was questioned for approximately 2 hours. On 22 February 2011, she was questioned approximately 2 additional hours. Of those two hours Michelle Lazarus spent approximately 40 minutes is trying to explain to the ICAC Commissioner and Counsel

Assisting that they had confused her with their line of questioning and intimidated her, which is evident in the ICAC video recordings of the Inquiry.

ICAC COUNSEL ASSISTING: “And should we understand that you now wish to tell the Commissioner that you have in fact met or spoken with Dr Gilbert Burton?---Yes” [Operation Charity. “ICAC Public Inquiry Transcript”. *Independent Commission Against Corruption*, 22 February 2011].

138. On 25 February 2011, Michelle Lazarus once again gave evidence for approximately 50 minutes, and again was subjected to repetitive questioning. On 25 March 2011, Michelle Lazarus was questioned on the final occasion at the ICAC Inquiry for approximately 35 minutes.

“ICAC COUNSEL ASSISTING: Now, there can be no possible doubt can there, that the question you were answering and you said there the answer “the answer is no” is my question as to whether or not you’d ever met or spoken to Dr Gilbert Burton?--- Well that was because um, I was confused with the previous question you’d asked me about clinical trials and I did come back and explain that to you.” [Operation Charity. “ICAC Public Inquiry Audio Visual Transcript”. *Independent Commission Against Corruption*, 25 February 2011].

139. Michelle Lazarus specifically emphasised that she was intimidated, bullied, intentionally confused, and subjected to repetitive questioning by the ICAC Commissioner and the ICAC Counsel Assisting. She also emphasised the particular difficulty in recalling persons without photographs and without those persons present. In spite of clarifying her answers, once new information became available (e.g. sighting and recalling Gilbert Burton), she was charged under section 87 of the ICAC Act 1988, for the answers she gave to questions on 12 July 2010 and 22 February 2011. Importantly, section 87, and the entire ICAC Act 1988, is not obliged to follow the Rules of Evidence, that would, under judicial processes of the court protect witnesses from the intimidation techniques, bullying, confusion techniques, and repetitive questioning that the ICAC Commissioner and Counsel Assisting employed against Michelle Lazarus during the ICAC Inquiries. In particular, Michelle Lazarus was charged under section 87 of the *ICAC Act 1988* for answering “no” to having

met Gilbert Burton in 2008. Therefore, the ICAC commission conceded that Michelle Lazarus had indeed met with Gilbert Burton in 2008.

140. Contrary to the truth, during the ICAC investigation and inquiry, Gilbert Burton repeatedly answered “no” when asked about whether or not he had met with Michelle Lazarus. Further, Gilbert Burton provided incorrect meeting dates. For example he stated that he met with two persons involved in the matter; David Pleiskna and Vern Pleiskna, in May of 2009. Flight records confirmed that Gilbert Burton provided false information and that he had met with David Pleiskna and Vern Pleiskna in October of 2009. Further to this, Gilbert Burton suggested that Sandra Lazarus was Michelle Lazarus during the ICAC Inquiries, which contradicted evidence that his own Assistant gave, who correctly identified Sandra Lazarus (Sandra Lazarus was present at the ICAC inquiry before Gilbert Burton’s Assistant while she was being questioned), stating that she announced Sandra Lazarus for all meetings she had with Gilbert Burton, calling her “Sandra”. Additionally, David Pleiskna and Vern Pleiskna met with Gilbert Burton in October 2009, with Sandra Lazarus present and evidently she was referred to as “Sandra”. All evidence confirmed that Gilbert Burton most certainly could not mistake Sandra Lazarus for Michelle Lazarus, and that he knew each individually. In spite of the false evidence that Gilbert Burton gave to the ICAC, he was never charged under section 87 of the ICAC Act 1988, unlike Michelle Lazarus. The reason being, that Gilbert Burton’s false evidence highly favoured the allegations that the ICAC had made against Sandra Lazarus, Michelle Lazarus, and Jessica Lazarus.

141. **These actions and conduct of the ICAC deprived Michelle Lazarus of her human rights, equality and dignity. Michelle Lazarus was severely discriminated against and not viewed as equal, compared to Gilbert Burton. As such, Michelle Lazarus was not given equal protection through the law, or viewed equally before the law compared to Gilbert Burton by the NSW Health Department and the ICAC (whether that law be the ICAC Act 1988, and/or other laws bound to the crown and Australia). This abuse breached Michelle Lazarus’ human rights pursuant to Articles 7, Article 14 and Article 26 of the ICCPR, and as such he allegedly engaged in crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute. Further, all this abuse took place while Michelle Lazarus was pregnant with her second child, this place the unborn child under harm, stress and danger, and breached the unborn**

child's right to safety and life. Todd Alexis, it is alleged engaged crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute.

87 False and misleading evidence

(1) A person who, at a compulsory examination or public inquiry conducted by the Commission, gives evidence that is false or misleading in a material particular knowing it to be false or misleading, or not believing it to be true, is guilty of an indictable offence.

Maximum penalty: 200 penalty units or imprisonment for 5 years, or both.

(2) Sections 331 and 332 of the *Crimes Act 1900* apply to proceedings for an offence against this section in the same way as they apply to proceedings for an offence under section 330 of that Act.

Section 87 of the ICAC legislation DOES NOT form part of any crimes legislation, rather, section 87 incorporates parts of a crimes legislation to provided it provisions of penitently. Of Note: As mentioned the in section titled 'ICAC legislative breaches of human rights' official complaint/communication the evidence collected during the ICAC investigation/inquires is inadmissible in a court of law.

142. As mentioned above while Todd Alexis was questioning Michelle Lazarus in a manner contrary to the rules of evidence, the rule of law and human rights, Michelle Lazarus was pregnant with her second child. This abusive conduct caused great suffering, pain and harm to Michelle Lazarus and her unborn child. Further, this conduct deprived Michelle Lazarus of all that constitutes fairness and justice in a democratic society. **Todd Alexis and a senior Australian legal practitioner, he has full knowledge of what constitutes fairness and human rights within the rule of law. He knowingly, it is alleged engaged in crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute, and contravened Article 7, Article 9, Article 10, Article 14, Article 15, Article 16, Article 17, Article 20 and Article 21 of the ICCPR (but not limited to).**

Video Link: https://m.youtube.com/watch?v=YP5_B66ohc

LLOYD BABB - is an accused person who contravened Article 5(b) and Article 7 of the Rome Statute, and it is alleged he engaged in crimes against humanity.

143. The NSW Director of Public Prosecution, in accordance with its legislation can “takeover” criminal proceedings which, have been commenced by other private citizens, and authorised public officers. As discussed in sections ‘Independent Commission Against Corruption (ICAC)’ of this official complaint/communication the ICAC Officers are NOT authorised public officers, until 12 November 2016 when the NSW Parliament bestowed upon the ICAC Officers the power to commence, civil and criminal judicial proceedings with the introduction of section 14A to the NSW Criminal Procedures Act 1986 (CPA). As mentioned above this power bestowed upon the ICAC Officer breached both national and international laws of human rights.

144. The ‘Court Attendance Notices’ [**Appendix 11:** ‘Court Attendance Notices’ for Michelle Lazarus, commencing criminal judicial proceeding a court of law, page 1. **Appendix 12:** ‘Court Attendance Notices’ for Sandra Lazarus, commencing criminal judicial proceeding a court of law, page 1].

145. My law firm wrote a letter to the office of the DPP requesting that the Director of Public Prosecutions through his solicitor provide the court with a “fact sheet” and “particulars” defining the criminal charges against Michelle Lazarus and Sandra Lazarus. The following was stated in the letter dated 29 July 2013:

“It seems from what you have said to the learned Magistrate and the fact we have not any type of response to our request for particulars that you do not intend to supply us with the answer to our questions.”

[**Appendix 14:** is the letter dated 29 July 2013 from Leigh Johnson Lawyers to the office of the DPP.]

146. The office of the DPP failed to provide particulars and/or “factsheet(s)” detailing the criminal charges against Michelle Lazarus and Sandra Lazarus, so we wrote another letter dated 31 July 2013, stating the following:

“Is it the intention of the ICAC and the DPP not to answer our request for particulars in both Michelle Lazarus and Sandra Lazarus cases?

Please advise your answer by 5pm on Friday 2 August 2013.

With very great respect may we also remind you of your obligation as the DPP to supply all inculpatory and exculpatory evidence material in the brief.

We note that the ICAC is the real prosecutor and not the DPP. Please supply us with the section or sections of the ICAC Act which empower the ICAC to be a prosecutor and for your office just to be the solicitor on record.”

[**Appendix 15:** is the letter dated 31 July 2013 from Leigh Johnson Lawyers to the office of the DPP.]

147. After many request and correspondence to the office of the DPP, a solicitor from the office of the DPP replied to my law firm’s letter of 31 July 2013, the following was stated in the DPP’s letter dated 31 July 2013 in response:

“1. My letter of even date advise the particulars of the offences alleged are detailed in the Court Attendance Notices. I am not sure what part of this is unclear, however, I am not privy to your pervious correspondence and or discussion with Mr Poulos about this matter. Mr Poulos will be able to answer any further quires and response to your letters (if he hasn’t already done so) when he returns on 21 August.

2. You have been provided with the particulars of the allegations. If you are seeking a summary of the evidence the crown relies upon to support the charges that won’t be provided at any stage.

3. Noted.

4. I am aware of the obligations of the Office of the Director of Public Prosecutions.

5. This office doesn’t provide copies of legislation to legal practitioners.”

[**Appendix 16:** is the letter dated 31 July 2013 from Leigh Johnson Lawyers to the office of the DPP.]

148. Point 1 and 2 in DPP’s letter in response are false, ‘Court Attendance Notices’ are not “factsheet”, and as falsely suggested do not state the particulars of criminal charges. For this reason, requirement and provisions for a “factsheet” accompanying the ‘Court Attendance Notices’ is clearly legislated in the Criminal Procedures Act 1986. Point 3 in the letter in response, acknowledged that the Director of Public Prosecutions Lloyd Babb

was aware of his obligations, so when he conducted himself in a manner which contravened the principles of what constitutes a fair and just criminal judicial proceeding in a court of law, he does so, with full knowledge and knowingly. Point 4 refuse to provide evidence which supported Michael Kane and the ICAC acting as prosecutors. **Of Note**, at the time (31 July 2013) there was NO legislation which empowered Michael Kane and/or the ICAC to act as prosecutors in criminal judicial proceedings in a court of law. It's only after the introduction of section 14A to the Criminal Procedures Act 1986 (which is erroneous within the constitution, national and international laws to date), that the ICAC and its officer were empowered to act as prosecutors. Furthermore, section 14A is not a retroactive law, and therefore, 'Court Attendance Notices' which commence criminal judicial proceeding in a court of law, stating Michael Kane as the prosecutor and the ICAC as the prosecuting organisation are invalid. Lloyd Babb as the state Director of Public Prosecution would have full knowledge of the ICAC's and Michael Kane's inability to act as prosecutors. Therefore, knowingly Lloyd Babb contravened the fundamental principles of fair and just criminal judicial proceedings in a court of law, as such Lloyd Babb contravened **Article 14 of the ICCPR** and it is alleged he engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**.

149. We corresponded with the office of the DPP and wrote the following letter dated 7 August 2013:

"Our client is perplexed about who is the actual prosecuting authority. Is the Director of Public Prosecution the real prosecutor or is it the Independent Commission Against Corruption?

If it is the Independent Commission Against Corruption who is the prosecuting authority please supply us with a copy of the legislation that empowers Michael Kane to conduct the prosecution in lieu of the Crown or the Department of Public Prosecution.

Would you please explain to us as to why I, as the instructing solicitor to Mr Nagle, of Counsel have received telephone calls from the Independent Commission Against Corruption requesting us to supply to them a listing advice as to which witnesses that Michelle Lazarus wishes to call.

Michelle Lazarus' witness list as follow:

1. Every person who is listed in the brief served upon the defendant Michelle.

2. Dr Gill Burton
3. Commissioner Ipp.”

[**Appendix 17:** is the letter dated 07 August 2013 from Leigh Johnson Lawyers to the office of the DPP.]

There was NO response further response from the office of the DPP. Of Note: the requested witnesses were never summoned to give evidence by the DPP or the ICAC, in fact NO witnesses came to give evidence in Michelle Lazarus’ judicial proceedings in a court of law. But for a family friend of the Lazarus family who came to support Michelle Lazarus and Michelle Lazarus’ husband. The fact NO witnesses were summoned to give evidence is breach of the rule of law which governs a democratic judicial proceeding. Further, in failing to summon the required witnesses Lloyd Babb as the Director of Public Prosecution with full knowledge of criminal proceedings procedures, who supplied a solicitor on record for the judicial proceedings, directly and knowingly contravened Article 14 of the ICCPR, and it is alleged he engaged in crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute.

150. In a further level of extreme malicious practice, denial of human rights, and the denial of a fair and just hearing, the NSW Director of Public Prosecutions (in judicial proceedings in a court of law) failed in its chief responsibility to conduct a prosecution impartially, and failed to order and submit in court vital forensic evidence, which was a ‘Forensic Document Examiner’s Report’ that determined the authenticity of signatures in questions. This evidence was absolutely and undeniably a critical part of evidence against the allegation of forgery, which, as mentioned above, formed the basis of the serious criminal charges, laid against Sandra Lazarus. On 10 October 2014, I wrote an email to the Office of the NSW Director of Public Prosecution in relation to the submission of the abovementioned ‘Forensic Document Examiner’s Report’:

“10/10/14

Mr Lloyd Babb SC

Director of Public Prosecutions

Via email: [REDACTED]

MOST URGENT

R v Sandra Lazarus

Dear Director

I act for Sandra Lazarus in a matter currently before Keogh LCM in the Downing Centre Local Court. This matter arose out of an ICAC inquiry named Operation Charity. It was initiated by ICAC but the DPP now has carriage of, and responsibility for, the hearing. Alex Poulos, one of the DPP's solicitors, is prosecuting.

The matter essentially comes down to whether or not Ms Lazarus forged the signatures of nine doctors on some 60 documents which were payment vouchers which authorised the payment of monies to her. The nine doctors have all given evidence that their purported signatures are forgeries. Ms Lazarus denies this stating that the signatures are genuine.

I have retained Chris Anderson, Principal Forensic Document Examiner of Chris Anderson & Co Pty Ltd of Carlingford, a handwriting expert, at great expense to forensically examine the disputed documents. Mr Anderson has prepared a report of some 500 pages which conclusively finds that all the doctors' signatures are genuine. Were this expert opinion to be accepted by the court it would essentially put an end to this matter and establish the innocence of Ms Lazarus.

Furthermore, there is evidence before the court from Michael Kane, ICAC Senior Investigator, that during Operation Charity ICAC had engaged the services of Michelle Novotny, Senior Forensic Document and Handwriting Examiner of Forensic Document Services Pty Ltd of Manly.

Her preliminary view was also that the doctors' signatures were genuine. Mr Kane gave evidence that he did not proceed with Ms Novotny and terminated her services rather than instruct her to prepare a final report.

Mr Poulos has objected to the admission of Mr Anderson's report at every stage. It would be unethical and a travesty of justice for Mr Poulos to seek to exclude the admissibility of Mr Anderson's expert report. Without a doubt, without Chris Anderson's report being in evidence, the weight of evidence of the nine doctors, all eminent specialists, against the evidence of one woman, a PhD student at the time, will result in her conviction and probable custodial sentence despite her innocence.

Mr Anderson's report is conclusive that the doctors' signatures were genuine. It is my understanding that it is the DPP's duty to seek the truth

and not to pursue political prosecutions at the behest of ICAC.

I write to you now so that on future occasions when these issues are further ventilated, you cannot say that you did not know that your solicitor, Mr Poulos, was seeking to prevent the admission of highly relevant and critical evidence in this matter. To exclude such evidence favourable to the accused would prevent this trial being a fair trial.

I request you to give this matter your most urgent attention and look forward to receiving your urgent response.

Yours faithfully

Leigh Johnson

Leigh Johnson Lawyers”

151. The DPP Solicitor (Poulos) and the NSW Director of Public Prosecutions failed in their duties to act impartially, and perverted the course of justice by objecting to forensic evidence which proved beyond reasonable doubt that Sandra Lazarus was innocent of forgery, and therefore innocent of the serious charges laid against her. Additionally, the ICAC in judicial proceedings for Sandra Lazarus objected to Forensic Document Examination and Analysis. The objection by the ICAC was that, they would not release the original document which contained the signatures in question to the Forensic Document Examiner, as he would not return the original document if he was not paid for the examination/analysis. This matter was later resolved and the presiding Magistrate, Ms Culver, and the original documents were released to the Forensic Document Examiner Christopher (Chris) Anderson. The forensic evidence of Christopher Anderson is discussed in details in sections titled ‘forensic evidence supporting the innocence of the Mss Lazarus.

152. Lloyd Babb, by not engaging and/or submitting forensic evidence ensured that the judicial proceedings in a court of law would favour him, and convict Sandra Lazarus. This abusive conduct of Lloyd Babb as the Director of Public Prosecution ensured that Sandra Lazarus would be subjected to judicial proceedings which would NOT constitute fair and just criminal trial/judicial proceeding. This denied Sandra Lazarus her right as a person equal before the law and court, and to a fair hearing. Lloyd Babb as the Director of Public Prosecution, a person of authority before which Sandra Lazarus was a vulnerable person, and it was the official duty of Lloyd Babb, in the interest of justice ensured that criminal

proceedings against Sandra Lazarus in a court of law were in accordance with the rule of law. This **inequality lack of dignity and blatant denial of human rights demonstrated through the actions and conduct of Lloyd Babb which contravened Article 7, Article 9, Article 10, Article 14, Article 15, Article 16, Article 17, Article 20 and Article 21 of the ICCPR (but not limited to), and as such it is alleged that he engaged in crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute.**

153. Michelle Lazarus, who was never charged for a criminal offence under the Crimes Act/legislations, was alleged, by the ICAC Officers, to have made false statements at the ICAC commission. Without supporting evidence that would be admissible in a court of law, the ICAC commenced judicial proceedings against Michelle Lazarus. **The abovementioned inequality lack of dignity and blatant denial of human rights demonstrated through the actions and conduct of the NSW Health Department, ICAC, and the Office of the NSW Director of Public Prosecution (DPP) towards Michelle Lazarus and Sandra Lazarus impedes and contravenes the provisions stated in Article 1 of the ‘Universal Declaration of Human Rights’, and impedes and contravenes the right of Michelle Lazarus and Sandra Lazarus to be viewed equally before the law and to be provided with equal protection of the law without discrimination in accordance with provisions stated Article 7 of the ‘Universal Declaration of Human Rights’, Articles, 7, Article 14 and Article 26 of the ICCPR, and as such it is alleged that Lloyd Babb knowingly it is alleged engaged in crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute.**

154. As mentioned above Widespread negative perceptions of the ICAC public inquiries have emerged at an increasing rate in recent years. The ICAC is a Commission with the power to hold both private and public inquiries, this power is rarely given to other Commissions. Another commission active in the Australian State of New South Wales is the NSW Crime Commission. Section 13(9) of the NSW Crime Commission Act 1985 states that there shall be a non-publication order to ensure that the fact that any person giving evidence at the commission will not be published – this is in order to avoid prejudicing the matter, and to ensure a fair trial if charges are laid against the person. There is no such provision in the ICAC Act 1988, and therefore the ICAC has freedom and power to conduct Public Inquiries for any investigation.

Section 13(9):

13 Hearings

(9) The Commission may direct that:

(a) any evidence given before it,

(b) the contents of any document, or a description of any thing, produced to the Commission or seized pursuant to a search warrant issued under section 11,

(c) any information that might enable a person who has given or may be about to give evidence before the Commission to be identified or located, or

(d) the fact that any person has given or may be about to give evidence at a hearing, shall not be published, or shall not be published except in such manner, and to such persons, as the Commission specifies, and the Commission shall give such a direction if the failure to do so might prejudice the safety or reputation of a person or prejudice the fair trial of a person who has been or may be charged with an offence.

155. In the Australian High Court case: *Lee v Regina* [2014] HCA 20, 21 May 2014, the presiding Judges stated the following in regards to the publication of the evidence given and collected during investigations and inquiries at the NSW Crime Commission, and how publication of such evidence provides an advantage to the Office of the Director of Public Prosecutions, which leads to a miscarriage of justice. In the cited case, such publication impeded the privilege against self-incrimination, the fundamental principles of the criminal justice system, and the preservation of a fair and just trial.

“Section 13(9) of the NSWCC Act required the Commission to make a direction prohibiting publication of evidence before it, if not to do so might prejudice the person’s fair trial – it was a matter of some significance to their Honours’ reasoning that the legislation, in providing for a direction regarding non-publication, did so in order to safeguard the examined person’s trial as fair – Our system of criminal justice reflects a balance struck between the power of the State to prosecute and the position of an individual who stands accused. The principle of the common law is that the prosecution is to prove the guilt of an accused person – The principle is so fundamental that “no attempt to whittle it down can be entertained” albeit its application may be affected by a statute expressed clearly or in words of necessary intentment. The privilege against self-incrimination may be lost, but the principle remains. The principle is an aspect of the accusatorial nature of a criminal trial in our system of criminal justice. The companion rule to the fundamental principle is that an

accused person cannot be required to testify. The prosecution cannot compel a person charged with a crime to assist in the discharge of its onus of proof. Recognising this, statute provides that an accused person is not competent to give evidence as a witness for the prosecution, a protection which cannot be waived – The purpose of s 13(9) of the NSWCC Act was to protect the fair trial of a person who might be charged with offences. It supported the maintenance of the system of criminal justice referred to in *X7* and the trial for which that system provides, in which the prosecution has a defined role and the accused does not. The protective purpose of s 13(9) would usually require that the Commission quarantine evidence given by a person to be charged from persons involved in the prosecution of those charges. It would require the Commission to make a direction having that effect and to maintain the prohibition in the face of requests for access to the evidence. That purpose was not met in the present case, with the consequence that the appellants' trial differed in a fundamental respect from that which our criminal justice system seeks to provide – The appellants' trial was altered in a fundamental respect by the prosecution having the appellants' evidence before the Commission in its possession – The prosecution has a specific role in our system of criminal justice, one which entails particular responsibilities. It is not to the point that the defence lawyers did not object or seek a stay of the proceedings. No forensic advantage could have been sought by the failure to do so. It is the prosecution which has the responsibility of ensuring its case is presented properly and with fairness to the accused. It is therefore more to the point that the prosecution's possession of the appellants' evidence before the Commission put at risk the prospect of a fair trial, which s 13(9) sought to protect” [Lee v Regina [2014] HCA 20, 21 May 2014].

156. In spite of the important safe-guard against prejudicing a case (via a non-publication order), which is emphasised in the above excerpt, evidence collected during ICAC inquiries is allowed to be admitted into a court of law. This occurred in the judicial proceedings against both Michelle Lazarus and Sandra Lazarus, that the ICAC initiated. Importantly, that evidence was collected entirely by the ICAC, whose methods of evidence collection have already been questioned by various persons, and that evidence remained in the control of the ICAC throughout the entire duration of the judicial proceedings. That is, in a most unusual practice, the Director of Public Prosecutions (DPP), who himself is the relevant prosecuting authority, sought evidence and directions

from the ICAC during the judicial proceedings against Michelle Lazarus and Sandra Lazarus. Usually, the DPP gives directions as to prosecution, and gains control of the evidence in order to decide whether or not that evidence is admissible. Since the ICAC commenced judicial proceedings as the prosecuting organisation, maintained the evidence for the case, gave directions as to prosecution and acted as the informant during the judicial proceedings, including its chief role in initiating the prosecution itself, independence of both the ICAC and the DPP was entirely lost, and both cases were inherently prejudiced in favour of the ICAC's groundless allegations. As mentioned previously, the ICAC Officer, Michael Kane, was identified as the 'Prosecutor', and the ICAC commission as the 'Prosecuting Organisation' on the 'Court Attendance Notices' (**Appendix 11 and 12**) , dated 1 March 2013, which were used to initiate/commence judicial proceedings, in a court of law, against both Michelle Lazarus and Sandra Lazarus. This confirmed the highly prejudiced role of the ICAC as both the investigating body and the prosecutor. Of note, the evidence admitted into, and provided to the Court (in both judicial proceedings) was prepared solely by the ICAC, including a total of fourteen evidence folders. Those folders from the ICAC contained witnesses' statements, and transcripts from both the Private and Public ICAC Inquires. While the ICAC's evidence folders were not served on my law firm by the ICAC (as per due process), my law firm retain a copy of the evidence folders for the duration of the judicial proceedings. I have provided a copy of the cover page of the evidence folders for the Ms' Lazarus judicial proceedings, which bear the ICAC's official letterhead and logo. Notably, both cases are titled by the ICAC as 'ICAC v Lazarus' – this again reiterates the ICAC's then non-legislated role as 'Prosecutor'.

157. There is no non-publication order in the ICAC Act that protects against the prejudice, and unfairness experienced by Michelle Lazarus and Sandra Lazarus in their judicial proceedings. The judgement excerpt above highlights that "The protective purpose of s 13(9) [of the NSW Crime Commission Act 1985] would usually require that the Commission quarantine evidence given by a person to be charged from persons involved in the prosecution of those charges.". Such a protective provision does not exist in the ICAC Act 1988, and the evidence from the ICAC is not quarantined in any way from the Director of Public Prosecutions (or any other relevant authority). Instead, in the judicial proceedings against both Michelle Lazarus and Sandra Lazarus (and several other ICAC-

related prosecutions), the evidence was collected, controlled, retained, and used in a prosecutorial process by the same body that initiated the prosecutions: the ICAC.

158. Since all evidence collected during the ICAC investigation/inquiries (public inquiry) remains in the control of the ICAC, the ICAC makes that evidence available and releases it to the public, including the media. Such release to the public and the media often occurs whilst the ICAC inquiry is still being conducted, and has not yet reached a conclusion – this, of course, further biases the matter, and publicly defames individuals involved in the Inquiries without proper evidence, without a judicial tribunal, and even without any grounds for ICAC’s allegations. In addition to this, the ICAC publishes evidence on its official website prior to judicial proceedings (if judicial proceedings are instituted and/or commenced) – that evidence remains on the ICAC website indefinitely, even if the related allegations have been cleared. **By admitting evidence into a court of law that was obtained during an ICAC investigation/inquiry, the ICAC and Michael Kane acted in a manner that impedes the privilege against self-incrimination, and the fundamental principles of the criminal justice system that affords a fair and just trial (according to the Rules of Law, the Rules of Evidence, and Common Law). The conduct and actions of the ICAC and Michael Kane also caused severe discrimination/prejudice against both Michelle Lazarus and Sandra Lazarus, particularly in their judicial proceedings, who, unlike all other persons being charged/prosecuted (e.g. following a police investigation), were not afforded natural justice, and the protection of a fair and just trial, that is free from bias or prejudice. The described actions and conduct of the ICAC Officer Michael Kane and the ICAC, and the fact that the ICAC legislation/Act does not provide a non-publication order, impedes and contravenes the provisions in Article 10 of the ‘Universal Declaration of Human Rights’, which exist to ensure that all persons, including Michelle Lazarus and Sandra Lazarus, have the right to full equality in a judicial system, as well as the right to a fair hearing/trial, through an independent and impartial tribunal for the criminal charges against them - these rights were severely violated. Further, section 17, 26 and 38 of the ICAC Act 1988 impedes and contravenes Michelle Lazarus’ and Sandra Lazarus’ right to not being compelled to testify against themselves, as per Articles 14 of the ICCPR, and their right to not admitting such evidence in a Court of Law, in which the Rules of Evidence do apply. The inherent issue is that evidence is collected under objection at the ICAC, in which the Rules of Evidence do not apply.**

However, that same evidence is later admitted into judicial proceedings in which the Rules of evidence do apply, thus creating an innately prejudiced trial that directly impedes the rights of Michelle Lazarus and Sandra Lazarus, especially in relation to their right to be recognised equal before the law, without being the subjects of discrimination, in accordance with provisions in Article 7 ‘Universal Declaration of Human Rights’, and Article 26 of the ICCPR. Therefore, it is alleged that Lloyd Babb knowingly, it is alleged engaged in crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute.

159. Ms Sophia Tilley who was involved in an ICAC investigation associated by Ms Cunneen, (an investigation which the High Court of Australia ruled to be beyond the legislated jurisdiction of the ICAC to investigate) accounted how she was visited on numerous occasions by ICAC Officers and how poorly she was treated by ICAC Officers:

“Investigators from NSW corruption watchdog ICAC told Sophia Tilley they were “above the police” when they unexpectedly arrived at her home and demanded she hand over her mobile phone.

“There were these guys in suits. They were really solemn and they knew our names. They said, ‘We’re going to need to take your phones’,” Ms Tilley told The Australian in her first interview.

“We said, ‘We need our phones for work, who are you, why would we give you our phones?’

“They said, ‘We’re ICAC.’

“I said, ‘You’re not the police, I don’t know what ICAC is or who you are, we’re not going to give you our phones, why would we?’

“They said, ‘We’re above the police.’ They said ‘if you don’t you’ll face five years in prison’. They said, ‘Trust me, this is in your best interest to do what we say, we’re the guys who got Eddie Obeid.’ That’s how they tried to identify themselves.

“I don’t watch the news so I didn’t know who Eddie Obeid was.”

Initially thinking the ordeal was a practical joke, Ms Tilley asked the officers if the visit was to do with a friend who lived nearby.

“But they said, ‘No, it’s you’,” she said.

“We said, ‘Why? What have we done?’ and they said, ‘You’ll find out soon enough.’”

She continued to ask what she was in trouble for.

“I said, ‘Is this nearly over?’ and was told: ‘No, this is just the beginning.’ It was really odd.”

It was only later that Ms Tilley discovered ICAC was claiming.

Ms Tilley said Mr Grainger and another ICAC officer repeatedly turned up to the real estate agency where she is a receptionist and scolded her for telling colleagues they were from ICAC.

The officers indicated to her she was under surveillance, but refused to explain what she had done wrong or why she was under investigation.

“They came right into reception and then had a go at me for talking to people about it, stressing that if I told anyone I could face five years in prison. I said you came into my work. It was pretty inconsistent,” she said.

The fear of constant surveillance — and not knowing why she was were being scrutinised — was the most frightening aspect for Ms Tilley. “They insinuated plenty of times that they were conducting surveillance and the concierge inferred it as well that they had been around,” she said.

Ms Tilley’s treatment by ICAC comes as ICAC inspector David Levine indicated the corruption watchdog projected “breathtaking arrogance” in relation to its own powers and the people with whom it was dealing.

When she left court, there were media waiting outside to photograph her. “I didn’t realise that they (ICAC) were in cahoots with the media,” Ms Tilley said.

“I didn’t realise they were so immature and childlike. They were the ones who said they were above the police, so I wouldn’t have thought they were going to go to the media.”

ICAC returned Ms Tilley’s phone after a week, but kept Mr Wyllie’s for a month.

“This is a role reversal of what I would have expected to happen,” Ms Tilley said.

“Normally, isn’t it the person who runs you off the road who gets in trouble? It was all about getting us in trouble for nothing.” [**Newspaper Article** by: Sharri Markson, “Day ICAC men came knocking: ‘We’re above police’”. Australian, 02 November 2015].

160. Such malicious and corrupt actions of the ICAC are not isolated. There have been various reports by individuals involved in ICAC Investigations/Inquires, in which those individuals have described being harassed and bullied by ICAC Officers, and their personal information unrelated to ICAC investigations/inquires released to media to

damage and negatively affect their personal lives and reputations. Undoubtedly, such conduct by the ICAC has inevitably caused great mental suffering to the affected individuals. During the ICAC investigation involving Margaret Cunneen, previously mentioned in section titled 'ICAC and the investigation/inquiry of Cunneen' of this official complaint/communication, the ICAC Officers released Margaret Cunneen's irrelevant mobile phone communications from 2005 to the public, even though the ICAC Investigation was related to an event which took place in 2014. In 2015, a media article drew attention to a report by the then ICAC Inspector, who wrote about the ICAC's unjustified release of personal information that bears no impact on any ICAC investigation, or any related allegations by the ICAC:

“the report was also scathing of the ICAC’s decision to give Ms Cunneen’s text messages, dating back to 2005, to her boss, the DPP’s Lloyd Babb SC, describing the move as “unreasonable, unjust and oppressive”” [Newspaper Article by: Sarah Gerathy, “ICAC inspector scathing in review of watchdog's pursuit of crown prosecutor Margaret Cunneen”. ABC News, 4 December 2015].

“The Australian also revealed that ICAC leaked private text messages found on Ms Cunneen’s phone to her boss, where she had been critical of his performance in an appeal case.” [Newspaper Article by: Sharri Markson, “Day ICAC men came knocking: ‘We’re above police’”. Australian, 02 November 2015].

161. In the above, Margaret Cunneen was communicating her personal opinion about her boss, the NSW Director of Public Prosecution, Lloyd Babb’s, criticising his performance in a judicial proceeding.

162. As mentioned in above, the Director of Public Prosecutions failed in his duties by allocating his Solicitor to prosecutions which were invalid and remain invalid. Further, he failed to remain impartial and independent of the ICAC, and its findings, its manipulative influence in the prosecutorial processes, and its prejudiced control of evidence in the judicial proceedings for both Michelle Lazarus and Sandra Lazarus. The DPP also failed to ensure fairness and justice in the same judicial proceedings by failing to conduct forensic analysis; an absolutely crucial element to providing exculpatory evidence in the

Lazarus judicial proceedings, and as such contravened the provisions within Director of Public Prosecutions Act 1986 (NSW).

MICHAEL BARNES – is an accused person who contravened Article 5(b) and Article 7 of the Rome Statute, and it is alleged he engaged in crimes against humanity.

163. During Michelle Lazarus' judicial proceeding Michael Barnes was the presiding Magistrate. Previously had to withdraw from judicial proceeding as State Coroner for a death in custody case in Palm Island, Queensland, Australia. The book authored by Chloe Hooper, accounts for the events which lead to the then State Coroner, Michael Barnes withdrawal from judicial proceeding, it was noted that the then State Coroner, Michael Barnes was seen late at night speaking and drinking beer with the Solicitor for the Director of Public Prosecution who were involved in the judicial proceedings before the then State Coroner, Michael Barnes. As a result Michael Barnes "stand down on grounds of apprehended bias" [**Newspaper Article** by, The Age "Island coroner challenged on 'bias'". The Age, 02 March 2005].

164. In 2013 Michael Barnes was presiding over both judicial proceedings for Michelle Lazarus and Sandra Lazarus, the evidence before him was that the ICAC, and the ICAC Officer did not have legislated jurisdiction to commence judicial proceedings for Michelle Lazarus and Sandra Lazarus, as prosecutors. Michael Barnes dismissed this presentation, and stated that the ICAC and its Officer did have the legislated jurisdiction to prosecute and commence judicial proceedings. As mentioned in above complaint/communication the ICAC and its Officers DID NOT have legislated jurisdiction to commence judicial proceedings until the introduction of section 14A to the NSW Criminal Procedure Act 1986 on 12 November 2015.

165. Further, the evidence before Michael Barnes as the presiding magistrate in a court of law was that the ICAC did not have the legislated jurisdiction to investigate and/or to hold inquires involving the three Mss Lazarus for the ICAC investigation titled 'Operation Charity', this too was dismissed by Michael Barnes. The ICAC investigation titled 'Operation Charity' involving the Mss Lazarus was without jurisdiction at the time, 'ultra vires', this was confirmed by the parliamentary report. Also, Michael Barnes dismissed that, as the rules of evidence do not apply during ICAC investigation/inquires the fact that

Michelle Lazarus was not shown photographs of individuals she was asked to identify, were in breach of the rules of evidence, and as such material collected during the ICAC inquires could not be submitted in a court of law in which the rules of evidence do apply, this was also dismissed by Michael Barnes.

166. Further, it was submitted in judicial proceeding before Michael Barnes that material collected during the ICAC investigation/inquiry was NOT within the perimeter and scope of the ICAC investigation/inquiry, it breached the rules of evidence and the rules of law, and as such could not be submitted in judicial proceeding against Michelle Lazarus and Sandra Lazarus in a court of law, this too was also dismissed by Michael Barnes. **These dismissals, actions and conduct of Michael Barnes, in his official capacity presiding over judicial proceedings for Michelle Lazarus and Sandra Lazarus violated their rights to a fair and public hearing by a competent, independent and impartial decision maker, which impeded and contravened the provisions stated in Article 14, and Article 26 of the ICCPR. As mentioned in section title 'lack of judicial independence' of this official complaint/communication the presiding Magistrate lacked the judicial independence, due to the provision outlined in the ICAC Act 1988, which impedes on the provisions stated in Article 16 of the 'Basic principle on the Independence of the Judiciary', Article 14 of the ICCPR, and the provisions within the Commonwealth of Australian Constitution section 72. As a result Michelle Lazarus and Sandra Lazarus have continued to suffer both mentally and physically, their dignity and reputation damaged is outlined in Article 1 of the 'Convention against Torture and Other Cruel, inhuman or Degrading Treatment or Punishment' and Article 7 of the ICCPR. Further, the actions and conduct of Michael Barnes impeded and contravenes the provisions stated in Article 7 and Article 26 of the ICCPR, and Article 5 of the 'Universal Declaration of Human Rights'. Michael Barnes in his official capacity presiding over judicial proceedings for Michelle Lazarus and Sandra Lazarus, had in his official capacity the legislated ability (within the State of New South Wales, Australia) to end this suffering which has now continued for an approximately additional five years. The Mss Lazarus were vulnerable individuals before Michael Barnes in his official capacity, this abusive conduct of Michael Barnes constitutes crimes against humanity, as such Michael Barnes, it is alleged engaged in crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute.**

167. Michelle Lazarus filed proceeding in the Supreme Court to address the actions and conduct of Michael Barnes as the presiding magistrate. The proceeding were once again presided over by the Peter Garling, as the Supreme Court judge, and once again he dismissed the evidence before him on 21 August 2015. The evidence before Peter Garling was to address the validity of the 'Court Attendance Notice' (which to date remove invalid), and the jurisdiction of the ICAC to investigation and/or hold inquiries in relation to the Mss Lazarus. **Of Note:** Section 14A was added to the Criminal Procedure Act 1986 (NSW) on 12 November 2015, and is NOT a retroactive law. Peter Garling knowingly, as a Supreme Court judge with the full knowledge of the rule of law, disregarded the fundamental laws which govern the democratic judicial system, ensuring the rights of all individuals before the law and court. This abusive act by Peter Garling contravened the provisions of **Article 7, Article 10, Article 14 and Article 26 of the ICCPR**, as such, Peter Garling knowingly, it is alleged engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**. Further, Peter Garling's conduct allowed for Michael Barnes and Joanna Keogh to continue engage in abusive conduct. The torturous actions and conduct of Joanna Keogh are discussed in detail in section titled 'Joanna Keogh is an accused person who contravened Article 5(b) and Article 7 of the Rome Statute, and it is alleged she engaged in crimes against humanity' of this official complaint/communication.

JOANNA KEOGH – is an accused person who contravened Article 5(b) and Article 7 of the Rome Statute, and it is alleged she engaged in crimes against humanity.

168. For the purpose of this official complaint/communication, the accused Joanna Keogh is a NSW Local Court magistrate who presiding over the judicial proceedings in a court of law, for Sandra Lazarus. As the presiding magistrate of an Australian Courts of Law, Joanna Keogh had taken an judicial oath, and within the Australian Legislative system placed in a position of power and authority over vulnerable individuals, who's judicial presiding she presiders over, regardless of their innocence or guilt. Joanna Keogh presided as the magistrate in criminal judicial proceeding for Sandra Lazarus, in a magistrate only proceeding (without jury), in which her discussion and judgment alone will determine innocence or guilt based on the evidence before her. As mentioned in the section titled 'breach of fair trial practices' of this official complaint/communication, the presider of

judicial proceeding is the enforcer of the rules of law and human rights which constitutes a fair hearing/trial, which are adopted from common law, and not practice by virtue of a legislation such as the bill of rights. **Of Note:** there are NO practical legislative provision for practice of a fair judicial trial/hearing in the state of New South Wales.

169. During the judicial proceeding for Sandra Lazarus the ICAC was subpoenaed to produce the academic qualifications, certificates and testamurs for Sandra Lazarus which were seized by the ICAC upon the execution of the search warrant on 28 May 2010, an ICAC 'property seizure list' which was not bound by the rules of evidence was compiled by the ICAC Officer on the day. ICAC 'property seizure list' was exhibit 97 in judicial proceeding before the Joanna Keogh as the presiding magistrate. The 'property seizure list' contained material seized which were numbered, and as such, number 29 stated the following as the material seized: "Bundle of documents, qualifications, postgraduate research programmes" [the full 'property seizure list', and Sandra Lazarus' conversation with the ICAC Officer can be viewed at the following website link: <https://m.youtube.com/watch?v=qRYU4VNhdBY>]. The following was stated on record on 07 October 2014 during the judicial proceeding in a court of law:

DPP SOLICITOR: The property seizure record is exhibit 97.

MAGISTRATE (Joanna Keogh): Mr Nagle, is it listed in the property seizure record?

COUNSEL FOR LAZARUS: It should be.

DPP SOLICITOR: I note entry 29 mentions qualifications.

MAGISTRATE (Joanna Keogh): Bundle of documents, qualifications, postgraduate research programmes.

[ICAC v Lazarus. "Local Court Transcript". *NSW Local Court Downing Centre*, 7 October 2014].

170. Further to this, on 17 September 2014 the 'ICAC search warrant' video was played during the judicial proceeding before Joanna Keogh, and formed part of the evidence in a court of law. During the execution of the search warrant the ICAC Officer requested Sandra Lazarus to provide her qualification including university testamurs. The requested documents were provided by Sandra Lazarus, this is captured on the ICAC search warrant video <https://m.youtube.com/watch?v=qRYU4VNhdBY> . The following conversation took place between the Sandra Lazarus and an Officer of the ICAC on 28 May 2010 in relation

to material seized by the ICAC, the material sized was being accounted, this was once again captured on the ICAC search warrant video and before Joanna Keogh, and evidence in a court of law. The following was stated:

ICAC OFFICER: 29 is a bundle of documents regarding your qualifications and postgraduate research.

SANDRA LAZARUS: Yes they are my originals.

ICAC OFFICER: Yep, they are going to be a hundred present safe with us, ok. What happens when we get back to the office, we lodge them into the property section.

[Operation Charity. "ICAC search warrant video". ICAC, 28 May 2010].

171. The court 'subpoenas to produce' was issued to the ICAC which was returnable on 7 October 2015, however, the ICAC failed to produce the subpoenaed documents (documents including testamurs for Sandra Lazarus), and the following reasons were provided by the ICAC Solicitor, as to why the subpoenaed documents were not be produced:

COUNSEL FOR LAZARUS: we saw it your honour on the video of the search when they took down Ms Lazarus' academic records from the wall, they looked at the academic record. If my memory serves me right, they said oh this is. One of the officers doing the search said this is very emperesiph Sandra. She said will I get my academic records back. Now we can play that search which is an exhibit in these proceedings.

ICAC SOLICITOR: I think I can shorten the matter. My instructions are that in relation to documents seized under search warrant that there is no document seized that would constitute a university academic record. There is nothing to produce. [ICAC v Lazarus. "Local Court Transcript". NSW Local Court Downing Centre, 7 October 2014].

The audio transcript can be heard at the following website link:
<https://m.youtube.com/watch?v=qRYU4VNhdBY>

172. Though the ‘search warrant’ video footage was viewed by Joanna Keogh, she failed to consider Sandra Lazarus’ rights to procedural fairness during judicial proceeding in a court of law, and failed to enforce the subpoena upon the ICAC, and request that the document be produced. The ICAC abused judicial procedures, when seized material (which was seized and accounted for on the ICAC search warrant video) was not produced by the ICAC upon a subpoena. The purpose of denying Sandra Lazarus’ documents was to remove her, self-dignity, respect, and fundamental rights to be seen as equal before the law, causing her mental and emotional suffering and pain. The actions of the ICAC Officers and Joanna Keogh contravened **Article 7, Article 10, Article 14, Article 19 and Article 26 of the ICCPR**, giving rise to crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**. Further, Joanna Keogh’s in denying Sandra Lazarus judicial procedural fairness in a court of law contravened the principles of a fair trial/hearing and contravened the provision of **Article 14 and Article 26 of the ICCPR**, and engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**.

173. The On 08 October 2014 the Counsel for the Sandra Lazarus, stated the following in relation to Joanna Keogh, and her conduct as the presiding Magistrate which, constituted judicial abuse:

COUNSEL FOR LAZARUS: The second matter of quite serious note to me, your Honour, is that yesterday Mr McIlwaine [ICAC Solicitor] came and properly, your Honour, made submissions to your Honour in regards to subpoenas and I can't move from the fact that what your Honour said and Mr McIlwaine [ICAC Solicitor] said was quite correct in regards to the formation and structure of those subpoenas, but there were other subpoenas that were called upon, your Honour, that were actually legitimately issued. Mr Poulos [DPP Solicitor] took no objection to us having access to any of these documents but your Honour did.

[ICAC v Lazarus. “Local Court Transcript”. NSW Local Court Downing Centre, 8 October 2014].

COUNSEL FOR LAZARUS: I understand that, your Honour, but it was done and the first point of call should've been if Mr Poulos [DPP Solicitor] had a concern about it, he raise it with your Honour and then your Honour would deal with it. The next

point, your Honour, is the issue of my client's academic qualifications. The ICAC did seize those academic qualifications from the defendant when they searched the house. Now I admit there's a lot on that tape about the search but I've known about the issue of the missing academic records for some time and yesterday, your Honour, was not the only time we had asked for those academic records to be returned.

COUNSEL FOR LAZARUS: I thought your Honour's view about us going out to an institution and asking them to give us the academic records that were seized - I was only dealing with the one seized at her home, not anything else - was unfair to the defendant in the circumstances, that there was no reason why the ICAC could not have produced them. Their story is, through Mr McIlwaine [ICAC Solicitor] - and I accept Mr McIlwaine's [ICAC Solicitor] instructions - that "We did have them but we haven't got them now". The question then is, these are very important documents to the defendant and they should have been produced on that.

[ICAC v Lazarus. "Local Court Transcript". NSW Local Court Downing Centre, 8 October 2014].

COUNSEL FOR LAZARUS: I wish, your Honour, to make an application (1) that your Honour disqualify yourself from further hearing this case, (2) that the matter be referred back to the Chief Magistrates Office for another hearing date...

[Lazarus v ICAC. "Local Court Transcript". NSW Local Court, 08 October 2014].

COUNSEL FOR LAZARUS: In the early stages of the case when I was here and before I came into it, that your Honour had actually made up her mind to convict the defendant and I have been around at the Bar 34 years and before that a solicitor and I don't make a statement like that lightly without due concern. I think your Honour a lot of times has been fair in some issues. As I said, your Honour, I don't take this lightly and I don't make this application frivolously...

[Lazarus v ICAC. "Local Court Transcript". NSW Local Court, 08 October 2014].

COUNSEL FOR LAZARUS: I don't think it is intentionally, your Honour, that you have continually interrupted yesterday the cross-examination in-chief and also in regard to in my opinion.

[Lazarus v ICAC. "Local Court Transcript". NSW Local Court, 08 October 2014].

COUNSEL FOR LAZARUS: Is I could not help but believe that your Honour had already decided, it doesn't matter what happens with the defendant, she has to be convicted.

[Lazarus v ICAC. "Local Court Transcript". NSW Local Court, 08 October 2014].

COUNSEL FOR LAZARUS: Your Honour has got the poison chalice in this in the sense that you have got one defendant charged with very serious offences, the maximum offence would be for all the charges that she was convicted on every one your Honour couldn't do any more than eight years with a non-parole of five years, but that is still enormous for a young woman to go to prison for that period of time but be that as it may, that these are serious matters and the defendant needs to be able to put her case and put her defence because the doctors say I never signed these documents, it looks like my signature, that's a very good copy of my signature but I never signed them.

[Lazarus v ICAC. "Local Court Transcript". NSW Local Court, 08 October 2014].

COUNSEL FOR LAZARUS: If there is a perception, justice must not only be done but must be seen to be done, and there is in my opinion an apprehension of bias [*sic*] in your Honour.

[Lazarus v ICAC. "Local Court Transcript". NSW Local Court, 08 October 2014].

The audio transcript can be heard at the following website links:

<https://m.youtube.com/watch?v=vzYjO31Gy4Y> and

<https://m.youtube.com/watch?v=qRYU4VNhdBY>

174. During the judicial proceeding it was clearly noticeable that Joanna Keogh as the magistrate in a court of law was not conducting herself in a manner which could constitute fairness and justice, for this reason she was asked to disqualify herself from further presiding over the judicial proceeding, she refused to disqualify herself and continued to presiding over the judicial proceeding.

175. As the judicial proceeding continued, the ICAC and Forensic Document Services Pty Ltd were subpoenaed to produce correspondence between the two, and as a result the mentioned and appendixes email were produced. The email of 11 January 2011

[**Appendix 10:** Email of 11 January 2011 sent at 7:37 am from Michael Kane to Michelle Novotny] from Michael Kane to Michelle Novotny was before Joanna Keogh as evidence, as she presided over the proceeding. Joanna Keogh was the presider on 25 September 2014, when Michael Kane gave his oral evidence from the witness box in relation to the email dated 11 January 2011. As mentioned the following was Michael Kane's evidence in relation to the email of 11 January 2011, his oral evidence in a court of law can be heard at the following website link: <https://m.youtube.com/watch?v=V1Mflp0HoMM>

"COUNSEL FOR LAZARUS: And then you received. So you sent an email to Michelle.

KANE: Yes.

COUNSEL FOR LAZARUS: If I may, Just, if, if, if you. I'll read it to you, instead of, keep walking around there. And if there's, ah, a problem with it just let me know.

"Hope you have a very Merry Christmas and are having a great New Year."

This is from you, this is from you to Michelle.

"I am back at work now and I just need to update you on the forensic work relating to Sandra Lazarus, Operation Charity."

Do you recall that email?

KANE: Vaguely.

COUNSEL FOR LAZARUS: I'll continue on.

"We had a compulsory examination with her just before Christmas. She has made certain admissions as to signing several of the documents."

KANE: Yes.

COUNSEL FOR LAZARUS: Did she make any admissions about signing any of the doctor's?

KANE: No, she said that the signatures as the requesting officer were hers, and that she believed that the doctors had signed those as the authorising officers.

COUNSEL FOR LAZARUS: Yes, and in fact, the fact of the matter is that totally throughout the investigation of Sandra Lazarus when you spoke to her on most

occasions she always adhered to the fact that the doctors signed those non-order vouchers.

KANE: That's correct.

COUNSEL FOR LAZARUS: And maintenance forms.

KANE: That's correct.'

[ICAC v Lazarus. "Local Court Transcript". Downing Centre Local Court, 25 September 2014].

[**Appendix 10:** Email of 11 January 2011 sent at 7:37 am from Michael Kane to Michelle Novotny. Audio transcript can be heard at the following website link: <https://m.youtube.com/watch?v=V1Mflp0HoMM>]

176. The abovementioned evidence from the ICAC Officer Michael Kane, which by his own admission confirmed that the email of 11 January 2011 contained false statements and lies about Sandra Lazarus' evidence during the ICAC inquires, was before the Joanna Keogh in a court of law. This evidence was material particular to the judicial proceeding against the Sandra Lazarus, this evidence also demonstrated that there was bias in the judicial proceeding which was commenced by the ICAC Officer Michael Kane who stated himself as the prosecutor when commencing the proceeding without jurisdiction. However, Joanna Keogh as the presiding magistrate, failed to acknowledge this evidence, and the self 'vested interest' (as stated by David Levine QC, and discussed in section titled 'legal professional and former Supreme Court judge outline the ICAC' Misconduct and abuse of human rights' of this official complaint/communication) of the ICAC Officer Michael Kane in the proceedings against the Sandra Lazarus, in which he stated himself as the prosecutor, after he terminated of forensic analysis which proved Sandra Lazarus' innocence. If Joanna Keogh had acknowledged the evidence before her in a court of law, Sandra Lazarus would been afforded 'judicial procedural fairness', the baseless judicial proceedings against Sandra Lazarus would be ruled as commenced for 'another wrongful purpose', and false charges against Sandra Lazarus would have been dismissed, in accordance with the rule of law. However, this did not occur, rather, Joanna Keogh, made NO mention of this evidence before her in court of law in her judgment, and continued to convict Sandra Lazarus for forgeries. In doing so, Joanna Keogh, it is alleged engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**,

contravened **Article 7, Article 10, Article 14 and Article 26 of the ICCPR**, and conducted herself contrary to her judicial oath.

177. As discussed in section titled ‘forensic evidence supporting the innocence of the Mss Lazarus’ of this official communication forensic analysis was conducted, written forensic evidence (forensic analysis report) was filed with the Local Court on 18 September 2014, and oral forensic evidence was given in court by Christopher Anderson forensic document examiner who was a witness in court proceeding on 22 October 2014, this evidence was all before Joanna Keogh as the presiding magistrate in a court of law. The completed and submitted a forensic document examination analysis report, of ~ more than 500 pages, including the EDSA (electrostatic detection apparatus) examination on signatures/handwritings in question for the judicial proceeding. Thorough report confirmed authenticity of signatures/handwritings in question, which were material to the judicial proceedings against the Sandra Lazarus, and proved beyond reason doubt of her innocence, Joanna Keogh dismissed the forensic evidence and convicted Sandra Lazarus.

178. On 22 October 2014, Christopher Anderson provided expert evidence in the judicial proceeding the following is a section from his oral evidence from the witness box:

COUNSEL FOR LAZARUS: Assume that one person had forged the eight doctors' signatures. Do you have anything to say about that?

CHRISTOPHER ANDERSON (FORENSIC DOCUMENT EXAMINER): Yes, sir.

COUNSEL FOR LAZARUS: What do you have to say?

CHRISTOPHER ANDERSON (FORENSIC DOCUMENT EXAMINER): Impossible.’

[ICAC v Lazarus. “Local Court Transcript”. NSW Local Court Downing Centre, 22 October 2014].

DPP SOLICITOR: Well, you agree that there is a difference between practical certainty and absolute certainty, do you agree?

CHRISTOPHER ANDERSON (FORENSIC DOCUMENT EXAMINER): Yes.

DPP SOLICITOR: Do you agree that the term impossible is an absolute certainty?

CHRISTOPHER ANDERSON (FORENSIC DOCUMENT EXAMINER): In - in this case, yes.

[ICAC v Lazarus. "Local Court Transcript". NSW Local Court Downing Centre, 22 October 2014].

[**Appendix 4:** Christopher Anderson, Forensics Document Examiner's report (Summary) submitted in a court of law on 18 September 2014, in relation to judicial proceedings ICAC v Lazarus, NSW Local Court. **Appendix 5:** Christopher Anderson, Forensics Document Examiner's report dated 17 September 2017. Video link: <https://m.youtube.com/watch?v=oZeZOmGsagq>].

179. The allegations and charges against Sandra Lazarus where based upon forgery, where signatures in question formed the basis of the charges. In spite of the overwhelming expert forensic evidence of Christopher Anderson before Joanna Keogh as the presiding magistrate, she stated the following in her judgment on 27 November 2014:

"Despite Mr Anderson's [Forensic Document Examiner] conclusion of particular certainty that the writer of the specimen signature is the writer of questioned signature, - accordingly I find beyond reasonable doubt that Ms Lazarus made false documents. [Forensic Document Examiner] opinion". [ICAC v Lazarus. Judgment of Local Court Magistrate: Joanna Keogh. *NSW Local Court Downing Centre*, 27 November 2014].

Accordingly I reject Mr Anderson's [Forensic Document Examiner] opinion.

[ICAC v Lazarus. Judgment of Local Court Magistrate: Joanna Keogh. NSW Local Court Downing Centre, 27 November 2014].

By disregarding and dismissing expert forensic evidence of Christopher Anderson, Joanna Keogh in a magistrate alone court delivered a judgment which was contrary to the rule of law, and national and international laws which govern fairness and justice in the judicial systems and in courts of law, in a democratic judicial system. Joanna Keogh is a magistrate in a court of law, she is aware of the laws and the rules of law which ensure fair and just in judicial proceedings, with full knowledge, knowing of the consequences, knowingly Joanna Keogh, it is alleged engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**, by contravening **Article 7, Article 9, Article 10, Article 14, Article**

16 and Article 26 of the ICCPR. This abusive conduct of Joanna Keogh has caused Sandra Lazarus prolonged suffering and pain since 2014, and continues to do so to date requiring medical treatment, rehabilitation and hospitalisation.

180. As mentioned in section titled ‘medical conditions and health issues’ of this official communication Sandra Lazarus suffers from a number of lifelong permanent medical conditions and disabilities/limitations. Medical reports/documents relating to Sandra Lazarus medical conditions, were submitted during judicial proceeding, medical certificates, medical prescriptions were also submitted, and were before Joanna Keogh as the presiding magistrate, the following was placed on record:

COUNSEL FOR LAZARUS: I appear for Ms Lazarus who is not here today. I can hand up a medical certificate. There’s a prescription as well—(non-transcribable). [Lazarus v ICAC. “Local Court Transcript”. NSW Local Court, 26 August 2014].

181. At the commencement of the Local Court hearing Joanna Keogh as the presiding magistrate, received a number of medical documents in relation to Sandra Lazarus’ medical conditions and disabilities/limitations, Joanna Keogh as the presiding magistrate reconfirmed receipt of the medical documentation on 18 September 2014, and place the following on record, continuing with the hearing:

“MAGISTRATE: So you’ll find that on the record as well, and your medical report is here, I’ve read it. Thank you, Ms Lazarus, so we’ll continue with the hearing. [Lazarus v ICAC. “Local Court Transcript”. NSW Local Court, 18 September 2014].

With full knowledge of Sandra Lazarus’ medical conditions and disabilities/limitations Joanna Keogh continued to exercise her judicial authority as the presiding magistrate in a court of law.

182. In spite of having the reports/documentation mentioned above Joanna Keogh falsely stated the following on 14 October 2014, and misrepresented her knowledge of Sandra Lazarus’ medical conditions, disabilities and associated limitations:

MAGISTRATE: But when I'm told I should have a reader, I don't have any evidence about that.

[Lazarus v ICAC. "Local Court Transcript". *NSW Local Court*, 14 October 2014].

The following was the reply from Sandra Lazarus' Counsel:

COUNSEL FOR LAZARUS: I understand that, and her Honour's well aware of that. The point about the reader.

[Lazarus v ICAC. "Local Court Transcript". *NSW Local Court*, 14 October 2014].

183. The judgment of the Joanna Keogh, dated 27 November 2014, failed to take into account the Sandra Lazarus' medical conditions, disabilities/limitations, as well as her documented medical requirements in relation to her medical conditions. Joanna Keogh was abundantly aware of the Sandra Lazarus' medical conditions during Local Court judicial proceeding in which she presided as magistrate, particularly since those proceedings were adjourned for a period of ten minutes approximately every hour while the Sandra Lazarus was giving evidence in the witness box. The Sandra Lazarus provided relevant medical documentation to the Joanna Keogh as the presiding magistrate outlining her medical requirement for example, the described ten-minutes adjournments as a result of a severe neuralgic/coccyx condition.

184. In spite of her knowledge Sandra Lazarus' medical conditions, disabilities, associated limitations, and associated requirements, Joanna Keogh failed to order a pre-sentence report to ensure that Sandra Lazarus would receive her medication and disability aid whilst in custody. On 27 November 2014, the Joanna Keogh was asked to make orders for a pre-sentence report, which she refused to do:

MAGISTRATE: I don't think so.

MAGISTRATE: I could sentence her today.

[Lazarus v ICAC. "Local Court Transcript". *NSW Local Court*, 27 November 2014].

A pre-sentence report was never ordered, and Sandra Lazarus was placed in custody without her medication and disability aid, required for her medical conditions.

185. Joanna Keogh misrepresented the evidence presented before her during Local Court proceedings in which she presided as the magistrate. Within her judgment, dated 27 November 2014, Joanna Keogh falsely stated that the Sandra Lazarus said, the following: “hundreds of trials had been completed”, and “a trained monkey”, this was NOT the evidence in court, and Sandra Lazarus never made such statements (the court transcript speaks for its self). Joanna Keogh’s false representation of the evidence before her in a court of law only served to support her erroneous judgment, which allowed her to place the Sandra Lazarus in custody on 27 November 2014 and 27 April 2015. As such Joanna Keogh, it is alleged engaged in crimes against humanity pursuant **Article 5(b) and Article 7 of the Rome Statute**, and contravened **Article 7, Article 9, Article 10, Article 14 and Article 26 of the ICCPR** (but not limited to).

186. In her judgement dated 27 November 2014, Joanna Keogh falsely stated that the Sandra Lazarus said she could speak “Hindi”. Sandra Lazarus, made NO such statement, Joanna Keogh once again falsely represented the evidence before her in a court of law in which she was the presiding magistrate, the following was stated by Sandra Lazarus on record during the judicial proceeding, this was the evidence before Joanna Keogh:

LAZARUS: Hebrew, Yiddish and English.

[Lazarus v ICAC. “Local Court Transcript”. NSW Local Court, 14 October 2014].

Sandra Lazarus is a woman of colour, it is appalling to think that a magistrate of the court of law would make such a racial discriminatory statement, generalising Sandra Lazarus’ ethnicity simply due to her appearance, in an official court of law judgment. Given that the evidence before Joanna Keogh was to the contrary to her false statement in her official judgment. In doing so, Joanna Keogh, it is alleged engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**. Further, such racially discriminatory statement, contravened **Article 7, Article 14 and Article 26 of the ICCPR**.

187. Following such abusive conduct, on 6 February 2015, Sandra Lazarus filed a ‘Judicial Review’ application to the NSW Supreme Court to address the miscarriage of justice. Sandra Lazarus was a self-representative litigant on 06 February 2015. Sandra Lazarus

gave the following evidence in the NSW Supreme Court on 06 February 2015, in relation to the events which took place while she was in custody on 27 November 2014 on the orders of Joanna Keogh as the presiding magistrate in a court of law:

PLAINTIFF (S LAZARUS): The reason I was actually outlining, on the 27th while I was in custody I was approached by an officer. Not an officer of the place of custody or it was – I'm not quite sure who it was; either Director of Public Prosecution or ICAC informed me that I had to sign an application releasing my fellow clinicians of any further – that I would not take any further legal action against them in regards to my matter. And if I do not that I would be placed in custody on the 9th once again, and would not be released from custody until I do not sign (as said) this form. That is my biggest concern. And that's the reason why I actually filed this particular application. The proceedings do move forward I will like to get your permission also to subpoena the video footage to find out who exactly was that person offering that. The next concern of mine was the fact when the magistrate actually gave the order, orders, in regards to her judgment, sorry, actually announced her judgment, she actually disregarded forensic evidence.

[Lazarus v ICAC/DPP. "Supreme Court Transcript". NSW Supreme Court, 6 February 2015].

HIS HONOUR (BUTTON J): So your complaint is, if I can summarise my understanding, just so that we are all on the same page.

PLAINTIFF (LAZARUS): Yes.

HIS HONOUR (BUTTON J): The first is, you believe you were improperly approached by someone whilst in custody.

PLAINTIFF (LAZARUS): That is correct.

HIS HONOUR (BUTTON J): Yes.

PLAINTIFF (LAZARUS): What she had done is – again, this is in her judgment, and I have quoted for that – from that and placed it in the subpoena, she looked at the Cox on Evidence, edition five, from 1996, and quashed a case that was quashed in the High court.

HIS HONOUR (BUTTON J): Which one was that, as a matter of interest.

PLAINTIFF (LAZARUS): It's at page 1,155.

HIS HONOUR (BUTTON J): Well, what you tell – yes, all right. So that's another complaint, that she disregarded your expert evidence and wrongly applied the law.

PLAINTIFF (LAZARUS): That is correct.

HIS HONOUR (BUTTON J): Yes.

PLAINTIFF (LAZARUS): And that's the reason why she place me in custody for the 41 charged that she found me guilty for and dismissed the remaining charges.

HIS HONOUR (BUTTON J): Yes.

PLAINTIFF (LAZARUS): And to me when I went, I was placed in custody, it was very clear that the reason I was placed there to basically sign a document which I have actually voiced openly that I will not sign. So my concern was that I will be placed in custody and remain there until I don't sign these particular documents which I have no intention of signing.

HIS HONOUR (BUTTON J): I see. So again, just to express my understanding, you say, well, perhaps there is some connection between the magistrate placing you in custody wrongly, you say, and this improper approach.

PLAINTIFF (LAZARUS): That is correct.

HIS HONOUR (BUTTON J): I see.

PLAINTIFF (LAZARUS): And not only that, I mean, again, I am not a legal practitioner so I will be slightly unclear in regards to the procedure, but once she found me guilty and read out her verdict and her judgment, I was under the impression that I was to go to a parole or assessment office in regards to because I do have medical conditions, and my speech is impaired in regard due to those conditions, and so forth, and I have a coccyx injury, I can't sit for very long, and therefore the matter had to adjourn every hour for ten minutes to allow my coccyx to adjust. Nevertheless, I was never sent for that assessment, and even when the magistrate was aware, and I actually put on record the medical certificate that was submitted into the proceeding on 18 September 2014.

HIS HONOUR (BUTTON J): All, right. Well, without getting too much into the details, I would just like to understand the overview, bearing in mind that we are not speaking on the matter that you will be able to raise if you wish when this appeal is actually heard in a number of weeks. But I think we need to focus on the things, if any, that you submit I should deal with today, because Ms Kelly is saying all of this, you are quite free to raise it, but it should be raised at the appropriate time, and the appropriate time will be at the time of the appeal. That is what Ms Kelly is saying. So

that I suppose I am asking you just to summarise the things that you say you need to raise right now. It could be that there are none. I appreciate one of them is you want an actual order that the magistrate should not proceed.

PLAINTIFF (LAZARUS): That is correct.

HIS HONOUR (BUTTON J): Just to be doubly sure. Yes. Just one moment, Ms Kelly. Let me hear Ms Lazarus, please.

PLAINTIFF (LAZARUS): And the reason that's where my concern is, Your Honour, because I will – I know I will remain in custody until I don't sign the documents, and I have no intention of signing the documents.

HIS HONOUR (BUTTON J): No, all right.

PLAINTIFF (LAZARUS): - That are placed in front of me outline such thing.

HIS HONOUR (BUTTON J): All right. So if I may again just summarise to make sure that we all understand each other, you are saying because of those concerns you have –

PLAINTIFF (LAZARUS): Yes.

[Lazarus v ICAC/DPP. "Supreme Court Transcript". NSW Supreme Court, 6 February 2015].

188. On 6 February 2015 during judicial proceeding in the Supreme Court Sandra Lazarus' stated on record as evidence before the court that, while in custody she was approached by individual asking her to sign documents (also asking Sandra Lazarus to ask her sisters to sign such documents as well) releasing the all parties involved of legal obligations. Sandra Lazarus was told that she would remain in custody until these documents are not signed.

189. The Supreme Court judicial proceedings were listed for a hearing on 13 April 2015, before Peter Garling as the presiding Supreme Court judge. The following was the evidence before him:

PLAINTIFF (SANDRA LAZARUS): On 27 November 2014, the plaintiff was in custody for approximately 5 hours. The plaintiff was forced to sit on a wooden bench without cushioning or support for her spinal injury. The plaintiff was strip-searched. Finally, while in custody, the plaintiff was approached by an individual, unknown to her, who failed to identify themselves or what institution they belonged to. This

individual offered the plaintiff an alternative to being in custody and told the plaintiff that she would once again be placed in custody on 9 February 2015, that is the plaintiff's sentencing date, unless she and her sisters signed documents releasing the doctors involved in the case as well as the two hospitals involved in the case, from any legal action. These serious events have already been placed on record in the Supreme Court in front of Justice Buttens. On 25 March 2015, the CCTV footage of the custody area where the plaintiff was held, was subpoenaed. A written response from the Downing Centre, Office of the Sheriff, on 143-147 Liverpool Street, Sydney was received. The letter signed by the Chief Superintendent, advised that the subpoenaed footage could not be produced since it no longer exists. Placing the plaintiff in custody on 27 November 2014 was employed as an intimidation tactic to compel the plaintiff and her sisters to sign the mentioned release documents. Whilst in custody the plaintiff was forced to sit on a wooden bench without cushioning or support and was also strip-searched. As the plaintiff was not ordered to go to prison and was only required to remain in the holding cell until bail conditions were met on the day, a strip-search was not required. Yet the plaintiff was subjected to this and forced to endure approximately 5 hours sitting on a wooden bench without cushioning or support. This was in spite of the plaintiff's spinal medical condition which the court was repeatedly made aware of and provided with relevant medical documentation. The fact that the court provided the plaintiff with hourly 10-minute breaks during her local court hearing because of her spinal medical condition, is clear evidence that Magistrate Keogh was aware of the plaintiff's spinal medical conditions and related requirements – Despite the evidence of the plaintiff's medical conditions, the Magistrate failed to order a pre-sentence report to determine if the plaintiff's various medical conditions would have any bearing on her sentencing and especially whether or not there were alternatives to a custodial sentence given the plaintiff's medical conditions – The magistrate ordered that the plaintiff enter into custody, even with knowledge of the plaintiff's medical conditions and associated requirements. The magistrate was undoubtedly aware that when in custody the plaintiff would not be permitted to take any therapeutic device into the holding cell unless an order was made to give the plaintiff this permission. With her years of experience, the magistrate would not have reasonably failed to recognise the plaintiff as a 'vulnerable person', yet she failed to make reasonable adjustments for the plaintiff whilst she was

in custody. [Lazarus v ICAC/DPP. “Supreme Court Transcript”. NSW Supreme Court, 13 April 2015].

Video link: <https://m.youtube.com/watch?v=2wdpzBOUjik>

This evidence was before Peter Garling as the presiding judge on 13 April 2015, however, he failed to address this evidence before him in a court of law, and in his judgment dated 16 April 2015, Peter Garling dismissed the judicial proceeding, by stating that, there was circumstantial evidence, and that Joanna Keogh in her judgment did not make false statement, but rather, was generalising the evidence. Further, he failed to take into count forensic evidence, and stated the Joanna Keogh can dismiss forensics evidence, and convict Sandra Lazarus.

190. Following the judgement of Peter Garling of 16 April 2015, Sandra Lazarus was once again before Joanna Keogh as the presiding magistrate. On 20 April 2015 Joanna Keogh adjourned the judicial proceeding until 27 Aril 2015, stating that she need time to determine the appropriate sentence for Sandra Lazarus. This judgement of Peter Garling allowed Joanna Keogh to engage in crimes against humanity.

191. On 27 April 2015, Sandra Lazarus was before Joanna Keogh as a self-represented litigant, though I was present in court. The course of events which took place on this day, and the appalling conduct by a judicial officer, I had not seen in ~35 years of being a practicing criminal lawyer.

192. On 27 April 2015 Joanna Keogh acknowledged the following in relation to the Sandra Lazarus’ hospitalisation on 14 April 2015, further, on 27 April 2015 Joanna Keogh acknowledged the following in relation to the Sandra Lazarus’ medication:

MAGISTRATE (JOANNA KEOGH): Ms Lazarus appears today and says that she was hospitalised last week and has provided a prescription indicating that she has been in receipt or received medication, Panaedine Forte which I would accept is for more than average or more than normal amount of pain.

[Lazarus v ICAC. “Local Court Transcript”. NSW Local Court, 27 April 2015].

193. On 27 April 2015, Joanna Keogh sentenced Sandra Lazarus to prison, and Sandra Lazarus was taken into custody. While in custody, Sandra Lazarus was denied her disability aid and medication. However, the next set of horrifying event took place when after two hours of Sandra Lazarus being in custody, Joanna Keogh convened the court and Sandra Lazarus was removed from custody and returned to the courtroom, the following is the summary of event of the day which stated at ~9:30am and concluded ~4:30pm (the court transcript speaks for its self):

- a. After approximately two hours in custody, Sandra Lazarus was brought back to the courtroom before Joanna Keogh. Rather than confirming Bail, Joanna Keogh changed the conditions for Sandra Lazarus' custodial sentence, and Sandra Lazarus was placed back into custody, once again without her disability aid and/or her medication for the second time. A new 'all grounds appeal' application reflecting the changed custodial sentence was required, and filed at the court registry a second time.
- b. After another approximately two hours in custody, Sandra Lazarus was brought back again to the courtroom before Joanna Keogh on the third occasion. Rather than confirming Bail, Joanna Keogh changed the conditions for Sandra Lazarus' custodial sentence, and Sandra Lazarus was placed back into custody, once again without her disability aid and/or her medication for the third time. A new 'all grounds appeal' application reflecting the changed custodial sentence was required and filed at the court registry a third time.
- c. Once again, after approximately two hours in custody, Sandra Lazarus was brought back to the courtroom and before Joanna Keogh on the fourth occasion. Rather than confirming Bail, Joanna Keogh changed the conditions for Sandra Lazarus' custodial sentence, and Sandra Lazarus was placed back into custody, once again without her disability aid and/or her medication for the fourth time. A new 'all grounds appeal' application reflecting the changed custodial sentence was required and filed at the court registry a fourth time.
- d. On this final occasion after approximately two hours in custody, Sandra Lazarus was brought back to the courtroom before Joanna Keogh. Joanna Keogh changed

the conditions of Sandra Lazarus' custodial sentence and on this occasion granted Bail to the Sandra Lazarus. However, Sandra Lazarus was placed back into custody once again without her disability aid and/or medication for the fifth time, whilst a new 'all grounds appeal' application was processed by the court registry. Upon the process of the application Sandra Lazarus was released from custody, however due to the physical abuse inflicted on Sandra Lazarus on the orders of Joanna Keogh, Sandra Lazarus was taken in an ambulance from the court, and due to the severe physical torture she suffered, she was hospitalised.

194. Joanna Keogh had full knowledge of the events which took place when Sandra Lazarus was placed in custody on 27 November 2014, further the following was the evidence before Joanna Keogh as a magistrate in a court of law on 27 April 2015:

SANDRA LAZARUS: As long as it's normal procedure, your Honour, unlike the last time when I was placed in custody and an inappropriate person approached me to sign documents to release individuals that were part of this case for other further legal obligation and I was made to sit on a wooden bench without my disability aid so I'd like to put that on record as well. Again, my disability aid has not been allocated to me or given to me in regard to that matter and I'd like to put that on record. So am I being sent down – just so that person can approach me once again in regards to signing inappropriate documents to release, I believe that's the word she used, to release individuals that are medical practitioners, fellow medical practitioners involved in this case as well as the two hospitals because I'll put that on record, that I will not be signing any such documents.

[Lazarus v ICAC. "Local Court Transcript". NSW Local Court, 27 April 2015].

Video link: <https://m.youtube.com/watch?v=2wdpzBOUjik>

195. **Sandra Lazarus on 27 April 2015 suffered severe physical and mental harm and pain by the physical and mental torture inflicted upon her by Joanna Keogh. The only other such abuse and torture, Joanna Keogh's abuse and torture can be compared with is the abuse and torture of mock executions, where individuals are removed from their holding cells and mock executions is conducted, and returned to their holding cells. In the same manner, Sandra Lazarus was held in custody, removed and a mock release was conducted, instead of being released she was taken**

back to custody, this took place from ~9:30am to ~4:30pm on 27 April 2015. There was no reason for this to have occurred, this conduct by Joanna Keogh was malicious and abusive and is a crime against humanity, Joanna Keogh abused her position of authority. As such Joanna Keogh, it is alleged engaged in crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute, and contravened Article 7, Article 9, Article 10, Article 14 and Article 26 of the ICCPR.

196. After the torture, severe physical and mental pain inflicted upon Sandra Lazarus by the Joanna Keogh on 27 April 2015, the ambulance and ambulance officer were called to the court building by the court building staff. The ambulance officer administered 5mg Morphine to reduce the Sandra Lazarus' discomfort and pain before Sandra Lazarus was transported to the hospital in an ambulance from the court building [**Appendix 18: NSW Ambulance Service Invoice** for service provided on 27 April 2015. **Of Note** the address at which the service was provided is the address of the court building]
197. After Sandra Lazarus was discharged from the hospital she was placed in a hospital rehabilitation program and chronic pain management program to allow Sandra Lazarus to recover from the injuries inflicted on her by Joanna Keogh. In addition, to the physical hospital rehabilitation program, Sandra Lazarus was also placed on a program which assisted Sandra Lazarus to manage the mental and physiological harm and damage caused to her, by the abusive and tortuous conduct of Joann Keogh. Sandra Lazarus to date is continuing with her recovery programs.
198. On 27 November 2014 and 27 April 2015 the severe physical and mental pain inflicted upon Sandra Lazarus by Joanna Keogh was witnessed by her sisters and her parents who were present during the judicial proceedings. Sandra Lazarus' family members also continue to undergo medical, mental and physiological treatment, due to the trauma.
199. In addition, due to the severe physical and mental pain inflicted upon Sandra Lazarus by the Joanna Keogh, Sandra Lazarus could not attend to a number of her judicial proceedings until after her recovery, and as such these judicial proceedings were dismissed without a hearing in her absence.

PETER GARLING – is an accused person who facilitated in the contravention of Article 5(b) and Article 7 of the Rome Statute, and it is alleged that, such contraventions led to acts of crimes against humanity.

200. Following the events of 27 November 2014, Sandra Lazarus filed an appeal to the NSW Supreme Court, the following was her evidence in a court of law on 06 February 2015 as a self-represented litigant:

PLAINTIFF (SANDRA LAZARUS): The reason I was actually outlining, on the 27th while I was in custody I was approached by an officer. Not an officer of the place of custody or it was – I’m not quite sure who it was; either Director of Public Prosecution or ICAC informed me that I had to sign an application releasing my fellow clinicians of any further – that I would not take any further legal action against them in regards to my matter. And if I do not that I would be placed in custody on the 9th once again, and would not be released from custody until I do not sign (as said) this form. That is my biggest concern. And that’s the reason why I actually filed this particular application. The proceedings do move forward I will like to get your permission also to subpoena the video footage to find out who exactly was that person offering that. The next concern of mine was the fact when the magistrate actually gave the order, orders, in regards to her judgment, sorry, actually announced her judgment, she actually disregarded forensic evidence. [Lazarus v ICAC/DPP. “Supreme Court Transcript”. NSW Supreme Court, 6 February 2015].

HIS HONOUR (BUTTON J): So your complaint is, if I can summarise my understanding, just so that we are all on the same page.

PLAINTIFF (SANDRA LAZARUS): Yes.

HIS HONOUR (BUTTON J): The first is, you believe you were improperly approached by someone whilst in custody.

PLAINTIFF (SANDRA LAZARUS): That is correct.

HIS HONOUR (BUTTON J): Yes.

PLAINTIFF (SANDRA LAZARUS): What she had done is – again, this is in her judgment, and I have quoted for that – from that and placed it in the subpoena, she

looked at the Cox on Evidence, edition five, from 1996, and quashed a case that was quashed in the High court.

HIS HONOUR (BUTTON J): Which one was that, as a matter of interest.

PLAINTIFF (SANDRA LAZARUS): It's at page 1,155.

HIS HONOUR (BUTTON J): Well, what you tell – yes, all right. So that's another complaint, that she disregarded your expert evidence and wrongly applied the law.

PLAINTIFF (SANDRA LAZARUS): That is correct.

HIS HONOUR (BUTTON J): Yes.

PLAINTIFF (SANDRA LAZARUS): And that's the reason why she place me in custody for the 41 charged that she found me guilty for and dismissed the remaining charges.

HIS HONOUR (BUTTON J): Yes.

PLAINTIFF (SANDRA LAZARUS): And to me when I went, I was placed in custody, it was very clear that the reason I was placed there to basically sign a document which I have actually voiced openly that I will not sign. So my concern was that I will be placed in custody and remain there until I don't sign these particular documents which I have no intention of signing.

HIS HONOUR (BUTTON J): I see. So again, just to express my understanding, you say, well, perhaps there is some connection between the magistrate placing you in custody wrongly, you say, and this improper approach.

PLAINTIFF (SANDRA LAZARUS): That is correct.

HIS HONOUR (BUTTON J): I see.

PLAINTIFF (SANDRA LAZARUS): And not only that, I mean, again, I am not a legal practitioner so I will be slightly unclear in regards to the procedure, but once she found me guilty and read out her verdict and her judgment, I was under the impression that I was to go to a parole or assessment office in regards to because I do have medical conditions, and my speech is impaired in regard due to those conditions, and so forth, and I have a coccyx injury, I can't sit for very long, and therefore the matter had to adjourn every hour for ten minutes to allow my coccyx to adjust. Nevertheless, I was never sent for that assessment, and even when the magistrate was aware, and I actually put on record the medical certificate that was submitted into the proceeding on 18 September 2014.

HIS HONOUR (BUTTON J): All, right. Well, without getting too much into the details, I would just like to understand the overview, bearing in mind that we are not

speaking on the matter that you will be able to raise if you wish when this appeal is actually heard in a number of weeks. But I think we need to focus on the things, if any, that you submit I should deal with today, because Ms Kelly is saying all of this, you are quite free to raise it, but it should be raised at the appropriate time, and the appropriate time will be at the time of the appeal. That is what Ms Kelly is saying. So that I suppose I am asking you just to summarise the things that you say you need to raise right now. It could be that there are none. I appreciate one of them is you want an actual order that the magistrate should not proceed.

PLAINTIFF (SANDRA LAZARUS): That is correct.

HIS HONOUR (BUTTON J): Just to be doubly sure. Yes. Just one moment, Ms Kelly. Let me hear Ms Lazarus, please.

PLAINTIFF (SANDRA LAZARUS): And the reason that's where my certain is, Your Honour, because I will – I know I will remain in custody until I don't sign the documents, and I have no intention of signing the documents.

HIS HONOUR (BUTTON J): No, all right.

PLAINTIFF (SANDRA LAZARUS): - That are placed in front of me outline such thing.

HIS HONOUR (BUTTON J): All right. So if I may again just summarise to make sure that we all understand each other, you are saying because of those concerns you have PLAINTIFF (SANDRA LAZARUS): Yes.

[Lazarus v ICAC/DPP. "Supreme Court Transcript". NSW Supreme Court, 6 February 2015].

Video link: <https://m.youtube.com/watch?v=2wdpzBOUjik>

201. The appeal proceeding was listed for a hearing before Peter Garling a New South Wales Supreme Court Judge on 13 April 2015 at which Sandra Lazarus was a self-represented litigant. The following was the oral submission of Sandra Lazarus:

PLAINTIFF (SANDRA LAZARUS): On 27 November 2014, the plaintiff was in custody for approximately 5 hours. The plaintiff was forced to sit on a wooden bench without cushioning or support for her spinal injury. The plaintiff was strip-searched. Finally, while in custody, the plaintiff was approached by an individual, unknown to her, who failed to identify themselves or what institution they belonged to. This

individual offered the plaintiff an alternative to being in custody and told the plaintiff that she would once again be placed in custody on 9 February 2015, that is the plaintiff's sentencing date, unless she and her sisters signed documents releasing the doctors involved in the case as well as the two hospitals involved in the case, from any legal action. These serious events have already been placed on record in the Supreme Court in front of Justice Buttens. On 25 March 2015, the CCTV footage of the custody area where the plaintiff was held, was subpoenaed. A written response from the Downing Centre, Office of the Sheriff, on 143-147 Liverpool Street, Sydney was received. The letter signed by the Chief Superintendent, advised that the subpoenaed footage could not be produced since it no longer exists. Placing the plaintiff in custody on 27 November 2014 was employed as an intimidation tactic to compel the plaintiff and her sisters to sign the mentioned release documents. Whilst in custody the plaintiff was forced to sit on a wooden bench without cushioning or support and was also strip-searched. As the plaintiff was not ordered to go to prison and was only required to remain in the holding cell until bail conditions were met on the day, a strip-search was not required. Yet the plaintiff was subjected to this and forced to endure approximately 5 hours sitting on a wooden bench without cushioning or support. This was in spite of the plaintiff's spinal medical condition which the court was repeatedly made aware of and provided with relevant medical documentation. The fact that the court provided the plaintiff with hourly 10-minute breaks during her local court hearing because of her spinal medical condition, is clear evidence that Magistrate Keogh was aware of the plaintiff's spinal medical conditions and related requirements – Despite the evidence of the plaintiff's medical conditions, the Magistrate failed to order a pre-sentence report to determine if the plaintiff's various medical conditions would have any bearing on her sentencing and especially whether or not there were alternatives to a custodial sentence given the plaintiff's medical conditions – The magistrate ordered that the plaintiff enter into custody, even with knowledge of the plaintiff's medical conditions and associated requirements. The magistrate was undoubtedly aware that when in custody the plaintiff would not be permitted to take any therapeutic device into the holding cell unless an order was made to give the plaintiff this permission. With her years of experience, the magistrate would not have reasonably failed to recognise the plaintiff as a 'vulnerable person', yet she failed to make reasonable adjustments for the plaintiff whilst she was

in custody. [Lazarus v ICAC/DPP. “Supreme Court Transcript”. NSW Supreme Court, 13 April 2015].

202. Following the hearing Peter Garling on 14 April 2015 as the presiding judge, dismissed the appeal, and in his written judgment failed address the abusive conduct of Joanna Keogh, failed to address the evidence before him, and gave no consideration to the fact that forensic evidence was submitted in judicial proceeding before Joanna Keogh. Peter Garling with full knowledge of the law and procedural fairness, and would have full knowledge of the effects his judgement and actions would have on the denial of a procedural fairness and denial of a fair hearing/trial for Sandra Lazarus in a court of law. This conduct and actions of Peter Garling are contrary to his judicial oath and contravened the provisions of **Article 14 of the ICCPR and further allowed for, it is alleged, as per definition of crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute, to take place, causing an additional approximately five year of suffering to all three Mss Lazarus.** He had full authority to make a judgement in accordance with the rule of law to ensure that fairness and justice was given to Sandra Lazarus and she was seen equal before the law. This did not occur rather, Peter Garling returned the judicial proceedings before Joanna Keogh, and the events of 20 April and 27 April 2015 occurred, leading to the physical torture and hospitalisation of Sandra Lazarus.

203. As mentioned earlier Michelle Lazarus filed proceeding in the Supreme Court to address the actions and conduct of Michael Barnes as the presiding magistrate. The proceedings were once again presided over by the Peter Garling, as the Supreme Court judge, and once again he dismissed the evidence before him on 21 August 2015. The evidence before Peter Garling was to address the validity of the ‘Court Attendance Notice’ (which to date remove invalid), and the jurisdiction of the ICAC to investigation and/or hold inquiries in relation to the Mss Lazarus. **Of Note:** Section 14A was added to the Criminal Procedure Act 1986 (NSW) on 12 November 2015, and is NOT a retroactive law. Peter Garling knowingly, as a Supreme Court judge with the full knowledge of the rule of law, disregarded the fundamental laws which govern the democratic judicial system, ensuring the rights of all individuals before the law and court. This abusive act by Peter Garling contravened the provisions of **Article 7, Article 10, Article 14 and Article 26 of the ICCPR**, as such, Peter Garling knowingly, it is alleged engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute.** Further, Peter

Garling's conduct allowed for Michael Barnes and Joanna Keogh to continue engage in abusive conduct. The torturous actions and conduct of Joanna Keogh are discussed in detail in section titled 'Joanna Keogh, is an accused person who contravened Article 5(b) and Article 7 of the Rome Statute, and engaged in crimes against humanity' of this official complaint/communication.

MICHAEL KING – is an accused person who contravened Article 5(b) and Article 7 of the Rome Statute, and it is alleged he engaged in crimes against humanity.

204. The appeal from the judgments of Joanna Keogh and Michael Barnes were before Michael King a New South Wales District Court Judge. On 19 June 2017 Sandra Lazarus as a self-represented litigant, informed the Michael King as the presiding NSW District Court Judge that an application for a grant of legal aid was filed with the Legal Aid Commission. The following was her evidence in the court of law before Michael King:

APPELLANT S LAZARUS: In regards to my understanding in relation to Judge Zahra's orders for 9 May we were under the understanding that it was relation to fresh evidence and our submission was filed accordingly. In regards to the submission that was required on 9th of the 6th a submission was also filed in relation together with the notice of motion as well. Your Honour my purpose to attend today was to actually inform the Court that there has been Legal Aid applications filed and to place on record that having spoken to a Legal Aid officer, Maria, who has informed that the matter should not proceed while there is a Legal Aid application pending, that was my purpose to attend court today. In regards to what the DPP has provided a 200 page in access, submission which they were given about eight weeks to prepare. We also make the same request that we might be able to perhaps be given an equal amount of time to prepare with legal representation similar submissions in regards to - the solicitor from the Department of Public Prosecution as he indicated that there are no grounds and so forth then we need an equal opportunity to be able to file submissions in relation to that with legal representation. I have also been informed by the Legal Aid officer that it's an approximation of two weeks for evaluation of our application and so forth [Lazarus v ICAC/DPP. "NSW District Court Transcript". NSW District Court, 19 June 2017].

205. Sandra Lazarus informed Michael King as the presiding judge that, she nor Michelle Lazarus were legal practitioners, and as such would require legal representative to present to the court complex legal presentation which contained constitutional matters. Michael King denied an adjournment and requested that Sandra Lazarus present the full legal appeal for the case on the spot there and now. The abusive conduct of Michael King directly contravened **Article 7 and Article 14 of the ICCPR** and forced an inexperienced person who is not a legal practitioner to legal represent themselves in criminal judicial proceeding in a court of law in which a custodial sentence is being imposed. This conduct of Michael King gave rise to abuse of human rights, and as a result Michael King directly and knowingly, it is alleged engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**. In forcing Sandra Lazarus to represent herself, caused great mental and emotional stress, suffering and pain, given that Sandra Lazarus suffers from a number of lifelong medical condition causing number of limitations/disabilities. In this ill health condition Sandra Lazarus was forced to represent herself in a court of law. This abuse conduct by Michael King abused the fundamental human rights and the principle of a fair trial/hearing, this directly and knowingly contravened **Article 14 of the ICCPR**, and it is alleged he engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**.

206. Additionally, Sandra Lazarus informed Michael King the following in relation to her medical condition:

“APPELLANT S LAZARUS: It’s not completely correct because there is - I’ve been diagnosed with a new condition very recently and I’ve actually held off visiting the specialist based on the fact that we had a proceeding today. That relates to two brain surgeries an abnormal ECG and ongoing pending EEG’s and also seizure medication which I was previously on and a coccyx fracture which requires a disability aid and medication as well and also I’m clinically dyslexic and require reading and ascribe as well. The latter the Court is aware of, but the prior the Court is not aware of in terms of the recently diagnosed cardiac condition.

HIS HONOUR: You must have reports in relation to all of these things

APPELLANT S LAZARUS: I do have an ECG and that's all, I do not have a specialist's report, like I said I went to—

HIS HONOUR: When was the ECG done?

APPELLANT S LAZARUS: The ECG was done about a week ago and I have waited to see a specialist.

HIS HONOUR: There should be a report available by now.

APPELLANT S LAZARUS: There's only an ECG report available not a specialist report available. ECG report from the GP."

207. Further, Sandra Lazarus informed Michael King as the presiding judge that Michelle Lazarus due to illness could not attend court on 19 June 2017, Sandra Lazarus provided an electronic copy of the medical certificate, excusing Michelle Lazarus from attending court due to illness. Michael King refused the medical certificate, convicted and sentenced Michelle Lazarus in her absences, in criminal judicial proceedings in a court of law. This extremely abusive conduct in a court of law breaches all provisions of a democratic judicial system, which ensure fairness and justice in accordance with the law of rule, and the practice of human rights. Michael King in his conduct directly and knowingly contravened **Article 14 of the ICCPR**, and it is alleged he engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**.

208. In criminal judicial proceedings, Michael King refused the submission of new and fresh evidence (forensic evidence) which further proved Sandra Lazarus and Michelle Lazarus' innocence. He stated the following on court records on 19 June 2017:

"HIS HONOUR: In those circumstances and considering the state of the matter at the moment I refuse leave for any fresh evidence to be adduced on the appeal.

[Lazarus v ICAC/DPP. "NSW District Court Transcript". NSW District Court, 19 June 2017].

Michael King is a NSW District Court judge, he has full knowledge of the effect his refusal for fresh and new evidence will have in criminal judicial proceedings in a court of law. With full knowledge Michael King refused fresh and new evidence, and knowingly and directly

contravened **Article 14 of the ICCPR** and knowingly and directly, it is alleged engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**.

209. Michael King as a NSW District Court judge had the privilege of knowing the rule of law which govern a democratic court of law. Further, Michael King had the privilege and knowledge of the other judicial proceedings judgments which define fair hearing/trial within the rule of law, judicial proceeding such as the High Court judgment of Dietrich v. The Queen (1992) 177 CLR 292, which states:

“In Dietrich v. The Queen (1992) 177 CLR 292 the High Court recognised the right to a fair trial and held that, where a person is charged with a serious criminal offence but cannot afford legal representation, the absence of any legal representation will be relevant to the fairness of the trial.”

Though the above was stated by the High Court Judges, the practice of such provisions are still dependent on the individual judicial officer, in the judicial proceeding for Mss Lazarus it was Michael King, and as such these provisions were easily breached, by Michael King. Both Michelle Lazarus and Sandra Lazarus were forced in the most horrify and abusive manner by Michael King the presiding NSW District Court judge, to represent themselves in criminal proceedings and present complex legal principles (as they are not legal practitioners, they were unable to present complex legal principles), when Michael King could have easily adjourned the proceedings, given that applications to the Legal Aid Commission were pending, to provide legal representation. This was a blatant abuse of human rights, and an abuse of the Mss Lazarus’ right to fair and just judicial proceedings. Of note: there was no jury in the criminal proceedings for Mss Lazarus. As mentioned, the practice of a fair trial and fair judicial proceeding is dependent of the presiding judicial officer. Michael King as a presiding judge in a court of law would have full knowledge of what constitutes a fair and just hearing/trial, with this knowledge, knowingly Michael King contravened Article 7 and Article 14 of the ICCPR, and it is alleged engaged in crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute.

PAUL CONLON – is an accused person who contravened Article 5(b) and Article 7 of the Rome Statute, and it is alleged he engaged in crimes against humanity.

210. As mentioned earlier it was stated in court on 19 June 2017 that she was suffering from an in known (at the time) cardiac condition. Following the inhuman treatment of Sandra Lazarus and the stressed and harm caused by Michael King, in forcing Sandra Lazarus to legally represent herself in criminal judicial proceedings in a court of law, Sandra Lazarus was hospitalised the evening of 19 June 2017 due to cardiac complications.

211. The District Court of NSW was informed on 20 June 2017 that Sandra Lazarus has been hospitalised, the following is the court transcript in which it is acknowledged that the court is aware:

“HIS HONOUR (Conlon J): It won’t be a surprise to you, there’s some email received by the registry to say she’s been admitted for a cardiac condition this morning to Westmead Hospital, so it’s just the usual stunt. Michelle Lazarus, was that appeal dismissed recently?”

[Lazarus v ICAC/DPP. “NSW District Court Transcript”. NSW District Court, 20 June 2017].

212. With full knowledge of Sandra Lazarus’ hospitalisation, Paul Conlon as the presiding judge dismissed Sandra Lazarus’ judicial proceeding without a hearing and in her absences while she was a self-represented litigant, and convicted Sandra Lazarus.

“HIS HONOUR (Conlon J): In the light of this history, regard to communication has been totally unsatisfactory and accordingly, this appeal is also now dismissed.”

[Lazarus v ICAC/DPP. “NSW District Court Transcript”. NSW District Court, 20 June 2017].

Paul Conlon’s conduct of 20 June 2017 as a judge in a court of law directly and knowingly contravened **Article 14 of the ICCPR**, and as such he engaged, knowingly it is alleged he engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**. To date Sandra Lazarus been deprived of a fair and just judicial proceeding in accordance with the rule of law, and in accordance with the provisions of **Article 14 of the**

ICCPR. [Appendix 19: Hospital discharge summary dated 20 June 2017 for Sandra Lazarus].

JOHN MEAGHER – is an accused person who facilitated in the contravention of Article 5(b) and Article 7 of the Rome Statute, and it is alleged that, such contraventions led to acts of crimes against humanity.

213. John Meagher is a NSW Court of Appeal judge who presided over the judicial proceedings for Michelle Lazarus and Sandra Lazarus, in which the abusive and erroneous judgments of Michael King and Paul Conlon were reviewed. Due to the financial harm caused by ~ ten years of judicial abuse the Mss Lazarus are experience financial distress, and as such once again there was a legal aid application filed to provide payment for legal representation.
214. A Barrister attended court upon my requested on 07 November 2018, to represent the Mss Lazarus to adjourn the proceedings and hearing date until he was able to obtain a grant of legal aid to prepare the material for the hearing. John Meagher presided over the judicial proceedings, and on 08 November 2018 dismissed the adjournment request of the Barrister, one the grounds that the proceedings reviewing the conduct of Michael King and Paul Conlon did not have strong merits and/or grounds to succussed. Based on John Meagher's judgment of 08 November 2018 the Legal Aid Commission refused the grant of legal aid, and as such the Barrister and I represented the Mss Lazarus on 22 November 2018 and 23 November 2018 on a pro bono base. The details of the communication between the court and the Legal Aid Commission are discussed in the section titled 'Legal Aid Commission' of this official complaint/communication.
215. Following John Meagher's judgment of 08 November 2018, John Meagher was formally requested to disqualify himself from further presiding over this proceeding, on the grounds that he had already formed an opinion prior to the full hearing. John Meagher refused to disqualify himself, and continued presiding over the proceedings. On 08 May 2019 John Meagher as the presiding judge delivered his judgment, his judgment contained similar statements to those in the ICAC summons, in support of his dismissal of the judicial review. John Meagher further confirmed the convictions of the Mss Lazarus, Michael King and Paul Conlon conduct which was contrary to the rule of law and against human

rights remained unaccountable, as such John Meagher who is a judge in a court of law, with full knowledge, knowingly it is alleged facilitated crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statue**, and knowingly and directly contravened **Article 14 of the ICCPR**. Depriving the Mss Lazarus from getting a fair hearing/trial in accordance with the rule of law.

LEGAL AID COMMISSION

216. On a number of occasions, the delay from the Legal Aid Commission has caused, the Mss Lazarus to represent themselves as self-represented litigants in criminal judicial proceedings a court of law. **Of Note** the Mss Lazarus are not legal practitioners, and have no background in law. As there is NO Bill of Rights (human rights) in Australia there are NO provisions within the New South Wales legal and/or legislative system to provide legal representation for litigants, in both civil and criminal judicial proceedings. As such presiders of judicial proceedings (judges and/or magistrates) DO NOT have to adjourn judicial proceedings, and can force individuals to represent themselves, in both civil and criminal proceedings.

217. In relation to the judicial proceeding reviewing the judgments and conduct of NSW District Court judges Michael King and Paul Conlon, legal aid application was filed in January of 2018, there was no response from the Legal Aid Commission, the NSW Court of Appeal Registrar, within the provision of the court rules contacted the Legal Aid Commission, the following was stated in an email dated 10 August 2018 by the Court of Appeal Registrar to the Legal Aid Commission Director:

“At the directions hearing on 6 August 2018, Ms Lazarus’s matter was set down for hearing on 22 & 23 November 2018 in the Court of Appeal. Ms Lazarus has been directed to file and serve her submissions on her appeal by 17 September 2018. It was indicated at the directions hearing that Mr Waterstreet has provided a merits advice to the Commission.

The Court requests pursuant to section 25 of the *Legal Aid Commission Act 1979*, that with the consent of the Commission, information be supplied as to the outcome of Ms

Lazarus’s legal aid application. Ms Lazarus at the directions hearing did not oppose the Court requesting this information.”

[**Appendix 20:** Email dated 10 August 2018 from Court of Appeal Registrar to the Legal Aid Commission Director].

218. On 21 September 2018 the Court of Appeal Registrar once again wrote an email to the Legal Aid Commission Director, stating the following:

“Thank you for your advice of 13 August 2018. The matter is listed for directions on Monday 21 September 2018.

Would you be able to assist by advising whether the legal aid application has been determined, and what the outcome of the determination was?”

[**Appendix 21:** Email dated 21 September 2018 from Court of Appeal Registrar to the Legal Aid Commission Director].

219. On 21 September 2018 the Legal Aid Commission Grants Divisions emailed the Court of Appeal Registrar, the following was stated in the email:

“Grants Division has now received Counsel merit advice.

The assigned solicitor Leigh Johnson has requested further funding in these proceedings. I have asked Steven Doumit (Senior Legal Officer) to assign the application to a merit officer for processing.”

[**Appendix 22:** Email dated 21 September 2018 from Legal Aid Commission Grants Divisions to the Court of Appeal Registrar].

220. On 24 September 2018 the Senior Officer of the Legal Aid Commission Grants Division emailed the Court of Appeal Registrar the following was stated in the email:

“I refer to the email correspondence below.

Legal Aid NSW has not determined whether aid will be granted in this matter at this stage.

The decision may still take a number of weeks as Legal Aid NSW is awaiting a determination of merit from a member of the Legal Aid NSW Appellate Barrister Panel.

I apologise for any inconvenience to the Court.”

[**Appendix 23:** Email dated 24 September 2018 from Senior Officer of the Legal Aid Commission Grants Divisions to the Court of Appeal Registrar].

221. However, following the judgement dated 08 November 2018 of John Meagher as the presiding judge (as discussed in section titled ‘John Meagher is an allegedly accused person who facilitated in the contravention of Article 5(b) and Article 7 of the Rome Statute, leading to acts of crimes against humanity’ of this official complaint/communication), in which he stated without a hearing that the judicial proceedings had no merit, the Legal Aid Commission refused a grant of legal aid for the full hearing which was listed in a court of law for the 22 November 2018 and 23 November 2018. I wrote an email to Mss Lazarus informing them that the grant of legal aid was refused, prior to the Barrister providing merit advice for the judicial proceedings to the Legal Aid Commission, the following was stated in the email dated 19 November 2018:

“As you are aware my application to vacate the hearing date of 22 November 2018 so that legal aid might be granted and proper legal representation be afforded to you, was refused.

Mr Peter Lange of counsel advised the Court that he would have the advice on merit completed together with the amended grounds of appeal and submissions for hearing if the matter was adjourned until February 2019.

Mr Lange advised me and the Court that in his opinion there are grounds in your appeal.

Legal Aid will not provide approval for the hearing in the absence of Mr Lange's Advice and have misleadingly stated that there is no merit, given that the Advice has not been provided.”

[**Appendix 24:** Email dated 18 November 2018 from Leigh Johnson to Sandra Lazarus].

222. As stated earlier, Counsel and I represented the Mss Lazarus in this judicial proceeding on pro bono bases. This all could have been avoided, only if throughout Australia there was a Bill of Rights and/or legislative provisions which ensured equality before the law by ensuring that legal representation which is a key principle for a fair judicial proceeding, as

confirmed by the High Court judicial proceedings of “In Dietrich v. The Queen (1992) 177 CLR 292 the High Court recognised the right to a fair trial and held that, where a person is charged with a serious criminal offence but cannot afford legal representation, the absence of any legal representation will be relevant to the fairness of the trial.”

THREATS, INTIMIDATIONS AND ABUSE

223. On 23 January 2018 the three Mss Lazarus filed judicial proceedings in the High Court of Australia, based on the grounds that the NSW Judiciary’s independence was impeded by the ICAC Act 1988, requesting that the court make appropriate orders which would remove the NSW Judiciary from the ICAC’s jurisdiction to investigate. I am the Solicitor on record for that High Court proceeding (lack of judicial independence is discussed throughout this official complaint/communication in particular section titled ‘lack of judicial independence’).

Video link: <https://m.youtube.com/watch?v=nq1jshaRuLl> and

<https://m.youtube.com/watch?v=KlyMqo1lsMQ> and

<https://m.youtube.com/watch?v=eK9WKkVqYuA>

224. On 12 March 2018 it was requested of me in email by the Mss Lazarus that the proceeding in the High Court of Australia be withdrawn/discontinued, due to recent threats made to the security and safety of the children of the Lazarus family who are aged ten and under [**Appendix 25**: Email dated 12 March 2018 sent at 12:27am by Sandra Lazarus to Leigh Johnson]. The evidence in court on 5 March 2018 was, that due to threats made to the security of the offspring (children) of the Lazarus all aged ten and younger by individual identifying themselves as ICAC Officers and State Officers, the application commencing judicial proceedings in the High Court are to be withdrawn. **These treats to the safety and security of children, subjected the Lazarus family (including the spouses, partners of the Lazarus Family members) to tortuous treatment which impeded and contravened the provisions within Article 1 of the ‘Convention against Torture and Other Cruel, inhuman or Degrading Treatment or Punishment’, the provisions stated within Articles 7 and 26 of the ‘International Covenant on Civil and Political Rights’, and Article 5 of the ‘Universal Declaration of Human Rights’. As the Solicitor on record, I can state that, I withdrew proceeding number S26/2018**

from the High Court of Australia, as requested by the Mss Lazarus to ensure that no additional treats are made to the security and safety of the Lazarus offspring/children.

225. As mentioned in earlier, all public officials are within the jurisdiction of the ICAC to be investigated, including Members of Parliament (such as Michael Gallacher former Police Minister), Commissioners (such as Murray Kear, Former Commissioner of the State Emergency Service). As the Police force, its Officers and the Police Commissioner as Public Official are within the jurisdiction of the ICAC to investigate, much of the abuse that individuals suffer from ICAC Officer/investigations/inquiries are not reported to the Police. Individuals who experience abuse are informed by ICAC Officers that the Police will not take any action against ICAC and its Officers as the Police Commissioner and the Police force fear the ICAC, and so the abuse continues. John Kinghorn, who was a witness at an ICAC investigation, during the ICAC investigation/inquiry John Kinghorn stated that he was subjected to the following abuse which he never reported to the Police:

“he had all four of his car tyres slashed by someone who left multiple calling cards — stickers proclaiming: “I love ICAC.” He also felt compelled to resign from Sydney’s Elanora Golf Club because of the way he was treated. “I left the club because there were people I thought were friends for years and years who were all giggling and carrying on behind my back,”

[**Newspaper Article** by Chris Merritt, “Time to remove stench of ICAC ‘corruption’ claims: John Kinghorn”. The Australian, 13 November 2015.].

226. The following was stated by the former Police Minister, Mike Gallacher who was involved in an ICAC investigation/inquiry:

“Gallacher sees ICAC as a body that deprives those under investigation of procedural fairness: it withholds evidence from public hearings, it destroys reputations in moments and it makes unsubstantiated allegations. It is an environment, he says, that gives rise to “noble cause corruption”.

“An ICAC inquiry reminds me of how the masses used to go to the Colosseum to watch people get ripped to pieces by the lions,” he says. “Did anyone actually stand up and say is this right? Is this the way our justice system is supposed to work?””

[**Newspaper Article** by Sharri Markson, “Mike Gallacher: the man branded by ICAC”. The Australian, 31 August 2016].

227. The following was stated by the NSW Senior Prosecutor Margaret Cunneen who was involved in an ICAC investigation/inquiry:

“But the people who make the decisions at ICAC and who storm people’s homes and seize their phones and computers almost always remain faceless. It is time to query whether “independence” is a quality with no downside. Where there are no controls and no accountability, in any organisation, the conditions for corruption to flourish are rife. Because these government agencies are not courts and can therefore not convict, nor pass sentence, they have developed a means of punishment that is in many cases far worse. Well in advance of any charge being laid, often in cases where charges will never be laid and even in cases where the decision that no charge will be laid has already been made by the proper authorities, ICAC justifies its existence by condemning the presumed innocent in the media. Even if we have done nothing for which the proper law would punish us, can any of us be confident that we won’t be caught up in an effort to investigate the perceived breach of some pettifogging ordinance that a government official has decided is suddenly of such importance that all the protections of the common law are to be circumvented? We must insist that all government agencies remain subject to the rule of law. If we don’t, we can be certain that our hard-won freedoms and protections under the common law will be inexorably eroded”. [**Newspaper Article** by Margaret Cunneen, “Rogue body persecutes innocents via trial by media”. The Australian, 9 September 2016.]

228. **As mentioned in this official complaint/communication the ICAC Act 1988 impedes on the fundamental functions of a democratic society, and the rights and liberty of the individual to a fair, independent judicial system. The Australia and its States (in particular New South Wales) failed in its duties and obligations under the Charter of the United Nations to observe and implement the fundamental human rights, freedom and protection, afforded to its citizens, by allowing such abuse to continue within the ICAC legislation, ICAC Act 1988.**

229. **This application brings the much-needed awareness the malicious manner in which the ICAC carried out its investigations/inquires and judicial proceedings in relation to the Mss Lazarus; that is undoubtedly tyrannical, perverse, and certainly not fair according to the basic principles of law, and human rights. As mentioned above, such abuse of human rights are not investigated, there is an unwillingness of the authorities to investigate.**

MEDICAL CONDITIONS AND HEALTH ISSUES

230. The ICAC Investigation/Inquires, ‘Operation Charity’ and the consequent judicial proceedings, has severely impacted on the health, safety, and well-being of Michelle Lazarus, Sandra Lazarus, Jessica Lazarus, and their families for approximately eight years to date. As a result of the continued and prolonged abuse, chronic stress, harassment, intimidation and bullying experienced by the Mss Lazarus and their families, all members of the family have undergone psychological and psychiatric therapy for almost eight years. The continued and prolonged abuse, chronic stress, harassment, intimidation and bullying over an extensive period of time have directly resulted in the manifestation of various physical health issues, experienced by all members of the family. The Lazarus family is a respected family in its community, the mother was a volunteer with the public school system for many years after retiring as a full time educator.

231. Michelle Lazarus for many years had volunteered with the second hand clothing store at the local community centre, Jessica Lazarus was volunteering with the Children’s Hospital for many years as a ‘candy striper’, both Michelle Lazarus and Sandra Lazarus volunteered at the local community centre providing free tutoring services to high school students who could not afford out of school tutoring, Sandra Lazarus also volunteered to start a community health clinic administrated by the local parish, following is the evidence of the clergymen in judicial proceeding who had known the family for many years :

COUNSEL FOR LAZARUS: You said something about a medical centre, tell us about that?

CLERGYMEN: Our parish had for a long time sort of hoped that we might have a health centre of some kind there. We have a lot of people who come for help in all sorts of ways, housing and employment and sickness and short of food and all that

sort of thing, and that it would've been a good thing if we could've ever had some kind of a health service that was immediately kind of accessible to such people. Anyway Sandra contacted the Community Health Department and they came to the party to finance it, and I mean Sandra did all that herself, none of us were able to you know, make that happen, so now there's a fully functioning health centre there, we get people there who are - like with the kids in mental health, alcoholism and baby things, so yes, but for Sandra it wouldn't have happened.

[ICAC v Lazarus. "Local Court Transcript". NSW Local Court Downing Centre, 17 October 2014].

The brother of the Mss Lazarus volunteered with the male youth program at the community centre assisting in developmental workshops and building. The Lazarus Family has always lived in harmony with their local community assisting where ever they could. During judicial proceedings for both Michelle Lazarus and Sandra Lazarus the prosecution agreed that both Mss Lazarus are individuals of good character, I was present in court when this was stated by the Solicitor for the DPP.

232. Jessica Lazarus during the ICAC Investigation/Inquiry (Operation Charity), the subsequent judicial proceedings, and continuously after the Investigation, Jessica Lazarus has undergone many years of psychological and psychiatric therapy. The mental anguish experienced by Jessica Lazarus in relation to the ICAC and its serious abuse of power, the corruption of the DPP, and the corruption of the Parliament (including extensive political abuse), have directly resulted in the manifestation of various physical health issues with Jessica Lazarus; which she has reported to her psychologists and psychiatrist. Jessica Lazarus' health has deteriorated dramatically over the described 8 years since the commencement of the ICAC Investigation, Operation Charity, and continues to do so as the abuse continues. Jessica Lazarus' deterioration of health has largely been related to severe stress, depression, and anxiety. The overwhelming severity of her health conditions, resulting directly from the abuse described in this application (the cause and genesis of which was the ICAC Investigation, Operation Charity), caused Jessica Lazarus to enter into preterm labour on 25 May 2017. Her labour was described as 'very high risk'. She gave birth to her child at 24 weeks gestation, on 26 May 2017. The child had extremely low birth weight, being born at 660grams with his eyelids still fused, and required immediate resuscitation for any chance of survival. Since birth, her baby has experienced a

host of medical issues including two brain haemorrhages, chronic lung disease, patent ductus arteriosus (hole in the heart), retinopathy of prematurity, gut malrotation, vascular malformation, two diagnoses of complete deafness, and segmental volvulus (twisted bowel), for which he is due to have his fourth surgery in April 2018 [**Appendix 26:** Jessica Lazarus hospital medical report dated 16 August 2017]. video link: <https://m.youtube.com/watch?v=QdSoskF1xDM>

233. Michelle Lazarus was hospitalised on 02 June 2015 at the Sutherland Hospital, where she was treated for chronic stress and depression, on 03 June 2015 she was transferred to a specialised health facility St John of God Hospital for further assessment and treatment. This affected her young family greatly, at the time her daughter was aged 5 and son ages 3. This also affected her husband's professional life, who cannot progress in ranks and place of work, having to care for their two young children and his wife. The mental anguish experienced by Michelle Lazarus has led to a number of health conditions and concerns, on 22 September 2017 Michelle Lazarus underwent a breast medical procedure to remove the breast lesion she was diagnosed with [**Appendix 27:** Michelle Lazarus medical procedure report of 22 September 2017, breast lesion]. Michelle Lazarus' children are currently undergoing speech therapy, psychological and psychiatric therapy to deal with inability to socialise and communicate, anxiety assessment, and skin condition. It should be noted that Michelle Lazarus was a breastfeeding mother to her eldest child at the time of the 12 July 2010 ICAC Inquiry and was pregnant with her second child during the ICAC Inquiry commenced 14 February 2011 concluding 25 March 2011. Michelle Lazarus' husband continues to undergo psychological and psychiatric therapy both through his place of work and through a private clinic, to deal with the devastation this abusive conduct of the ICAC, DPP, health department and NSW Parliament have caused his wife, children and him.

Video link: <https://m.youtube.com/watch?v=6jcR-49Drz0>

234. As mentioned above Sandra Lazarus has a number of health conditions, the existing medical conditions have been exacerbated due to the continued and prolonged abuse, chronic stress, harassment, intimidation and bullying, inflicted by the ICAC and its Officers, the abusive conduct of the DPP, and the unconstitutional conduct of the NSW Parliament. On 22 September 2017 Sandra Lazarus was hospitalised for seizures and

seizures symptoms. In addition, due to the physical torture Sandra Lazarus was subjected to, further physical injury was caused.

Video link: <https://m.youtube.com/watch?v=eK9WKkVqYuA>

235. The brother of the Mss Lazarus since the commencement of the ICAC Investigation/Inquiry (Operation Charity), has suffered from chronic stress, depression and anxiety, he continues to undergo psychological and psychiatric therapy and has gained approximately 40 kilograms of weight, and in 2015 was diagnosed with digestive problems and diverticulitis, and related kidney complications. His partner also continues to undergo psychological and psychiatric therapy, this continues to impact on the lives of their children, who have social difficulties, communication problems, and other emotional and mental health issues.

236. Due to these traumatic events, watching the lives of her children destroyed, the mother of the Mss Lazarus continues to suffer from chronic stress, depression and anxiety resulting in her losing hair and being diagnosed with Alopecia areata, further her diagnosis of diabetes is exacerbated causing additional physical limitations. The father of the Mss Lazarus' blood pressure for which he administers medication is exacerbated. The husband and wife Mr and Mrs Lazarus have difficulty dealing with daily life, and are also limited in their mobility, having to helplessly watch their children and their families suffer for such a prolonged period of time.

PART IV

ATTORNEY–GENERAL’S REPORT TO THE UNITED NATIONS

237. The “Sixth Periodic reports of States parties - Australia” (Attorney–General’s report) received by the United Nations Commission on 02 May 2016 is the subject of this section of the official ‘complaint/communication to the **International Criminal Court**’. This section will provide evidence which will support that, the Attorney–General’s report is misleading, and at time false in relational to the practices of Human Rights (Human Rights as defined by the **International Covenant on Civil and Political Rights (ICCPR), Charter of the United Nations and the Universal Declaration of Human Rights**) in

Australia and its States and Territories. Sections of the Attorney-General's report which are relevant to this official complaint/communication will be discussed and mentioned, this does not limit the review.

238. The Australian Attorney-General stated the following in his "Consideration of reports submitted by States parties under article 40 of the Covenant: Sixth periodic reports of States parties" (Attorney-General's report) received by the United Nations Commission on 02 May 2016:

"The Australian Government considers that existing domestic laws and institutions adequately implement the ICCPR at the domestic level. Human rights in Australia are protected by our constitutional system, strong democratic institutions and specific legal protections. State and territory governments incorporate rights under the ICCPR through legislation, policies and programs, including statutory Charters of Rights in the ACT and Victoria." [**Australian Attorney-General's report**, Consideration of reports submitted by States parties under article 40 of the Covenant: Sixth periodic reports of States parties" (Attorney-General's report) received by the United Nations Commission on 02 May 2016].

This statement by the Australian Attorney-General is misleading and inaccurate, rather existing domestic laws and institutions do NOT adequately implement the **International Covenant on Civil and Political Rights (ICCPR)** at the domestic level. Section 80 of the Constitution of the Australian Commonwealth as discussed in paragraph 29 of the Attorney-General's report, only provides a public jury trial for accused individuals for any offence against any law of the Commonwealth. Section 80 of the Constitution of the Australian Commonwealth provides NO such provisions for a fair trial (with jury) at a State level of the judicial system. At the State level of the government, the utilisation of a jury trial is based on the approval of the presiding judge/magistrate who is not bound by legislative law to call for a jury, this is true for criminal proceedings as well as civil proceedings (but not within the State of Victoria and Australian Capital Territory). Judges/magistrates only preside over criminal judicial proceedings and deliver their own judgments. The provisions of section 80 of the Constitution of the Australian Commonwealth are NOT supported nor practiced by the legislative structures at a States and/or Territories level of the judicial system, this includes criminal judicial proceedings,

(for the purpose of this communication States and Territories are referenced to as Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australian, Northern Territory and Australian Capital Territory). The practice of a public jury trial is at the discretion of the state Director of Public Prosecution with the official approval from the presiding judge/magistrate, who is not bound by the section 80 of the Constitution of the Australian Commonwealth unless, the offence against any law of the Commonwealth. Further, sections of the Constitution of the Australian Commonwealth as discussed in paragraph 29 of the Attorney-General's report are only practiced at a federal level of the government, and as stated in the report only apply to conduct of Commonwealth officers and in relation to offences against the Commonwealth. This limitation allows the Officers of the State whether in their official capacity or not, to disregard the provisions set in section 80 of the Constitution of the Australian Commonwealth as it is not applicable to at the state level, and as such allowing the principles of such provisions to be contravene with ease and without accountability.

239. However, within the state of Victoria and within the territory of Australian Capital Territory a statutory Charters of Rights legislative structure forms part of the legal system. The Attorney-General's report in paragraph 11 to 14 continuously and only makes reference to these parts of Australia to illustrate that the practice of the human rights operates throughout Australia, this is inaccurate and misleading, the practice of the human rights DOES NOT operates throughout Australia. **Since Australia DOES NOT have a bill of human right, human right are not practiced by virtue of a legislation (but for in Victoria and ACT), the principles and practices of human right are assumed and dependent on the application of common law, and in relation to judicial proceedings, are dependent on the judicial presiders (judge/magistrate). This contravenes Australia's obligations within the Charter of the United Nations, contravene the provisions of Article 14 of the ICCPR, and contravene the provisions which constitute fair and just judicial proceedings. Such contraventions give rise to crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute.**

240. Paragraph 16 of the Attorney-General's report is a demonstration of the effectiveness a human rights legislations has in directly ensuring the operation of the fundamental human rights for all individuals. One again the judicial case referenced by Attorney-General, is in relation to the state of Victoria, where the Victorian Charters of Rights ensures and

protection human rights, and allowing for fair and just judicial proceedings. Due to the fact there are no other states in Australia (but for Victoria) which is governed with an operating human rights legislations, the rights of an individuals are only assumed, and as there is no binding law, human rights are breached with ease and without accountability. Further, paragraphs 38 and 39 of the Attorney-General's report once again makes reference to the Victorian Charters of Rights and Australian Capital Territory, to support the practice and operation of human rights, however, the report fails to mention that such practices are only within these parts of the country (Victorian and Australian Capital Territory), and not in any other state and/or territory. In state and/or territory where there is no legislative practice of human rights, provisions within the common law are relied upon for the practice of human rights, and in relation to judicial proceedings such practices, which constitute human rights are dependent on the presiding judicial officers (judge/magistrate) as mentioned above.

241. The Human Rights Commission in Australia is a body which is NOT support by, legislative human rights practices, the Human Rights Commission legislations allows the Human Rights Commission to operate as a commission within the Australia; it is NOT a bill of right or a human rights legislation. The Human Rights Commission has no powers to enforce the operation and/or practice of human rights, rather, it can only monitor the operation and practice of human rights, and as there are NO legislations which gives operation to the practice of human rights, the Human Rights Commission has NO legislative foundation and NO legalisation to enforce and/or monitor. But for republishing international human rights material, the Human Rights Commission in Australia serves no functional purpose. Rather, the commission is a tool to falsely display to the international community that Australia is taking measure to observe human rights, in accordance with its international obligations. When the horrify atrocities of physical torture of juveniles took place in Australia, the Human Rights Commission in Australia was powerless, and took no measure to attend to such torture. When the parliament through its legislative processes made such physical torture lawful, the Human Rights Commission was once again powerless. **This contravenes Australia's obligations within the Charter of the United Nations, and contravenes the provisions of Article 7 of the ICCPR. Such contraventions give rise to crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute.**

No Bill of Rights (Human Rights) in Australia

242. **Australia has NO Bill of Rights (Human Rights), human rights are NOT practiced by virtue of legislation.** In relation to both civil and criminal judicial proceedings, the implementation and practice of human rights which may constitute fair judicial proceedings, are at the discretion of the judicial presiders (judge/magistrate), this is fact in all judicial proceedings, including jury proceedings and judge/magistrate only proceeding in all civil and criminal proceedings. The impact and abuse of such discretionary powers is outlined throughout this official complaint/communication. The absence of a Bill of Human Rights does not only affect judicial proceedings but also defines the practice of civil liability and freedoms in Australia. **This contravenes Australia's obligations within the Charter of the United Nations which is binding in all state and territories of Australia.**

Lack of Judicial Independence

243. Since, 1988 due to the legislation of the New South Wales Independent Commission Against Corruption (ICAC) the state judiciary has lacked independence. This is supported by the following statement of Arthur Moses Senior Barrister and President of the Law Council of Australia, he stated the following on 20 December 2018:

“The separation of powers is in and of itself a critical safeguard against corruption. A model where the executive oversees the investigation of allegations against judicial officers risks undermining judicial independence, or at least creates the appearance that judicial independence is undermined.” [Academic Article by: Arthur Moses (President of the Law Council of Australia), “Rule of Law is key to integrity”, 20 December 2018.

Website Link: <https://www.lawcouncil.asn.au/media/speeches/opinion-piece-rule-of-law-is-key-to-integrity>].

It is not simply the fact that the ICAC can investigate members of the judiciary that impedes judicial independence. Rather it is due to sections of the ICAC legislation which ensure that there is NO separation of power between the executive government and the ICAC, this directly impedes judicial independence, as the judiciary is within the ICAC jurisdiction to

investigate. It is due to the removal of this separation of power that judicial independence is destroyed. A principle of judicial independence is reliant on separation of power from the executive government, and as stated by Arthur Moses the separation of power itself is a safeguard from corruption. As such the ICAC legislation is a “model where the executive oversees the investigation of allegations against judicial officers risks undermining judicial independence”. The separation of power is what ensure that the judicial system remain independent and impartial, allowing for fair and just judicial proceedings in accordance with the rule of law. The NSW judiciary had its judicial independence impede and removed since the introduction of the ICAC legislation on 26 May 1988. Once again the NSW Parliament utilised the legislative process to contravene its obligation within the **Charter of the United Nations** and a number of international laws which state that, judicial independences is a key principle for the practice of a democratic judicial system, equality before the law, and for a fair and just judicial process. The NSW Parliament contravened **Article 14 of the ICCPR** causing crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**. For the purpose of this official complaint/communication within the jurisdiction of the **ICC** the introduction of the ICAC legislation does not form part of the crimes against humanity as this crime took place on 26 May 1988 prior to 2002, therefore are not within the jurisdiction of the **ICC**.

244. According to the NSW ICAC legislation, section 8, supported by the Parliamentary speech of 26 May 1988, the NSW ICAC, has within its jurisdiction the ability to investigate member of the state judiciary, including judges/magistrates.

“The only matters that the commission must investigate are matters referred to it by resolution of both Houses of this Parliament – the legislation makes it clear that the focus of the commission is public corruption and that the commission is to co-operate with law enforcement agencies in pursuing corruption – in the long term I would expect its primary role to become more and more one of advising departments and authorities on strategies, practices and procedures to enhance administrative integrity – The commissioner will be a person who has the legal qualifications necessary to be a judge of the Supreme Court. Practising judges will not be eligible for appointment. This accords with the Government's policy that the resources of the judiciary should not be diverted from judicial work. There is provision for the appointment of assistant commissioners who will be subject to the same conditions of appointment as the

commissioner – Corrupt conduct has been carefully defined. As I said earlier corrupt conduct will focus on conduct of public officials. It will also include conduct of persons who are not, themselves public officials but whose activities impact on honest public administration. The most obvious example would be an attempt by a private person to bribe a public official – The term public official has been very widely defined to include members of Parliament, the Governor, Judges, Ministers, all holders of public offices, and all employees of departments and authorities. Local government members and employees are also included. In short, the definition in the legislation has been framed to include everyone who is conceivably in a position of public trust. There are no exceptions and there are no exemptions – It is important to note that the independent commission will not be engaging in the prosecutorial role. The Director of Public Prosecutions will retain his independence in deciding whether a prosecution should be instituted” [**Parliamentary Speech** by: Nicholas Greiner (New South Wales Member of Parliament and then New South Wales Premier), “Second Reading Speech of the Independent Commission Against Corruption Act 1988”, Excerpt from Hansard Legislative Assembly, 26 May 1988, <https://www.parliament.nsw.gov.au/hansard/pages/home.aspx?s=1>].

245. The Parliamentary Speech of 28 May 1988 by Nicholas Greiner also stated that the appointed Commissioner of the ICAC be a retired Supreme Court Judge or equivalent see **Parliamentary Speech** by: Nicholas Greiner (New South Wales Member of Parliament and then New South Wales Premier), “Second Reading Speech of the Independent Commission Against Corruption Act 1988”, Excerpt from Hansard Legislative Assembly, 26 May 1988, <https://www.parliament.nsw.gov.au/hansard/pages/home.aspx?s=1>].

246. On 23 November 2016 the NSW Parliament introduced a Parliamentary Bill to amend the ICAC legislation, this amendment stated that the appointment of the ICAC Commissioner (who is a retired Supreme Court Judge or equivalent) can be “veto” by the NSW Parliament without cause.

247. It is within the rule of law supported by national and international law that the appointment of the judicial officer is one which is defined by independence, impartial, immunity (within limitation) and tenure. The Australian High Court in 1985 state the following in relation to the Parliament and the appointment of judicial officers:

“The ability of parliament to confer non-judicial power on a judge of a Chapter III court, as distinct from the court to which he belongs, has the potential, if it is not kept to within precise limits, to undermine the doctrine in the *Boilermaker’s case*” [Hilton v Wells (1985) 157 CLR 57].

The referenced Australian High Court of “Boilermaker” stated the following:

“when an exercise of legislative powers is directed to the judicial power of the Commonwealth it must operate through or in conformity with Chap. [Chapter] III. For that reason it is beyond the competence of the Parliament to invest with any part of the judicial power any body or person except a court created pursuant to s. [section] 71 and constituted in accordance with s. [section] 72 or a court brought into existence by a State” [R v Kirby; Ex parte Boilermakers’ Society of Australia (1956) 94 CLR 254].

The above two Australian High Court judgments, confirm that within the Constitution of the Commonwealth of Australia judicial officer are to be independent, impartial, and have a tenure position, even when presiding over non-judicial matters, such as matters in a commission of inquiry, for example the ICAC. The amendment to the ICAC legislation on 23 November 2016, in which the appointment of the ICAC Commissioner can be “veto” without cause by the NSW Parliament (Government Executive), impedes the function of the tenure judicial position, which further, impedes the principles of judicial independence, and the principle to separation of power between the judiciary and the government executive. This further removes the “safeguard” which ensure judicial independence through the separation of power between the executive government and commissions such as the ICAC. As outlined by Arthur Moses the failure to ensure this separation of power is corruption itself (see section titled ‘lack of judicial independence’ of this official complaint/communication for details). For the Parliament to have the power, to terminate the position of a judicial officer without cause once again destroys the fundamental principles which ensure a democratic judicial system. This abusive act of the NSW Parliament contravenes its obligation within the provisions of the **Charter of the United Nations** and a number of national and international laws. Further, this conduct of the NSW Parliament contravenes **Article 14 of the ICCPR** causing crimes against

humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**. For the purpose of this official complaint/communication this abusive conduct of the NSW Parliament is within the jurisdiction of the **ICC** to investigate, as these contraventions occurred on 23 November 2016, after 2002.

248. The principles of judicial independence, impartiality, immunity and tenure are addressed and implied in section 72 of Constitution of the Commonwealth of Australia, there is NO direct and clear language used which states these principles within section 72 of the Constitution of the Commonwealth of Australia. For these reasons, such principles are overlooked by the state governments, especially the principle of independence and impartiality, the states and the state judiciary is NOT bound by section 72 of the Constitution of the Commonwealth of Australia. Further, in paragraphs 21 and 22 of the Attorney-General's report, the Attorney-General fails to mention that the state's executive arm of the government can legislate, a Parliamentary Bill which can impede the independence of the state judiciary, as in the case of the ICAC legislation, as discussed above. Attorney-General's report is false and misleading, as judicial independence is NOT practiced throughout Australia, as such Australia has contravened its obligations within provisions of the **Charter of the United Nations**, and a number of national and international laws.

249. **As mentioned above judicial proceedings in relational to the conduct of the ICAC, and judicial proceedings following ICAC investigations/inquiries can NOT be conducted in a court of law independently or impartially, and there are NO circumstances in which a fair hearing/trial can be achieved. Therefore, within the provisions of Article 17(2c) of the Rome Statute, the proceedings against the accused in this official complaint/communication will NOT be conducted in an independent or impartial manner. Additionally, due to the lack of judicial independences the victims the three Mss Lazarus cannot get fair and just judicial proceedings. For the above reasons this official complaint/communication is within the jurisdiction of the ICC.**

250. Further, as discussed above, judicial officer who uphold their judicial oath and ensure that judicial proceedings are conducted in accordance with the rule of law, observing human rights are publically criticised by officers of the ICAC. This public criticism further

deters judicial officer from conducted themselves in an independent and impartial manner, in accordance with the rule of law.

Breach of fair trial practices

251. The legislative protections which may operate in other first world countries to ensure fair hearings/trials are NOT explicated legislated in Australia, (but for certain measure taken in the State of Victoria and the Australian Capital Territory). This is mainly due to the fact Australia does NOT have a Bill of Human Rights which operates Australia wide. The principles of a fair trial/hearing are adopted from common law, assumed, and implemented at the discretion of the judicial presiders (judge or magistrate). The Attorney-General's report at paragraph 29 makes mention of section 80 of the Constitution of the Australian Commonwealth, which as discussed earlier only operates for offences against the Commonwealth. The Attorney-General's report fails to mention that there are no other provisions outlined within the Constitution of the Australian Commonwealth which ensures a fair trial/hearing. The Constitution of the Australian Commonwealth section 80, which states:

“Trial on indictment of any offence against any law of the Commonwealth shall be by jury.”

As mentioned earlier, trial by jury is at discretion of the presiding judicial officers, and the state Director of Public Prosecution. Otherwise, criminal and civil judicial proceedings are presiding over by judicial officers only.

252. Paragraph 34 of the Attorney-General's report refers to two Australian High Court proceedings (*Dietrich v. The Queen* (1992) 177 CLR 292 and *Sorby v. Commonwealth* (1983) 152 CLR 281), to support and illustrate the practice of a fair trial/hearing and judicial proceeding, however, what the Attorney-General fails to state in the report is that there are no legislative provisions, and that such practices are at the discretion of the judicial presider. If the principles of a fair trial/hearing were practiced at the state level of the judicial system, the High Court of Australia would have had no need to make judgements in regards to the two mentioned judicial proceedings to determine what constitutes a fair hearing/trail. The followings reference is utilised by the Attorney-General:

“In *Dietrich v. The Queen* (1992) 177 CLR 292 the High Court recognised the right to a fair trial and held that, where a person is charged with a serious criminal offence but cannot afford legal representation, the absence of any legal representation will be relevant to the fairness of the trial.”

As discussed in this official complaint/communication the Mss Lazarus were denied fairness in their trials, in the absence of legal representation they were forced to defend themselves, and were convicted while they were self-represented litigants awaiting the outcome of a legal aid application which would allow them to be legally represented.

253. Janet Hope in her article titled, “A Constitutional Right to a Fair Trial?: Implications for the Reform of the Australian criminal justice system”, states the following:

“At common law, rules of evidence and procedure have been developed to minimise the risk that innocent people will be convicted as a result of the imbalance of power between the Crown as prosecutor and the individual defendant. The enforcement of these rules is a matter for the trial judge.” [Academic Article by Janet Hope, “A Constitutional Right to a Fair Trial?: Implications for the Reform of the Australian criminal justice system”, website link:

<http://www.austlii.edu.au/journals/FedLRev/1996/pdf .>]

As mentioned earlier and further outlined by Janet Hope the implementation and practice of provisions and principles which constitute a fair hearing/trial are at the discretion of the judicial presider (judge/magistrate). This raises many concerns especially if the judicial presider lacks independence. As discussed in section titled ‘lack of judicial independence’ of this official complaint/communication the operation of the ICAC legalisation impedes judicial independence and the principles of judicial independence. Judicial proceedings which stem from ICAC investigations/inquires, and/or involve the ICAC as a party to the judicial proceedings, can NOT be conducted in a manner which constitutes a fair hearing/trial, as the presiding judicial officers lack independence, and can NOT conclude an independent and impartial judgement. This is an absolute blatant abuse

of human rights, this contravenes Australia's obligations within the **Charter of the United Nations**, and provisions of the **ICCPR** which clearly state that an independent and impartial judicial system be established by law, and this independence and impartiality not be impeded. The Attorney-General's report provides a false impression that an independent and impartial judiciary operates throughout Australia, this is not the case, certainly not in the state of New South Wales.

Practice of Physical and Mental Torture

254. The Attorney-General's report at paragraphs 80-83, 145-147 and 166-172 outlines the methods in which the Australian Indigenous rights are being observed and practiced. However, in 2017 the United Nations special rapporteur Ms Victoria Tauli-Corpuz concluded the following after completing her official reporting and investigation into the rights and living conditions of the Indigenous Australians, the following was reported by Victoria Tauli-Corpuz:

“UN special rapporteur Victoria Tauli-Corpuz says Australia needs a more comprehensive human rights framework to protect the rights of Indigenous people - She looked at policies for reducing Indigenous disadvantage, as well as justice and detention conditions, domestic violence, land rights and the removal of children from their families – “They have not been looking seriously into the social and cultural determinants to explain why many of these targets are not achieved.” - The special rapporteur has also criticised the number of Aboriginal and Torres Strait Islander children in youth justice detention - She says she found meeting young children, some only 12 years old, in detention the most disturbing element of her visit – “There's really an element of hopelessness, you know. They don't think that they have any future, because many of them are going to be arrested again. Those children don't deserve to be in the detention centres. I think that more resources should be provided.” [Newspapers Article by: Peggy Giakoumelos, “United Nations finds racism against Indigenous Australians deeply disturbing”, SBS News, 05 May 2017. <https://www.sbs.com.au/news/un-finds-racism-against-indigenous-australians-deeply-disturbing>].

255. Victoria Tauli-Corpuz's views were reported upon by local media as, "A senior United Nations official has described the level of racism against Indigenous Australians as deeply disturbing after a recent visit to the country to inspect their treatment." [**Newspapers Article** by, Peggy Giakoumelos, "United Nations finds racism against Indigenous Australians deeply disturbing", SBS News, 05 May 2017. <https://www.sbs.com.au/news/un-finds-racism-against-indigenous-australians-deeply-disturbing>]. Victoria Tauli-Corpuz made her full report available to the United Nations in September of 2017.

256. The report by Victoria Tauli-Corpuz coincided with the Australian 'Royal Commission into the Protection and Detention of Children in the Northern Territory'. In 2016, the images of an underage Indigenous Australian juvenile being physically tortured while in a detention facility sent shock waves around the world, unfortunately this was not an isolated case. [**Newspaper Article** by, Caro Meldrum-Hanna and Elise Worthington, "Child hooded to mechanical restraint chair in Northern Territory detention", Four Corners ABC News, 26 July 2016. <https://www.abc.net.au/news/2016-07-25/child-hooded-to-mechanical-restraint-chair-in-nt-detention/7659008>].

257. The following is a photographic comparison of prison torture methods of 1814 England as show in the BBC television show Taboo, and real-life torture methods used in Australian juvenile detention centres in 2015.



258. This photograph was followed by video footage of other young Indigenous Australian boys being physically abused while in detention facility [**Newspaper Article** by: Caro

Meldrum-Hanna and Elise Worthington, “Young boy victimised in youth detention in Northern Territory”, Four Corners ABC News, 27 July 2016. <https://www.abc.net.au/news/2016-07-25/young-boy-victimised-in-youth-detention-in-northern-territory/7657708>].

259. Following the mistreatment and abuse of underage Indigenous Australian in detention centres, the Northern Territory government used the legislative process to legalise the use of mechanical restraints on children, making such abuse and physical torture lawful. One again the Parliament has abused the legislative process to breach human rights and make lawful these human right abuses. This contravenes Australia’s obligations within the **Charter of the United Nations**, and contravenes **Article 7 and Article 10(1) of the ICCPR**, all which constitute crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute.

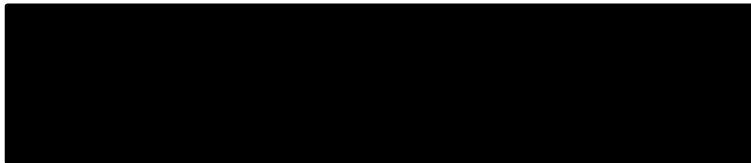
260. More recently, following the report of the Australian ‘Royal Commission into the Protection and Detention of Children in the Northern Territory’, and the report to the United Nations by Victoria Tauli-Corpuz, legal proceedings were filed in relational to the above mentioned abusive conduct in juvenile dentation centres. It was reported that there is a “new raft of human rights abuses inside centre [detention facility]”, [Newspaper Article by: Stephanie Zillman, “Lawsuit alleges human rights abuses Northern Territory youth detention”, ABC News 17 August 2018. <https://www.abc.net.au/news/2018-08-17/lawsuit-alleges-human-rights-abuses-nt-youth-detention/10131188>]. Regardless of national and international reports and investigation into such abusive conduct the Australian Government has taken NO steps to ensure such torturous conduct does not take place and that human rights are not abused in such a manner. Rather, following all the above mentioned reports and investigations the Australian Government legislated the lawful use of such torturous devices and mechanical restraints on children, making such physical torture lawful. This blatant disregard for international law and human rights by the Australian breached its human rights obligation within the Charter of the United Nations, Universal Declaration of Human Rights, and breached number of Articles within the ICCPR. This could all be prevented, if Australia had an operational Bill of Human Rights, in all states and territories. Including the physical, mental, emotional torture

inflected upon the three Mss Lazarus, which continues to cause great suffering, serious injury to the body, and to the mental and physical health problems.

261. This official complaint/communication provides as much details as possible of the widespread and systematic abuse of human right by the officials in Australia, who continue to use the parliamentary legislative process to make lawful human rights abuse. International human rights bodies such as the United Nations and the ICC were formed to ensure that such abuse of human rights does not take place and if it does, those who abuse human rights are held accountable. The abuse involving the victims the three Mss Lazarus require urgent international attention and resolution, as there is a danger of further harm being cause to the Mss Lazarus. For these reasons I urgently request that protection be provided to the Mss Lazarus.

262. I will wait for your urgent responses.

Yours Faithfully,

A large black rectangular box redacting the signature of Ms Leigh Johnson.

Ms Leigh Johnson (BA/LLB usyd)

APPENDIX LIST:

Appendix 1: International Criminal Court website screen shot of the State Parties to the Rome Statute – Australia; Signatory Status: Australia signed the Rome Statute on 09 December 1998; Ratification and Implementation Status: Australia deposited its instrument of ratification on 01 July 2002.

Website Link: https://asp.icc-cpi.int/en_menus/asp/states%20parties/western%20european%20and%20other%20states/Pages/australia.aspx].

The screenshot displays the ICC website's 'States Parties to the Rome Statute' page for Australia. The header includes the ICC logo, navigation links (Home, Sitemap, Français), and a search bar. The left sidebar contains a menu with categories like 'Assembly', 'States Parties to the Rome Statute', and 'Rome Statute and other agreements'. The main content area shows the breadcrumb trail: 'Assembly of States Parties » States Parties to the Rome Statute » Western European and Other States » Australia'. It features the Australian flag and the title 'Australia'. Under 'Signature status', it states 'Australia signed the Rome Statute on 9 December 1998.' Under 'Ratification and Implementation Status', it states 'Australia deposited its instrument of ratification on 1 July 2002.' The 'Last update' is '11/03/2003'. A 'For more information' section provides links to 'Multilateral Treaties Deposited with the Secretary-General' and 'The Rome Statute of the International Criminal Court'. The footer includes 'Contact' and 'Disclaimer' links.

Cour Pénale Internationale
International Criminal Court

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Assembly of States Parties » States Parties to the Rome Statute » Western European and Other States » Australia

Australia

Signature status:
Australia signed the Rome Statute on 9 December 1998.

Ratification and Implementation Status:
Australia deposited its instrument of ratification on 1 July 2002.

Last update:
11/03/2003

For more information
Please see the [series Multilateral Treaties Deposited with the Secretary-General](#) that consolidates all information on the Statute (i.e., signatures, ratifications, accessions, miscellaneous notifications).

[The Rome Statute of the International Criminal Court](#), deposited with the Secretary-General of the United Nations, entered into force on 1 July 2002.

[Contact](#) | [Disclaimer](#)

SEDNode User Forum

SEDNode is a secure information system used by law enforcement and anti-corruption agencies to receive telecommunications data from providers. The Commission subscribes to the SEDNode system (as do the other agencies and telecommunications providers). The SEDNode user forum has been established to keep members updated with the system in terms of enhancements, functionality and new members.

Special Networks Committee

Participating Commission staff member: Paul Empson, Senior Technical Officer

This committee includes representatives of intercepting agencies, and is the discussion forum for telecommunications interception capability projects and related contractual issues. It meets quarterly before the Interception Consultative Committee, and sends its minutes to this committee.

Appendix 7 – Overseas travel

Table 50: Overseas travel 2010–11

Name of officer	Date of travel	Destination	Purpose	Amount (\$)
Michael Symons Executive Director Investigation Division	15–22 September 2010	Japan	Forum of Anti-Corruption Expert Task Force	1,381.42
Stephen Osborne Chief Investigator	29 October 2010 – 28 November 2010	Hong Kong	Chief Investigators Training Course run by the Hong Kong ICAC	7,969.76
Michael Symons Executive Director Investigation Division	20–28 November 2010	Hong Kong	Lecture, Post Graduate Certificate, Hong Kong University	Nil
Michael Symons Executive Director Investigation Division	31 December 2010 – 15 January 2011	Thailand & Bhutan	Lecture at Bhutan Anti-Corruption Commission and attendance at meeting with US State Department re corruption-related investigations in Asia-Pacific Region	Nil
Don McKenzie Principal Lawyer	2–5 November 2010	Macau	4 th International Association of Anti-Corruption Authorities Annual Conference and General Meeting	Nil

Appendix 3: Letter by David Levine to Nick Goiran, Chairman of the Joint Standing Committee of the Corruption and Crime Commission Legislative Assembly Committee Office in Western Australia. *Office of the Inspector of the Independent Commission Against Corruption*, 13 September 2016].



Office of the Inspector
of the Independent Commission Against Corruption



New South Wales Government

GPO Box 5341
SYDNEY NSW 2001
T: [REDACTED]
[REDACTED]

13 September 2016

Our ref: G2 2016 05

The Hon. Nick Goiran, MLC
Chairman
Joint Standing Committee on
the Corruption and Crime Commission
Legislative Assembly Committee Office
WA Parliament
Level 1, 11 Harvest Tce
West Perth WA 6005.

By email: [REDACTED]

Dear Sir,

Re: Request to assist the Joint Standing Committee's Inquiry

I refer to your letter of 18 August 2016 informing me that the Joint Standing Committee resolved on 20 July to undertake an inquiry into the Corruption and Crime Commission ("CCC") in Western Australia being able to prosecute its own charges. The Inquiry's terms of reference require it to enquire into:

- a) The operation of the State's prosecution system in relation to Corruption and Crime Commission matters subsequent to the Court of Appeal decision in the case of *A v Maughan [2016] WASCA*;
- b) arrangements for the prosecution of offences associated with corrupt conduct and misconduct in other jurisdictions; and
- c) any amendments required to the *Corruption, Crime and Misconduct Act 2003*, following the Court of Appeal decision in the case of *A v Maughan [2016] WASCA*

1

Inspector of the Independent Commission Against Corruption
GPO Box 5341, Sydney NSW 2001

T: [REDACTED] | E: [REDACTED]



You invited me to make a submission to your Inquiry addressing the second term of reference about the procedures in NSW, specifically addressing the following:

- Does ICAC and the PIC's legislation allow it to charge and prosecute, even for the enforcement of actions in its own legislation?
- If ICAC and the PIC do not have the power to charge and prosecute, do these organisations think that they should have this power?
- If they do not have the power to charge and prosecute, which agency undertakes this process and how effectively does it work?

As it currently stands, pursuant to section 14A of the *Criminal Procedure Act 1986 (NSW)*, officers of ICAC have the power to commence proceedings for an offence (defined under that Act as "an offence against the laws of the State, (including a common law offence)"). However, officers of the Police Integrity Commission ("PIC") do not have this power.

The section reads:

Proceedings for offences commenced by officers of ICAC or PIC

14A Proceedings for offences commenced by officers of ICAC or PIC

(1) An officer of ICAC does not have the power to commence proceedings for an offence unless the Director of Public Prosecutions has advised the Independent Commission Against Corruption in writing that the proceedings may be commenced by an officer of ICAC.

(2) For that purpose, the Director of Public Prosecutions may liaise with the Independent Commission Against Corruption, but is to act independently in deciding to advise that proceedings for the offence may be commenced.

(3) The Commissioner, an Assistant Commissioner and an officer of the Police Integrity Commission do not have the power to commence proceedings for an offence.

(4) In this section:

"officer of ICAC" means a person acting in the capacity of the Commissioner, an Assistant Commissioner or officer of the Independent Commission Against Corruption.

This provision came into effect on 24 November 2015, consequent upon the assent to the *Courts and Other Justice Portfolio Legislation Amendment Act 2015*, which, *inter alia*, included amendments to the *NSW Criminal Procedure Act*. Prior to this amendment, it was generally understood that officers of the ICAC and the PIC had the power to facilitate the commencement of criminal prosecutions as they were considered “public officers” for the purposes of the *Criminal Procedure Act*. This enabled ICAC and PIC officers to issue court attendance notices to commence proceedings for summary and indictable offences in the same way as police officers.

I am of the view that for practical reasons, it is entirely appropriate for ICAC officers (and PIC officers for that matter - see comments below) to have the power to facilitate the commencement of criminal prosecutions but only after the advice of the DPP that such proceedings should in fact be commenced.

The *Courts and Other Justice Portfolio Amendment Bill 2015* presented to Parliament for debate proposed that PIC officers would also have the power to facilitate the commencement of criminal prosecutions. This was rejected and the Bill passed with amendment excluding PIC officers. I do not see the reason for the difference in treatment of officers of the 2 bodies, both being inquisitorial bodies tasked with investigating, exposing and preventing corrupt conduct (whether it be by public officials (ICAC) or police officers (PIC)). Ultimately this is, of course, a matter for the Legislature. I note that in early 2017 the PIC is to be replaced by a new Commission which will be called the Law Enforcement Conduct Commission (“LECC”) and there is to be a new Act passed which will set out its function and jurisdiction. No doubt legislative changes will follow to accommodate the establishment of LECC, including provision as to whether its officers may initiate criminal prosecutions.

It is important for me to emphasise that whilst I am of the view that ICAC officers (or officers of agencies performing similar functions to the ICAC, such as PIC (or the soon to be created LECC) should be able to facilitate the commencement of criminal prosecutions, as the “informant”, it should otherwise be entirely the responsibility of the Office of the NSW DPP to determine at first instance, whether proceedings should be commenced and for which offence/s, and thereafter to have total control over the prosecutorial process until its finalisation. ICAC’s role should only be that of an investigative body, and no more. The clear distinction and separation between the investigative/administrative functions (as performed by ICAC and PIC) and the prosecutorial/judicial functions (as performed by the DPP and the Courts) should remain and there should be no mingling or blurring of these



distinct and separate functions. Thus, I am of the strong view that neither ICAC nor PIC should have the power to conduct its own prosecutions, even for the enforcement of actions in its own legislation.

It is important to refer to the reasons for the existence of ICAC. The second reading speech by the then Premier Mr Greiner was delivered in the Legislative Assembly in support of the ICAC Act on 26 May 1988 and it is often quoted. Relevantly, Mr Greiner stated:

The proposed Independent Commission Against Corruption will not have power to conduct prosecutions for criminal offences or disciplinary offences, or to take action to dismiss public officials. Where the commission reaches the conclusion that corrupt conduct has occurred, it will forward its conclusion and evidence to the Director of Public Prosecutions, department head, a Minister or whoever is the appropriate person to consider action. In doing so the commission can make recommendations. The person to whom the matter is referred is not required to follow the recommendation. However, the commission can require a report back on what action was taken. Where the commission considers that due and proper action was not taken, the commission's sanction is to report to Parliament. It is important to note that the independent commission will not be engaging in the prosecutorial role. The Director of Public Prosecutions will retain his independence in deciding whether a prosecution should be instituted.

The question of whether ICAC and PIC think that it should have this power, is more appropriately directed to the Commissioners of those bodies.

The Office of the NSW Director of Public Prosecutions is the independent body tasked with the function of prosecuting for the State of New South Wales. Matters are referred to it from investigative agencies, including the NSW Police Force, ICAC and PIC. The question of how effectively does this work depends upon how efficiency is measured. The Office of the DPP is better placed to provide relevant statistics, as are the investigative agencies themselves, who can provide statistics as to the number of matters referred to the DPP, the number which lead to prosecution action being commenced and the outcome of those prosecutions. It is essential to the proper administration of justice that the prosecutorial body is independent of the investigative agency, as is the NSW DPP, and that the body is appropriately resourced and staffed so as to be able to efficiently meet its very important function within the State.



You may be aware that at present the Joint Parliamentary Committee on ICAC is conducting an Inquiry into my Report to the Premier: Review of the ICAC which I published in May of this year. One of the issues being agitated before that Inquiry is the provision of evidence to the DPP by a body such as the ICAC. There have been allegations from a number of persons who have been the subject of adverse findings by ICAC, that exculpatory evidence was improperly withheld from the DPP. This is a particular area of concern for me as Inspector of ICAC.

In a recent prosecution of a former SES Commissioner, Murray Kear, arising from the ICAC Investigation in Operation Dewar, the Magistrate was very critical of ICAC and the fact that it withheld exculpatory evidence from the DPP. Mr Kear was acquitted by the Magistrate of the charge of acting in reprisal contrary to section 20 of the *Public Interest Disclosures Act 1994 (NSW)* and the DPP was ordered to pay his costs. This case and the issues arising therefrom highlight the tensions which can exist between an investigatory body, such as ICAC, which has a vested interest in seeing a matter run its full course through to a successful prosecution and the functions of a prosecutorial body such as the DPP, which has to determine whether a prosecution should be initiated but which ultimately relies on the investigatory body to provide all relevant material, both inculpatory and exculpatory, in making that determination. The lack of full disclosure by that investigatory body can have serious consequences which then reflect poorly on both it and the prosecuting body as seen in *Kear*.

The NSW Inquiry's terms of reference include:

1. *the extent, nature and exercise of the ICAC's current powers and procedures including the rationale for and conduct of investigations and public hearings, and possible options for reform;*
2. *the current structure and governance of the ICAC, best practice models adopted by other integrity institutions, and possible options for reform.*

Some of the issues debated in this Inquiry may assist your Committee Inquiry. The full terms of reference and submissions lodged in Response to the Inquiry may be found on the NSW Parliamentary website at parliament.nsw.gov.au/committees/inquiries.

I thank you for giving me the opportunity to provide a submission and I trust that it is of some assistance to the Committee.

Yours sincerely,

[REDACTED]

The Hon. David Levine AO RFD QC
Inspector: ICAC

Appendix 4: Christopher Anderson, Forensics Document Examiner's report (Summary) submitted in a court of law on 18 September 2014, in relation to judicial proceedings ICAC v Lazarus, NSW Local Court, AND Christopher Anderson's Curriculum Vitae.



Chris Anderson & Co Pty Ltd
FORENSIC DOCUMENT EXAMINERS

COPY



REPORT

In the matter of

SANDRA LAZARUS

-afs-

INDEPENDENT COMMISSION AGAINST CORRUPTION

Chris Anderson & Co Pty Ltd
ABN 67 734 176 776

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Chris Anderson & Co Pty Ltd
FORENSIC DOCUMENT EXAMINERS

Our Ref: [REDACTED]

16 September 2014

Leigh Johnson Lawyers
Solicitor
25 Bayview Road
LAVENDER BAY NSW 2060

Attention: Ms Leigh Johnson

Dear Ms Johnson

**SANDRA LAZARUS -ats- INDEPENDENT COMMISSION AGAINST
CORRUPTION - SUMMARY REPORT**

I refer to my initial meeting with your client Ms Sandra Lazarus on the 21st March 2014 and since that time, your verbal instructions and emails from yourself or Mr Norbert Kelvin requesting an examination of the documents listed in *Appendix A*.

Through-out this report I will refer to the documents listed in *Appendix A* by my item numbers. The list divides the documents into two distinct groups, *Questioned documents* and *Specimen documents*. Within these two groups the documents were then further sub-categorised by Doctor name. The documents listed under each Doctor's name have been sorted into a strict chronological order. Only my copies of the documents have been sorted into this order. The actual (originals) documents have been kept in the order they were found in each of the Exhibits packages.

By orders of Magistrate J Culver I was initially granted access to material produced by ICAC, being Exhibit Packages S-5, S-14, S-16, S-17, S-18. These exhibits were mainly the questioned documents except for S-5 which contained copies of a drivers' licence and a passport bio page of Dr Neville Hacker and S-16 which contained a number of signed ICAC statements. These documents were returned to the court on the 30th May 2014.

Further orders were made by Magistrate Culver on the 18th July granting access to a number of subpoenaed documents being Exhibit Packages S-7B, S-9, S-10, S-11A, S-12A and S-17. Also orders were granted for further access to Exhibit Packages S-14, S-16, S-18. These documents were returned to the court on the 31st July 2014.

The lateness in the Orders to access the latter Exhibit Packages severely curtailed my examination of this material. I was going on annual leave from the 1st August 2014 partly to attend an international forensic document examiners conference in Hawaii commencing over the period 11th August to the 15th August 2014. This time constraint was made known to my instructing party.

With the greatest respect to the court, it was unexpected that it took over three weeks for the court to decide how to address the question of patient confidentiality for the subpoenaed hospital records. In the end it was left to the hospitals to cover the patient names on the various subpoenaed documents to ensure this confidentiality. When my assistant was copying these documents she found a number of pages

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where the patient name had not been redacted. We covered over the names so as not to breach confidentiality any further. We have no record of these names nor do we now know on what documents those names were revealed to us. In retrospect, given this breach, highlights from the beginning that we were quite capable of redacting this information without unduly compromising any patient's confidentiality.

Had the court's decision not taken so long, I could have completed this examination in a timely fashion prior to my departure overseas and now not be placed in a situation where I am under considerable pressure to complete my examination and report while the matter is being heard before the court, without proper access to the original documents.

In this report I have used images of both questioned and specimen signatures of various Doctors to illustrate some of the points/issues I have observed. I have not undertaken this task for all the doctors simply due to the time it takes to produce such an illustration, given the time constraints I am under.

INSTRUCTIONS

1. Based on the ICAC statements of the various Doctors I am instructed of the following:

Sandra Lazarus

- a. I am instructed that Ms Lazarus denies signing any of the questioned signatures in the names of the various Doctors.

Associate Professor M Adams

- a. There was no ICAC statement provided for Associate Professor Adams. Hence, I have no signatures to compare with the questioned signature.
- b. Initially my instructions were not to examine the signature on this document as AProf Adams had admitted signing it. However, I have now been instructed that AProf Adams denies signing this signature.
- c. If suitable specimen signatures of AProf Adams are obtained I would be able to conduct a comparative examination and prepare a supplementary report on this examination.

Professor N Hacker - Item 107

- a. Dr Hacker admits he is aware of the letter referred to in item 2 but does not say whether or not he signed the "*Neville Hacker*" signature on this document (pages 10 & 11 of his ICAC statement, item 107).
- b. Dr Hacker states that he does not recall signing the "*NF Hacker*" signatures on items 4 & 5 but accepts that they appear to be his signature (pages 19 & 20 of his ICAC statement, item 107).
- c. Dr Hacker notes that he is named as "Delegating Officer" on items 8 to 12 but does not state whether or not he signed those forms (pages 13 to 15 of his ICAC statement, item 107).

- d. The remaining questioned documents, items 2, 6 & 7 are not referred to by Dr Hacker in his statement.
- e. My instructions were to assume all the *Neville Hacker* or *NF Hacker* signatures referred to in items 2 to 12 were questioned.

Dr D Marsden

- a. There was no ICAC statement provided for Dr Marsden.
- b. My instructions were to assume all the illegible signatures under the name of *Marsden* referred to in items 7 to 12 were questioned.

Dr G Burton - ICAC Statement, Item 123

- a. Dr Burton states that he was aware of the document referred to in item 13 but does not say whether or not he signed the illegible signature under his name.
- b. Dr Burton states that the letter referred to in item 14 does not look like it would have been typed from his office and the font is different to the one normally used at his office. Dr Burton does not state whether or not he signed the illegible signature under his name on this document.
- c. I am uncertain whether the document Dr Burton refers to as "*DRAFT APPLICATION TO THE ROYAL NORTH SHORE HOSPITAL'S HUMAN RESEARCH COMMITTEE*" on page 6 of item 123 (ICAC statement) is the same document referred to in item 15. The issue on this document is the handwritten entries on the reverse side. If the document referred to by Dr Burton in his statement is the same as item 15, then he makes no mention of whether or not he wrote those entries, nor does he refer to any other document that has handwritten entries.
- d. My instructions were to assume all the illegible signatures under the name of *Gil Burton* or *Dr Gilbert Burton* referred to in items 13 & 14 and the handwritten entries on the reverse side of the document referred to in item 15 to 12 were questioned.

Dr K Vaux - ICAC Statements, Items 134 & 135

- a. Dr Vaux states that while the signature on page of item 16 appears similar to his signature, he would not have signed this document as he was not involved in any clinical research or projects using the Medex device (page 7 of ICAC statement, item 134). Dr Vaux's statement regarding this signature is equivocal as to whether he signed it or not.
- b. Dr Vaux admits he signed the original of the form referred to in item 18.
- c. Item 17 is a copy of item 16 but has been signed separately with a K Vaux signature. Dr Vaux makes no comment on this document but I have assumed the comments he made in relation to the document and signature on item 16 would likewise be the same for the document and signature referred to in item 17, as item 17 is just another version of item 16.

- d. My instructions were to assume all the *K Vaux* signatures referred to in items 16 to 18 were questioned.

Professor R Smith - ICAC Statement, Item 138

- a. Dr Smith claims no knowledge of the Vendor Maintenance forms, I presume being items 19 to 22 and he makes no reference to the Prof R Smith or the R Smith signatures on those documents.
- b. I am also instructed that Dr Smith admits that it is his signature on the documents referred to in items 136 & 137 and I have utilised these signatures as known or specimen signatures (pages 18 & 19 of ICAC statement dated 9th June 2010).
- c. My instructions were to assume all the *Prof R Smith* or *R Smith* signatures referred to in items 19 to 22 were questioned.

Dr M Black

- a. There was no ICAC statement provided for Dr Black.
- b. My instructions were not to examine the signature on this document as Dr Adams had admitted signing it.

Dr T Hugh - ICAC Statements, Items 139 & 140

- a. Dr Hugh claims that the T Hugh signature on the eight (8) non-order vouchers appear to be his signature but he believes his signature has been copied from other non-order vouchers. He also states that the dates written alongside four (4) of the vouchers, items 27, 28, 29, 30 is not his handwriting.
- b. My instructions were to assume all the *T Hugh* signatures referred to in items 27 to 34 were questioned. I was not instructed in relation to the writing of the dates on these documents.

Dr N Pavlakis - ICAC Statements, Items 150 & 151

- a. Dr Pavlakis claims the signatures on thirteen (13) non-order vouchers referred to in items 37 to 49 appear not to be his (page 11 of ICAC statement, item 150).
- b. The remaining questioned documents, items 35, 36, 50 to 54 are not referred to by Dr Pavlakis in either of his two ICAC statements (items 150 & 151).
- c. My instructions were to assume all the *N Pavlakis* signatures referred to in items 35 to 54 were questioned.

Dr M Sywak - ICAC Statement, Item 179

- a. Dr Sywak claims the signatures on eight (8) non-order vouchers referred to in items 55 to 62 are somewhat similar to his signature but not a true representation of his signature (page 5 of ICAC statement, item 179).

- b. My instructions were to assume all the *Mark Sywak* or *M Sywak* signatures referred to in items 55 to 62 were questioned.

AIM

2. The purpose of the examination was to determine whether or not:
- a. The writer of the *Neville Hacker* or *N F Hacker* signatures on the specimen documents referred to in items 63 to 65, 67 to 77, 79 to 81, 83, 88 to 99, 101 to 103, 109 and the *N F Hacker* signatures on the originals of the specimen documents referred to in items 66, 78, 82, 84 to 87, 100, 104 to 106, 108 (herein, *specimen Hacker signatures*) wrote the *Neville Hacker* and *N F Hacker* signatures on the questioned documents referred to in items 2 to 7 and the *N F Hacker* signatures on the originals of the questioned documents referred to in items 8 to 12 (herein, *questioned Hacker signatures*).
 - b. The writer of the illegible signatures under the name *Marsden* on the specimen documents referred to in items 110 to 116, 118, 119 and the illegible signatures under the name *Marsden* on the originals of the specimen document referred to in item 117 (herein, *specimen Marsden signatures*) wrote the illegible signature under the name of *Marsden* on the questioned document referred to in item 7 and the illegible signatures under the name *Marsden* on the originals of the questioned documents referred to in items 8 to 12 (herein, *questioned Marsden signatures*).
 - c. The writer of the illegible signatures in the name *Gil Burton* on the specimen documents referred to in item 123 (herein, *specimen Burton signatures*) wrote the illegible signature under the name of *Dr Gilbert Burton* on the questioned document referred to in item 14 and the illegible signatures under the name *Gil Burton* on the original of the questioned document referred to in item 13 (herein, *questioned Burton signatures*).
 - d. The writer of the *K J Vaux* signatures on the specimen documents referred to in items 125 to 135 (herein, *specimen Vaux signatures*) wrote the *K J Vaux* signature on the questioned document referred to in item 16 and the *K J Vaux* signatures on the originals of the questioned documents referred to in items 17 & 18 (herein, *questioned Vaux signatures*).
 - e. The writer of the *R Smith* signatures on the specimen documents referred to in items 136 to 138, (herein, *specimen Smith signatures*) wrote the *Prof R Smith* and *R Smith* signatures on the questioned documents referred to in items 19 & 20 and the *R Smith* signatures on the originals of the questioned documents referred to in items 21 & 22 (herein, *questioned Smith signatures*).
 - f. The writer of the *T J Hugh* signatures on the specimen documents referred to in items 139 & 140, (herein, *specimen Hugh signatures*) wrote the *T J Hugh* signatures on the originals of the questioned documents referred to in items 27 to 34 (herein, *questioned Hugh signatures*).
 - g. The writer of the *N Pavlakis* signatures on the specimen documents referred to in items 141 to 146, 148, 150 & 151 and the *N Pavlakis* signatures on the originals of the specimen document referred to in item 149 (herein, *specimen*

Pavlakis signatures) wrote the *N Pavlakis* signatures on the questioned documents referred to in items 35 & 54 (herein, *questioned Pavlakis signatures*).

- h. The writer of the illegible signatures under the name of *Mark Sywak* and the writer of *Mark Sywak* signatures on the specimen documents referred to in items 152 to 172, 174 to 176, 178 to 181 and the writer of the *Mark Sywak* signatures on the originals of the specimen documents referred to in items 173 & 179 (herein, *specimen Sywak signatures*) wrote the illegible signatures under the name of *Mark Sywak* and the *Mark Sywak* signatures on the questioned documents referred to in items 55 to 62 (herein, *questioned Sywak signatures*).

EXAMINATIONS CONDUCTED

3. A microscopic and macroscopic examination of the *questioned* and the *specimen signatures*. This examination assesses the structure, features and writing quality of the signatures.
4. A comparative examination of the *questioned signatures* with the *specimen signatures*. This aspect of the examination assesses the similarities or differences observed between the *questioned signatures* and *specimen signatures*.
5. A latent indentation examination of the questioned documents referred to in items 1 to 58 using the Electrostatic Detection Apparatus (ESDA). The transfer of pressure from the writing instrument to the underlying pages creates indentations. These indented areas are developed as dark lines on the resulting ESDA foil which can be useful in determining the provenance of a document.

LIMITATIONS

6. Some of the questioned and specimen documents are reproductions which limit any examination to a pictorial assessment of features noted between the *questioned and specimen signatures*. The reproduction process does not reproduce the finer details of letter construction, nor does it allow a proper assessment to be made of the line quality, speed or fluency of the writing. When original signatures are examined a stereomicroscope is used as an aid in assessing these characteristics.
7. In the cases where the questioned documents are reproductions, the possibility that the questioned signature on that document could be a genuine signature but has been removed from another document and then placed onto the questioned document to make it appear that it had been signed by the specimen writer cannot be totally discounted. This method of manipulation of a document is commonly termed a "*cut and paste*"¹ manipulation.
8. Any conclusions expressed in relation to authorship of the reproduced signatures do not provide any evidence or support that the disputed signatures were in fact

¹ "*Cut & paste*" refers to the situation where a signature has been copied (cut) from one document and reproduced (pasted) onto another document, using either a photocopier or a computer and imaging software, to make it appear that the signature was originally signed on the resultant document.

signed on the original of the questioned document. It should be noted that any opinions given are based on the signatures only.

9. Having to rely solely upon my initial notes of observations I made of the signatures in drafting this report. It is normal practice to have access to the originals whilst undertaking this task. Time constraints and the unavailability of the exhibits due to their presence being required in court affected their availability.

RESULTS

Signature/Handwriting Examinations

10. For an identification of handwriting/signatures two criteria must be satisfied. These being:

- a. There are sufficient individual features, in combination, that preclude the accidental coincidence of the writing of another person;
- b. There are no significant or fundamental differences.

Signature Examination - N Hacker

11. I observed no evidence to indicate that the *specimen Hacker signatures (items 63 to 109)* were not written by the same writer. Furthermore, all the *specimen Hacker signatures* have been or appear to have been written (in the case of the reproductions and carbon copies) with speed and fluency in a free and natural manner. They exhibit a range of variation between them. I have assumed that the *specimen Hacker signatures* have been written by the same person. If in the future this assumption proves to be incorrect then all conclusions based on it will need to be reviewed.
12. For simplicity, I do not always distinguish between the originally signed signatures and the reproductions in pointing out any similarities or differences. If the feature is observed on a reproduction, I have assumed that it will be present on the original.
13. The *questioned Hacker signatures* are *pictorially similar*² to the *specimen Hacker signatures* suggesting the most likely hypotheses for writing the questioned signatures to be:
- H1. The writer of the *specimen Hacker signatures* wrote the *questioned Hacker signatures*.
 - H2. Another writer wrote the *questioned Hacker signatures* attempting to copy the form of a genuine signature either freehand or by a tracing process.

² "Pictorially similar" means that the questioned and specimen signatures have some level of pictorial resemblance that is observable and cannot be attributed to coincidence or chance. This observation just allows the FDE to formulate hypotheses on how the questioned signature may have come into existence. Features of minutiae, structural elements and other factors which assist the FDE in deciding whether the signatures are genuine or not have not been assessed or considered at this stage.

14. The *questioned Hacker signatures* do not to exhibit any evidence of another person attempting to copy the form of a genuine signature of the *questioned Hacker signatures*. They exhibit a range of natural variation and are written with speed and fluency in a free and fluent manner exhibiting no evidence of the *indicia of forgery*³. This observation is significant.
15. Furthermore, the *questioned Hacker signatures* fall within the range of natural variation exhibited by the *specimen Hacker signatures*.
16. There are a number of subtle and individual features observed in common and in combination between the *questioned* and *specimen Hacker signatures*. These features being:
- The habit of the signature to be written slightly above the base-line.
 - The smaller size of the uppercase "H" formation compared to the other uppercase letters "N F".
 - The terminal foot of the "F" does not extend past the start position of the "F".
 - The "F" connects to the "H".
 - The habit to have a rounded movement from the foot of the left-hand staff across to the right-hand staff of the "H". Note, some specimens exhibit an angular change in pen direction.
 - The elliptical shape of the "a".
 - The variation of the "k" formation having a "c" like body to a more shape movement which has a more "w" shape.
 - The speed and fluency in writing the signature in a free and natural manner which exhibits variation in writing pressure on upstrokes. The lighter upstroke can become an air-stroke where the pen momentarily leaves the paper.
17. **Figure 1** below contains an example of a *questioned Hacker signature* (item 6) and a *specimen Hacker signature* (item 65) where I have identified some of the areas or features I listed in a. to h. above.

³ The *indicia of forgery* is usually associated with the following features in a questioned signature:

- slowness and deliberation in the writing;
- pen-lifts in places where pen-lifts would not be expected to occur;
- blunt line endings or beginnings;
- lack of fluency in the writing;
- tremor or hesitation in the writing;
- subtle patching or retouching of strokes.

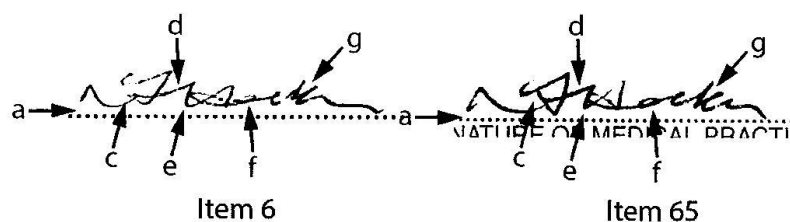


Figure 1

18. The features listed in a. to h. above are observed on both the *questioned* and *specimen Hacker signatures*. I did not observe any feature on the *questioned Hacker signatures* that could not be accounted for in the *specimen Hacker signatures*.
19. All these features, in common and in combination, provide support for the occurrence of the first hypothesis, H1. I observed no evidence to support the occurrence of the second hypothesis, H2. In this instance, examining carbon copy reproductions of both the *questioned* and *specimen Hacker signatures* did not limit the scope or extent of my examination or limit the strength of conclusion.
20. Appendix B contains a copy of the signature comparison chart prepared by me from digital images of the *questioned* and *specimen Hacker signatures*. If my testimony is required I will use these charts to demonstrate the basis of my findings.

Signature Examination - D Marsden

21. I observed no evidence to indicate that the *specimen Marsden signatures* (items 110 to 119) were not written by the same writer. Furthermore, all the *specimen Marsden signatures* have been or appear to have been written (in the case of the carbon copies) with speed and fluency in a free and natural manner. They exhibit a range of variation between them. I have assumed that the *specimen Marsden signatures* have been written by the same person. If in the future this assumption proves to be incorrect then all conclusions based on it will need to be reviewed.
22. For simplicity, I do not always distinguish between the originally signed signatures and the reproductions in pointing out any similarities or differences. If the feature is observed on a carbon copy, I have assumed that it will be present on the original.
23. The *questioned Marsden signatures* are *pictorially similar* to the *specimen Marsden signatures* suggesting the most likely hypotheses for writing the questioned signatures to be:
- H1. The writer of the *specimen Marsden signatures* wrote the *questioned Marsden signatures*.
 - H2. Another writer wrote the *questioned Marsden signatures* attempting to copy the form of a genuine signature either freehand or by a tracing process.

24. The *questioned Marsden signatures* do not to exhibit any evidence of another person attempting to copy the form of a genuine signature of the *questioned Marsden signatures*. They exhibit a range of natural variation and appear to be written with speed and fluency in a free and fluent manner exhibiting no evidence of the *indicia of forgery*. This observation is significant.
25. However, structurally they are a reasonably simplistic signature.
26. Furthermore, the *questioned Marsden signatures* fall within the range of natural variation exhibited by the *specimen Marsden signatures*. The first more circular movement of the signature appears to be the "D" formation followed by a line that I take is to represent the family name "Marsden".
27. There are a number of subtle and individual features observed in common and in combination between the *questioned* and *specimen Marsden signatures*. These features being:
- The signature varies from being written through the base-line to being written along the base-line.
 - The signature is written in a continuous pen stroke or movement. A pen-lift only occurs if there is a flourish formed below the main body of the signature.
 - The body of the "D" is fairly long and reasonably narrow or elongated rather than being a rounded movement.
 - The staff of the "D" is formed first in a downward stroke. It can be commenced with a small tick-like movement. The angle of this stroke varies from being 9° to 23°. The body of the "D" is then formed in an anti-clockwise direction, which either intersects back through the staff (item 114 as an example) or can be formed below the nadir of the staff (item 110 as an example).
 - The terminating stroke tends to extend well past the body of the "D" and tends to have some level of a curve in its movement.
 - Some signatures have a flourish or separate stroke formed below the terminating stroke of the signature.
28. **Figure 2** below contains an example of a *questioned Marsden signature* (item 8) and a *specimen Marsden signature* (item 112) where I have identified some of the areas or features I listed in a. to f. above.

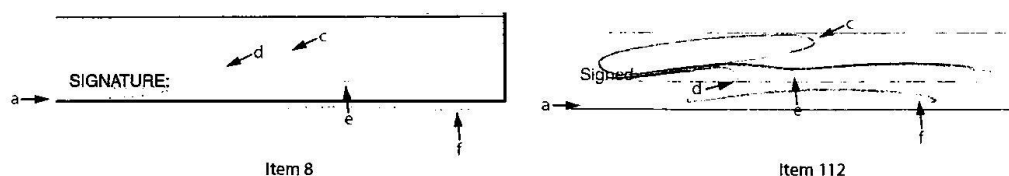


Figure 2

29. The features listed in a. to f. above are observed on both the *questioned* and *specimen Marsden signatures*. I did not observe any feature on the *questioned Marsden signatures* that could not be accounted for in the *specimen Marsden signatures*.
30. All these features, in common and in combination, provide support for the occurrence of the first hypothesis, H1. I observed no evidence to support the occurrence of the second hypothesis, H2. In this instance, examining carbon copy reproductions of both the *questioned* and *specimen Marsden signatures* did not limit the scope or extent of my examination or limit the strength of conclusion.
31. *Appendix C* contains a copy of the signature comparison chart prepared by me from digital images of the *questioned* and *specimen Marsden signatures*. If my testimony is required I will use these charts to demonstrate the basis of my findings.

Signature Examination - G Burton

32. I observed no evidence to indicate that the *specimen Burton signatures* (items 120 to 124) were not written by the same writer. Furthermore, all the *specimen Burton signatures* have been written with speed and fluency in a free and natural manner. They exhibit a range of variation between them. I have assumed that the *specimen Burton signatures* have been written by the same person. If in the future this assumption proves to be incorrect then all conclusions based on it will need to be reviewed.
33. For simplicity, I do not always distinguish between the originally signed signatures and the reproductions in pointing out any similarities or differences. If the feature is observed on a reproduction, I have assumed that it will be present on the original.
34. It was noted that the normal course of business signatures of Dr Burton (items 120 to 122) are at a greater variance to his signature signed on his ICAC statement (item 123). Pictorially, they are only marginally similar to one another. However, the signatures signed on the ICAC statement (item 123) are comparable to the two *questioned Burton signatures* (items 13, 14).
35. The *questioned Burton signatures* are *pictorially similar* to the *specimen Burton signatures* suggesting the most likely hypotheses for writing the questioned signatures to be:
- H1. The writer of the *specimen Burton signatures* wrote the *questioned Burton signatures*.
- H2. Another writer wrote the *questioned Burton signatures* attempting to copy the form of a genuine signature either freehand or by a tracing process.
36. The *questioned Burton signature*, item 14 does not exhibit any evidence of another person attempting to copy the form of genuine signature. It is written with speed and fluency in a reasonably free and fluent manner exhibiting no evidence of the *indicia of forgery*. As previously stated the *questioned Burton signature*, item 15 is pictorially similar to the *specimen Burton signatures* but its reproduced nature prevents a proper assessment being made of its overall line quality.

37. Furthermore, the *questioned Burton signatures* fall within the range of natural variation exhibited by the *specimen Burton signatures*. While the signature pictorially, appears to be a fairly simplistic construction, it has a complex two-stroke movement (except for item 124) which has the appearance of being a very stylised "G" formation.
38. There are a number of subtle and individual features observed, in common and in combination, between the *questioned* and *specimen Burton signatures*. These features being:
- a. In some instances, the long upward tick-like movement commencing the initial staff which terminates in a tapered ending.
 - b. The signature varies from being written through the base-line to being written slightly above the base-line.
 - c. The pen-lift between the initial staff and the body stroke.
 - d. The habit to form an "S" like movement to commence the body.
 - e. The loop of the body being formed in a clock-wise direction.
 - f. The tear drop effect of the body.
 - g. The terminal stroke of the body formation tends to upward and tapered.
39. The features listed in a. to g. above are observed on both the *questioned* and *specimen Burton signatures*. I did not observe any feature on the *questioned Burton signatures* that could not be accounted for in the *specimen Burton signatures*.
40. All these features, in common and in combination, provide support for the occurrence of the first hypothesis, H1. I observed little evidence to support the occurrence of the second hypothesis, H2, but the photocopy nature of item 13 prevents a proper assessment of the line quality of this signature meaning it is not possible to entirely exclude the possibility that another writer wrote this signature, despite there being no evidence of such occurring.
41. *Appendix D* contains a copy of the signature comparison chart prepared by me from digital images of the *questioned* and *specimen Burton signatures*. If my testimony is required I will use these charts to demonstrate the basis of my findings.

Handwriting Examination - G Burton

42. Due to severe time constraints and the voluminous nature of this examination I have not been able to undertake a detailed examination of the handwritten entries on item 15 and the handwritten entries on items 120 to 122.
43. However, a preliminary examination of this material revealed no evidence to suggest the handwritten entries on both the *questioned* and *specimen Burton* documents were not written by the same person.

44. Given more time and a larger sample of known writing of Dr. Burton's a more detailed examination of this material would be warranted.

Signature Examination - K Vaux

45. I observed no evidence to indicate that the *specimen Vaux signatures (items 125 to 135)* were not written by the same writer. Furthermore, the entire *specimen Vaux signatures* have been written with speed and fluency in a free and natural manner. They exhibit a range of variation between them. I have assumed that the *specimen Vaux signatures* have been written by the same person. If in the future this assumption proves to be incorrect then all conclusions based on it will need to be reviewed.
46. For simplicity, I do not always distinguish between the originally signed signatures and the reproductions in pointing out any similarities or differences. If the feature is observed on a reproduction, I have assumed that it will be present on the original.
47. Two of the *questioned Vaux signatures* (items 17, 18) were reproductions meaning it was not possible to properly assess their line quality. However, I observed no evidence of the indicia of forgery about them. All three signatures exhibit a range of variation amongst themselves. This observation is significant.
48. The *questioned Vaux signatures* are *pictorially similar* to the *specimen Vaux signatures* suggesting the most likely hypotheses for writing the questioned signatures to be:
- H1. The writer of the *specimen Vaux signatures* wrote the *questioned Vaux signatures*.
- H2. Another writer wrote the *questioned Vaux signatures* attempting to copy the form of a genuine signature either freehand or by a tracing process.
49. The *questioned Vaux signature*, item 16 does not to exhibit any evidence of another person attempting to copy the form of genuine signature of the *questioned Vaux signatures*. It is written with speed and fluency in a free and fluent manner exhibiting no evidence of the *indicia of forgery*. As previously stated the *questioned Vaux signatures*, items 15 & 16 are also pictorially similar to the *specimen Vaux signatures* but their reproduced nature prevent a proper assessment being made of their overall line quality.
50. Furthermore, the *questioned Vaux signatures* fall within the range of natural variation exhibited by the *specimen Vaux signatures*. The signatures vary from being written in 2 or 3 separate pen movements which is consistent with the pen movements observed on the *specimen Vaux signatures*.
51. There are a number of other subtle and individual features observed, in common and in combination, between the *questioned* and *specimen Vaux signatures*. These features being:
- a. The signature is predominately written above the base-line.

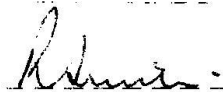
- b. The "K" formation is habitually written using two separate pen movements but there are examples on the *specimen Vaux signatures* where the "KJ" formation is a single stroke pen movement (item 127 as an example). However, the second stroke forming the "K" also connects to the "J" in a tall upstroke.
 - c. The "V" formation is much the same size as the other lowercase letters forming the family name "Vaux". However, it varies on whether the apex of the left side of the "V" is on a higher plane than the right side. In some examples it is noticeably higher (item 125) and in other examples they are on the same plane (item 132).
 - d. The bowl of the "V" is rounded as opposed to being angular.
 - e. The "a" formation tends to have an eyelet movement forming the body giving it the appearance of an "e" formation. The eyelet movement varies from overhanging the staff (item 129), closing the staff (item 126) or having a gap between the eyelet and the staff (item 128).
 - f. The staff of the "u" is pulled away from the right side of the letter giving it an inverted "v" like appearance.
 - g. The "x" formation is habitually a two-stroke pen movement but there are instances where it is a single pen stroke.
 - h. On some signatures there are two full-stops placed to the left and right of the staff of the "J" formation. In the majority of instances where these full-stops occur, one is to the right of the "J" and is on a higher plane compared to the one placed to the left of the staff. Note, it is not a feature that occurs on each and every instance of the signature.
52. The features listed in a. to h. above are observed on both the *questioned* and *specimen Vaux signatures*. I did not observe any feature on the *questioned Vaux signatures* that could not be accounted for in the *specimen Vaux signatures*.
53. An interesting observation with the *specimen Vaux signatures* were all the examples were signed with some form of felt or nylon tipped pen compared to using a ballpoint pen. This is interesting in as much that the *specimen Vaux signatures* span a considerable period of time, i.e. 2004 to 2011. Whether or not this is the only pen type used by this writer, it is clearly a favoured type of writing instrument used by this writer on different documents, being both normal course of business signatures (items 125 to 133) and signatures signed on his ICAC statements (items 134 & 135).
54. Further, the *questioned Vaux signature*, item 16 has also been written with a felt or nylon tipped writing instrument, highlighting a further consistency between the *questioned* and *specimen Vaux signatures*.
55. All these features, in common and in combination, provide support for the occurrence of the first hypothesis, H1. I observed no evidence to support the occurrence of the second hypothesis, H2, but as the photocopy nature of items 17 & 18 prevent a proper assessment of the line quality of these signatures meaning it is not possible to entirely exclude the possibility that another writer wrote this signature, despite there being no evidence of such occurring.

56. Appendix E contains a copy of the signature comparison chart prepared by me from digital images of the *questioned* and *specimen Burton signatures*. If my testimony is required I will use these charts to demonstrate the basis of my findings.

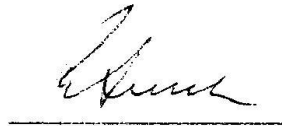
Signature Examination - R Smith

57. I observed no evidence to indicate that the *specimen Smith signatures (items 136 to 138)* were not written by the same writer. Furthermore, the entire *specimen Smith signatures* have been written with speed and fluency in a reasonably free and natural manner. They exhibit a wide range of variation between them. I have assumed that the *specimen Smith signatures* have been written by the same person. If in the future this assumption proves to be incorrect then all conclusions based on it will need to be reviewed.
58. Note, the ICAC statement signatures have the appearance of being written with more speed and with a pronounced slope to the right, whereas the signatures on items 136 & 137 appear to be written with constant speed and in the case of the signature on item 136, more upright in its stance.

Item 136

A handwritten signature in dark ink, appearing to be 'R. Smith', written on a horizontal line.

Item 138-1

A handwritten signature in dark ink, appearing to be 'R. Smith', written on a horizontal line.

59. Except for the *specimen Smith signatures* on items 136 & 137 there are no other normal course of business signatures of Professor Smith. Given the wide variation present between these two versions of his signature it is not possible to determine which version of the signature is more representative of his normal course of business signature.
60. While the *specimen Smith signatures* on items 136 & 137 are more readily comparable to the *questioned Smith signatures* there are elements within the signatures on the ICAC statement (item 138) which also permit a level of comparison between them.
61. For simplicity, I do not always distinguish between the originally signed signatures and the reproductions in pointing out any similarities or differences. If the feature is observed on a reproduction, I have assumed that it will be present on the original.
62. Items 19 & 20 are two originally signed *questioned Smith signatures* which were written with speed and fluency and exhibit no evidence of the indicia of forgery. Items 21 & 22 are two reproductions meaning it was not possible to properly

assess their line quality. However, they appear to be written with speed and fluency and I observed no overt evidence of the *indicia of forgery* about them.

63. All these *questioned Smith signatures* exhibit a range of variation amongst themselves and to the extent one is signed "*Prof R Smith*". This observation is significant.

64. All the *questioned Smith signatures* are *pictorially similar* to the *specimen Smith signatures* suggesting the most likely hypotheses for writing the questioned signatures to be:

H1. The writer of the *specimen Smith signatures* wrote the *questioned Smith signatures*.

H2. Another writer wrote the *questioned Smith signatures* attempting to copy the form of a genuine signature either freehand or by a tracing process.

65. There are a number of subtle and individual features observed, in common and in combination, between the *questioned* and *specimen Smith signatures*. These features being:

- a. The signature is written in a single pen movement, except for the instances where there is what I take to be an eye-dot.
- b. The overall height of the "*R*" tends to be taller than the height of the "*S*".
- c. The "*mith*" part of the family name is a garlanded formation.
- d. The heights of the "*t*" & "*h*" formations tend to be the similar and roughly the same height as the "*mi*" formations.

66. The signature on item 19 is signed "*Prof R Smith*". There are no *specimen Smith signatures* signed in this manner. The "*R*" formation and the "*mith*" formation fall within the range of variation exhibited by the *specimen Smith signatures*. There is nothing to suggest that this is simply the writing of Professor Smith's name rather than his signature. This view is supported by where this name is written, which is along the line titled "Name/Title".

67. The features listed in a. to d. above are observed on both the *questioned* and *specimen Smith signatures* (items 20 to 22, and items 136 to 138). I did not observe any feature on the *questioned Vaux signatures* that could not be accounted for in the *specimen Smith signatures*. However, paucity of normal course of business signatures is a limiting factor, together with the reproduced nature of two the questioned signatures.

68. *Appendix F* contains a copy of the signature comparison chart prepared by me from digital images of the *questioned* and *specimen Smith signatures*. If my testimony is required I will use these charts to demonstrate the basis of my findings.

Signature Examination - T Hugh

69. I observed no evidence to indicate that the *specimen Hugh signatures* (items 139 & 140) were not written by the same writer. Furthermore, the entire *specimen Hugh signatures* have been written with speed and fluency in a free and natural manner. They exhibit a natural range of variation between them.
70. Note, the only specimen signatures of Dr Hugh have been signed on two ICAC statements, i.e. signatures associated with this matter. This means there is no normal course of business signatures of Dr Hugh available for examination. In other words there are no independent samples of Dr Hugh's signature to judge whether or not the *T J Hugh* signatures on the ICAC statement are truly representative of his normal course of business signature.
71. For simplicity, I do not always distinguish between the originally signed signatures and the reproductions in pointing out any similarities or differences. If the feature is observed on a reproduction, I have assumed that it will be present on the original.
72. All the *questioned Hugh signatures* (items 27 to 34) were reproductions meaning it was not possible to properly assess their line quality. However, they appeared to be written with speed and fluency and I observed no overt evidence of the *indicia of forgery* about them. All these signatures exhibit a range of variation amongst themselves. This observation is significant.
73. The *questioned Hugh signatures* are *pictorially similar* to the *specimen Hugh signatures* suggesting the most likely hypotheses for writing the questioned signatures to be:
- H1. The writer of the *specimen Hugh signatures* wrote the *questioned Hugh signatures*.
- H2. Another writer wrote the *questioned Hugh signatures* attempting to copy the form of a genuine signature either freehand or by a tracing process.
74. Furthermore, the *questioned Hugh signatures* mainly fall within the range of natural variation exhibited by the *specimen Hugh signatures*. The signatures vary from being written in 2 or 3 separate pen movements which is consistent with the pen movements observed on the *specimen Hugh signatures*.
75. The major difference noted between the *questioned* and *specimen Hugh signatures* is the *specimen Hugh signatures* have a more legible formation of the terminal letters "gh" whereas on the *questioned Hugh signatures* the terminal movement is simply an extension of the cross-bar of the "H".
76. This observation appears not to be a significant difference between the *questioned* and *specimen Hugh signatures*, and does not necessarily indicate the involvement of another writer. It is just highlights the need to have normal course of business signatures to be able to conduct a proper examination.
77. However, there are also a number of subtle and individual features observed, in common and in combination, between the *questioned* and *specimen Hugh signatures*. These features being:

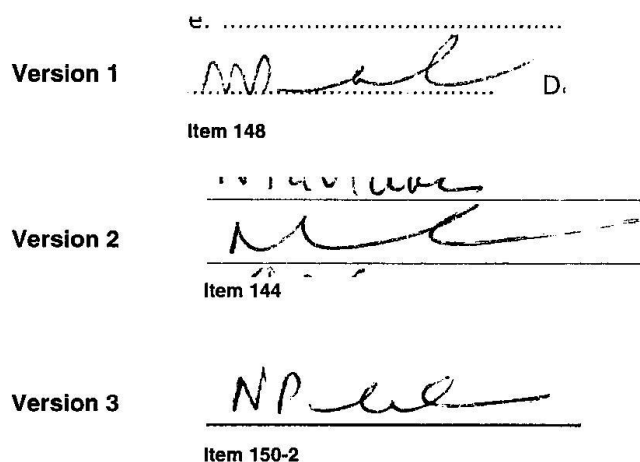
- a. The signature is predominately written along the base-line.
 - b. The "T" formation is written in two separate pen movements. The second pen movement forms the cross-bar of "T" which then loops or forms a large eyelet movement in a clock-wise direction to commence the "J".
 - c. The cross-bar of the "T" formation is reasonably long and tends to intersect through the "H" formation (see item 139-6) or extends just above the "H" formation (see item 139-9). There are instances where the cross-bar just touches the left-side staff of the "H" (see item 139-12).
 - d. There is variation on whether the "J" & "H" formations are connected. It would seem (based on the limited ICAC specimens) that the habit is to have a connecting stroke between these letters (see item 139-1). However, there are instances where the "J" & "H" are not connected (see item 139-3).
 - e. There is a connecting stroke from the foot of the left-side staff of the "H" to the top of the right-side staff of the "H". The space between these two staff's is relatively narrow.
 - f. The habit is to have foot of the right-side staff of the "H" is longer than the left-side foot of the "H" (see item 140-2). However, there are also instances where both feet of the staff's are roughly the same length (see item 140-3).
 - g. The up-stroke stroke from the foot of the right-side staff to form the cross-bar of the "H" tends to be angular (see item 139-4). However, it can also exhibit a more retraced movement at the point where the pen changes direction (see item 139-10).
 - h. Some signatures terminate with a full-stop that is placed well above the base-line (see item 139-7).
78. Most of the features listed in a. to h. above are observed on both the questioned and *specimen Hugh signatures* to a lesser or greater extent. The features I could not fully account for on the *questioned Hugh signatures* are; the lack of a loop or eyelet movement from the cross-bar of the "T" to the "J" formation; the eyelet formation forming the cross-bar of the "H"; the line formation completing the signature. Further normal course of business signatures of Dr Hugh would be required to determine whether or not these features are significant, either being indicative of a different writer or simply variants of this writer's normal signature not present on the available specimen material.
79. The photocopy nature of the *questioned Hugh signatures* is another factor limiting the scope of this examination. Without the originals of these *questioned Hugh signatures* it is not possible to discount the possibility that these signatures are the product of a "cut & paste" manipulation. Note, for this to have occurred though would mean that there needed to be at least eight different model signatures available from other non-order vouchers or similar types of document.
80. Further, it should be a relatively easy task to track down the source of these signatures. However, I note that such documents were subpoenaed from the

RNSH but none were produced. Finally, and to re-iterate this concern is dependent on the originals not being produced.

81. *Appendix G* contains a copy of the signature comparison chart prepared by me from digital images of the *questioned* and *specimen Burton signatures*. If my testimony is required I will use these charts to demonstrate the basis of my findings.

Signature Examination - N Pavlakis

82. There are at least five varying styles or variants of *specimen Pavlakis signatures*. Three of these being depicted below:



83. The other two variants observed are items 143 & 145. There is only one example of each of these signatures. The different variants of the signature highlight the wide range variance present. A factor linking these signatures together is firm writing pressure present in all of them.
84. Note, the main difference between the **Version 1** and **Version 3** styles of signature is the letters "NP" are connected, having the appearance of being a "M" in the **Version 1** style, whereas these letters are separate or not connected in the **Version 3** style. The remaining "avlakis" part of the signature is comparable in either version, being illegible with two distinct loop formations, presumably for the "l" & "k" formations.
85. In general terms, these differing forms of the signature are not directly comparable, but I have assumed that they have been written by the same person. If in the future this assumption proves to be incorrect then all conclusions based on it will need to be reviewed.
86. The *questioned Pavlakis signatures* can be divided into two groups of signatures. These being:

Group 1	Items 35 to 43, 49
Group 2	Items 44 to 48, 50 to 54

Group 1 Pavlakis signatures – Items 35 to 43, 29

87. These *questioned Pavlakis signatures* (items 35 to 43, 49) are pictorially similar to the *specimen Pavlakis signatures*. Please note, that these *questioned Pavlakis signatures* are similar to the **Version 1** style of *specimen Pavlakis signature*. They were written with speed and fluency in a free and fluent exhibiting no evidence of the *indicia of forgery* about them. All these signatures exhibit a range of variation amongst themselves. This observation is significant.
88. The most likely hypotheses for writing the *questioned Pavlakis signatures* are:
- H1. The writer of the *specimen Pavlakis signatures* wrote the *questioned Hugh signatures*.
 - H2. Another writer wrote the *questioned Pavlakis signatures* attempting to copy the form of a genuine signature either freehand or by a tracing process.
89. There are a number of other subtle and individual features observed, in common and in combination, between the *questioned* and *specimen Pavlakis signatures*. These features being:
- a. The similar very firm writing pressure used in writing the signature.
 - b. The retrace movement to commence the staff of the "N".
 - c. The "N" formation is connected to the "P" formation in a veed-like movement.
 - d. The terminating stroke of the "P" tends not to intersect back onto the staff, finishing either on or close to the baseline.
 - e. A long curved stroke starts the illegible portion of the signature which goes onto form the first looped formation. This looped formation varies from being quite small (item 148) to a larger formation (item 150-10).
 - f. There can be a small inverted vee-like apex in-between the two loop formations.
 - g. The terminating stroke of the signature tends to be a long stroke rising slightly upwards.
90. **Figure 3** below contains an example of a Group 1 *questioned Pavlakis signature* (item 38) and a *specimen Pavlakis signature* (item 148) where I have identified some of the areas or features I listed in a. to g. above.

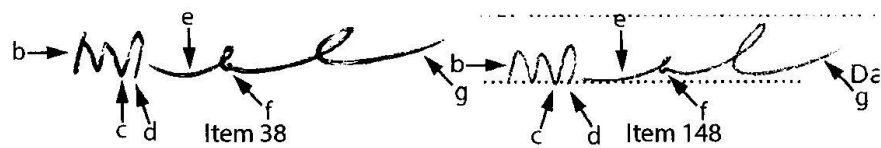


Figure 3

91. The features listed in a. to g. above are observed on both the *questioned* and *specimen Pavlakis signatures*. I did not observe any feature on the *questioned Pavlakis signatures* that could not be accounted for in the *specimen Pavlakis signatures*.
92. All these features, in common and in combination, provide support for the occurrence of the first hypothesis, H1. I observed no evidence to support the occurrence of the second hypothesis, H2.
93. *Appendix H* contains a copy of the signature comparison chart prepared by me from digital images of the *questioned* and *specimen Pavlakis signatures*. If my testimony is required I will use these charts to demonstrate the basis of my findings.

Group 2 Pavlakis signatures - Items 44 to 48, 50 to 54

94. These *questioned Pavlakis signatures* (items 44 to 48, 50 to 54) have a level of pictorially similarity to the *specimen Pavlakis signatures*. In other words, it is unlikely this occurred by chance. Please note, that these *questioned Pavlakis signatures* are more in keeping with the **Version 1** style of *specimen Pavlakis signature*. They were not written with the same speed and fluency, nor in a free and fluent manner as exhibited by the *specimen Pavlakis signatures*. All these signatures exhibit a range of variation amongst themselves.
95. The most likely hypotheses for writing the *questioned Pavlakis signatures* are:
- H1. The writer of the *specimen Pavlakis signatures* wrote the *questioned Hugh signatures* but in a manner outside the normal manner in which they write their signature.
- H2. Another writer wrote the *questioned Pavlakis signatures* attempting to copy the form of a genuine signature freehand.
96. It was observed that these *questioned Pavlakis signatures* exhibit a lighter writing pressure and overall are larger in size compared to the *specimen Pavlakis signatures*. On some of the *questioned Pavlakis signatures* pen-lifts in unusual places were also observed (items 46, 47, 48) which are an indicator of the *indicia of forgery*.
97. There are a number of differences or inconsistencies noted between the *questioned* and *specimen Pavlakis signatures*. These being:

- a. The letters "NP" on the *questioned Pavlakis signature* exhibit a distinct forward slope, whereas on the *specimen Pavlakis signatures* these letters are habitually upright.
 - b. There is no retrace movement on the left-side staff commencing the "N" formation on the *questioned Pavlakis signatures*, whereas on the *specimen Pavlakis signatures* this letter is habitually commenced with a retrace movement.
 - c. The body of the "P" formation is a totally separate formation from the staff on the *questioned Pavlakis signatures*, whereas on the *specimen Pavlakis signatures* the "P" formation is formed in a single pen movement, in fact the letters "NP" are formed in a single pen movement.
 - d. The commencing stroke for the illegible "avlakis" portion of the signature can have a hook or tick-like movement and is upward and a reasonably straight stroke on the *questioned Pavlakis signatures*, whereas on the *specimen Pavlakis signatures* there is no commencing hook or tick-like movement and the stroke is noticeably curved.
 - e. The two looped formations of the illegible "avlakis" portion of the signature are not spaced very far apart and the connecting stroke between them is an upward moving straight stroke on the *questioned Pavlakis signatures*, whereas on the *specimen Pavlakis signatures* there is a reasonably wide gap between the two loops, there is an inverted vee-like formation in between the two loops (closer to the base of the first loop) and the connecting stroke is upward and curved.
98. **Figure 4** below contains an example of a Group 2 *questioned Pavlakis signature* (item 48) and a *specimen Pavlakis signature* (item 148) where I have identified some of the areas or features I listed in a. to e. above.

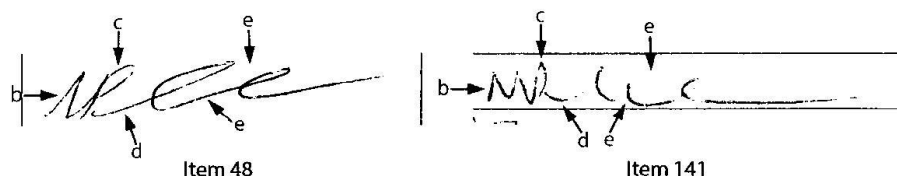


Figure 4

99. All these differences or inconsistencies, in combination, provide support for the occurrence of the second hypothesis, H2. I observed no evidence to support the occurrence of the first hypothesis, H1 other than resemblance the *questioned Pavlakis signatures* have to the *specimen Pavlakis signatures*.
100. It should be noted that in considering the question of authorship of the *questioned Pavlakis signatures* there are the following considerations or issues which arise:
- a. The consistency of the features observed on these *questioned Pavlakis signatures* indicates that the one person has written all these signatures.

- b. The person who wrote these signatures has made some attempt to copy the form of a genuine Pavlakis signature. In doing so this person has tried to reproduce the pictorial effect (and not very successfully) of a genuine Pavlakis signature and would seem not to have imparted any of their own individual writing habits or features into their handiwork which would allow it to be identified.
- c. In other words, any person with the prerequisite writing skill and access to known signatures of Dr Pavlakis could have produced these *questioned Pavlakis signatures*. Note, I have not found on the available material any writing feature or habit to link any writer to these signatures.
- d. Also, in such circumstances it is not entirely possible (for the FDE) to eliminate the writer of the *specimen Pavlakis signatures* from having written these signatures as it is possible that this writer could have attempted to disguise their signature by attempting to self-simulate it. This writer also has the writing skill to have produced these *questioned Pavlakis signatures*. Note, with that said I have found nothing to indicate this has occurred and based on the nature of differences/inconsistencies, I see it as very unlikely to have occurred.
101. *Appendix H* contains a copy of the signature comparison chart prepared by me from digital images of the *questioned* and *specimen Pavlakis signatures*. If my testimony is required I will use these charts to demonstrate the basis of my findings.

Signature Examination - M Sywak

102. There are at least three major varying styles or variants of *specimen Sywak signatures*. These being depicted below:

Version 1

REQUESTING MEDICAL OFFICER (AMO-Registrar)

Name: Sywak

Signature: [Signature]

Provider No: 0648244 Date:

ADMISSION DESCRIPTION CODE (Office use only - Pls.)

No PAC required (A) ☐ PAC patient ☒ Anaest ☐

Item 152-1

Version 2

[Signature]

Item 179-1

- b. The person who wrote these signatures has made some attempt to copy the form of a genuine Pavlakis signature. In doing so this person has tried to reproduce the pictorial effect (and not very successfully) of a genuine Pavlakis signature and would seem not to have imparted any of their own individual writing habits or features into their handiwork which would allow it to be identified.
- c. In other words, any person with the prerequisite writing skill and access to known signatures of Dr Pavlakis could have produced these *questioned Pavlakis signatures*. Note, I have not found on the available material any writing feature or habit to link any writer to these signatures.
- d. Also, in such circumstances it is not entirely possible (for the FDE) to eliminate the writer of the *specimen Pavlakis signatures* from having written these signatures as it is possible that this writer could have attempted to disguise their signature by attempting to self-simulate it. This writer also has the writing skill to have produced these *questioned Pavlakis signatures*. Note, with that said I have found nothing to indicate this has occurred and based on the nature of differences/inconsistencies, I see it as very unlikely to have occurred.
101. *Appendix H* contains a copy of the signature comparison chart prepared by me from digital images of the *questioned* and *specimen Pavlakis signatures*. If my testimony is required I will use these charts to demonstrate the basis of my findings.

Signature Examination - M Sywak

102. There are at least three major varying styles or variants of *specimen Sywak signatures*. These being depicted below:

Version 1

REQUESTING MEDICAL OFFICER (AMO-Registrar)

Name: Sywak

Signature: [Signature]

Provider No: 0648244 Date:

ADMISSION DESCRIPTION CODE (Office use only - Pls.)

No PAC required (A) ☐ PAC patient ☒ Anaest ☐

Item 152-1

Version 2

[Signature]

Item 179-1

110. The following similarities and inconsistencies were observed between **Version 1 questioned Sywak signatures** and the **Version 1 specimen Sywak signatures**:

- a. On the **Version 1 questioned Sywak signatures** the “ark” of “Mark” and the “ywak” of “Sywak” are abbreviated or not well-formed, whereas on the **Version 1 specimen Sywak signatures** these letters are reasonably legible.
- b. The “S” and “y” formations on the **Version 1 questioned Sywak signatures** on three signatures (items 55, 56, 57) have the “S” & “y” formed in a single pen movement and on the signature on item 58 these two letters are separated. The habit on the **Version 1 specimen Sywak signatures** is to have these two letters separated.
- c. Both the **Version 1 questioned** and **specimen signatures** have a complex sequence of strokes (eyelets) commencing the upward formed staff of the “M”.
- d. The “a” formation is a small elongated letter has a short almost indistinct movement at the top of letter to form the staff which is noted on both the **Version 1 questioned** and **specimen signatures**.
- e. There is a consistency in the height relationship of the uppercase letters, “M” & “S” and the letter “k”, where the apex of the “M” tends to be on a higher plane than the apexes of the “k” & “S”, but the apex of the “S” tends to be on a higher plane than the apex of the “k” on both the **Version 1 questioned** and **specimen signatures**.
- f. The terminating stroke of the “k” can be a curved outward movement which is observed on the **Version 1 questioned Sywak signatures** (items 55, 56, 57, 58) and on the **Version 1 specimen Sywak signatures** (items 179-2, 179-3, 179-5).

111. The differences observed between the **Version 1 questioned and specimen Sywak signatures** are not significant differences between them and do not necessarily indicate the involvement of another writer. It is just highlights the need to have a wider range of normal course of business signatures to be able to conduct a proper examination. Given these constraints my conclusion will be qualified.

112. *Appendix I* contains a copy of the signature comparison chart prepared by me from digital images of the **questioned and specimen Sywak signatures**. If my testimony is required I will use these charts to demonstrate the basis of my findings.

Group 2 – Sywak – Items 59 to 62

113. These **questioned Sywak signatures** (items 59 to 62) are pictorially similar and comparable with the **Version 2 specimen Sywak signatures** (items 152 to 172, 174 to 176). They were written with speed and fluency in a free and fluent manner exhibiting no evidence of the *indicia of forgery* about them. All these

Version 2 questioned Sywak signatures exhibit a range of variation amongst them. This observation is significant.

114. The most likely hypotheses for writing the **Version 2 questioned Sywak signatures** are:

H1. The writer of the *specimen Sywak signatures* wrote the **Version 2 questioned Sywak signatures**.

H2. Another writer wrote the **Version 2 questioned Sywak signatures** attempting to copy the form of a genuine signature either freehand or by a tracing process.

115. There are a number of other subtle and individual features observed, in common and in combination, between the **Version 2 questioned** and *specimen Sywak signatures*. These features being:

- a. The **Version 2 questioned** and *specimen Sywak signatures* are all written in a single pen movement.
- b. **Version 2 questioned** and *specimen Sywak signatures* have a complex sequence of strokes (eyelets) commencing the upward formed staff of what I take to be the "M".
- c. A looped formation that encompasses the "M" formation is to the right side of the "M" formation. This looped formation varies from having an angular apex to a rounded apex. The rounded apex is observed on the **Version 2 questioned Sywak signatures**.
- d. A large lower loop formation that varies in size considerably from being large and bulbous to being smaller and more rounded to being long and narrow or short and narrow. The **Version 2 questioned Sywak signatures** reflect some of this variation in having a very large and bulbous formation (item 59) to the smaller and more rounded loop formations on the remaining signatures (items 60 to 62).
- e. The terminal stroke varies considerably from being fairly short with a series of angular movements to a fairly long smooth and slightly curved stroke. The **Version 2 questioned Sywak signatures** have an example of a terminating stroke that has a series of angular movements (item 59) and an example with a reasonably long smooth and slightly curved stroke on the remaining signatures (items 60 to 62).

116. The features listed in a. to e. above are observed in some form on both the *questioned* and *specimen Sywak signatures*. I did not observe any feature on the *questioned Sywak signatures* that could not be accounted for in the *specimen Sywak signatures*. In this case though one of the most important aspects linking the signatures is the speed, fluency and good line quality that is present in both **Version 2 questioned** and *specimen Sywak signatures*.

117. All these features, in common and in combination, provide support for the occurrence of the first hypothesis, H1. I observed no evidence to support the occurrence of the second hypothesis, H2.

118. *Appendix I* contains a copy of the signature comparison chart prepared by me from digital images of the *questioned* and *specimen Sywak signatures*. If my testimony is required I will use these charts to demonstrate the basis of my findings.

Latent Indentation Examinations

119. A total of fifty-eight (58) pages were subjected to a latent indentation test using the Electrostatic Detection Apparatus (ESDA). Latent indentation impressions were developed on twenty-six (26) of those pages and no impressions were developed on thirty-two (32) pages.
120. *Appendix J* contains an *Excel®* spreadsheet table of the results together with a copy of all the ESDA foils. In this table where I use the term "*unsourced*" I mean that on the material available for this examination, the document on which those entries/signature were written could not be identified. Conversely, where I use the term "*source*" I am referring to the document by its item number, i.e. on the document where those entries were originally written.
121. I have labelled all the ESDA foils from ESDA 1 to ESDA 58 and included copies of all the ESDA foils. By ESDA foil I am referring to the medium on which the latent indentation impressions were developed.
122. The results in the cases where impressions of signatures have been developed do not seem to be very revealing, as they only show one document sitting on top of another document when the top document was signed. As far as I can determine in all of these cases there was no signing of a document out of dating sequencing i.e. if the source document was dated say *29 May 09*, so was the document on which the indented dated was developed.
123. I have no idea of the significance or otherwise of the indented impressions of handwritten entries revealed on of the documents.

Discussion

124. In a number of cases I have mentioned that observing a range of variation amongst the questioned signatures is a significant observation. The reason I have stated this is because when a person attempts to copy another person's signature they are copying or more correctly drawing out that person's signature from a model, to the best of their writing ability.
125. When more than one signature is copied, which is the allegation in this matter, then the person undertaking that task usually uses the same model to produce their handiwork. Hence, signatures resulting from such a process will tend to bear a close resemblance to one another. There is no evidence of this occurring between or amongst any of the questioned signatures in the names of the various Doctors.
126. Hence, the fact that signatures under the name of a Doctor exhibit a natural range of variation provides evidence is more supportive of genuineness which is significant.

CONCLUSIONS

127. As a result of these examinations, considering the scope and limitations present, I am of the following opinions:

Hacker Signatures

- A. Within the limits of practical certainty, the writer of the *Neville Hacker* or *N F Hacker* signatures on the specimen documents referred to in items 63 to 65, 67 to 77, 79 to 81, 83, 88 to 99, 101 to 103, 109 and the *N F Hacker* signatures on the originals of the specimen documents referred to in items 66, 78, 82, 84 to 87, 100, 104 to 106, 108 **wrote** the *Neville Hacker* and *N F Hacker* signatures on the questioned documents referred to in items 2 to 7 and the *N F Hacker* signatures on the originals of the questioned documents referred to in items 8 to 12.

Marsden Signatures

- B. Within the limits of practical certainty, the writer of the illegible signatures under the name *Marsden* on the specimen documents referred to in items 110 to 116, 118, 119 and the illegible signatures under the name *Marsden* on the originals of the specimen document referred to in item 117 **wrote** the illegible signature under the name of *Marsden* on the questioned document referred to in item 7 and the illegible signatures under the name *Marsden* on the originals of the questioned documents referred to in items 8 to 12.

Burton Signatures

- C. Within the limits of practical certainty, the writer of the illegible signatures in the name *Gil Burton* on the specimen documents referred to in item 123 **wrote** the illegible signature under the name of *Dr Gilbert Burton* on the questioned document referred to in item 14.
- D. There is strong support for the proposition that the writer of the illegible signatures in the name *Gil Burton* on the specimen documents referred to in item 123 **wrote** the illegible signatures under the name *Gil Burton* on the original of the questioned document referred to in item 13 compared to the support for the alternative proposition that another writer wrote this *questioned Burton signature*.

Vaux Signatures

- E. Within the limits of practical certainty, the writer of the *K J Vaux* signatures on the specimen documents referred to in items 125 to 135 **wrote** the *K J Vaux* signature on the questioned document referred to in item 16.
- F. There is very strong support for the proposition that the writer of the *K J Vaux* signatures on the specimen documents referred to in items 125 to 135 the *K J Vaux* signature on the original of the questioned documents referred to in item 17 compared to the support for the alternative proposition that another writer **wrote** this *questioned Vaux signature*.

- G. There is strong support for the proposition that the writer of the *K J Vaux* signatures on the specimen documents referred to in items 125 to 135 **wrote** the *K J Vaux* signature on the original of the questioned document referred to in items 18 compared to the support for the alternative proposition that another writer **wrote** this *questioned Vaux signature*.

Smith Signatures

- H. There is strong support for the proposition that the writer of the R Smith signatures on the specimen documents referred to in items 136 to 138 **wrote** the Prof R Smith and R Smith signatures on the questioned documents referred to in items 19 & 20 compared to the support for the alternative proposition that another writer wrote these questioned Smith signatures.
- I. There is more support for the proposition that the writer of the R Smith signatures on the specimen documents referred to in items 136 to 138 **wrote** the R Smith signatures on the originals of the questioned documents referred to in items 21 & 22 compared to the support for the alternative proposition that another writer wrote these questioned Smith signatures.

Hugh Signatures

- J. There is very strong support for the proposition that the writer of the *T J Hugh* signatures on the specimen documents referred to in items 139 & 140 **wrote** the *T J Hugh* signatures on the originals of the questioned documents referred to in items 27 to 34 compared to the support for the alternative proposition that another writer wrote this *questioned Hugh signatures*.

Pavlakis Signatures

- K. Within the limits of practical certainty, the writer of the *N Pavlakis* signatures on the specimen documents referred to in items 141 to 146, 148, 150 & 151 and the *N Pavlakis* signatures on the originals of the specimen document referred to in item 149 **wrote** the *N Pavlakis* signatures on the questioned documents referred to in items 35 to 43, 49.
- L. There is strong support for the proposition that the writer of the *N Pavlakis* signatures on the specimen documents referred to in items 141 to 146, 148, 150 & 151 and the *N Pavlakis* signatures on the originals of the specimen document referred to in item 149 **did not write** the *N Pavlakis* signatures on the questioned documents referred to in items 44 to 48, 50 to 54 compared to the support for the alternative proposition that the writer of the *specimen Pavlakis signatures* wrote these signatures.

Sywak Signatures

- M. Within the limits of practical certainty, the writer of the illegible signatures under the name of *Mark Sywak* and the writer of *Mark Sywak* signatures on the specimen documents referred to in items 152 to 172, 174 to 176, 178 to 181 and the writer of the *Mark Sywak* signatures on the originals of the specimen documents referred to in items 173 & 179 **wrote** the illegible signatures under the name of *Mark Sywak* on the questioned documents referred to in items 59 to 62.

- N. There is very strong support for the proposition that the writer of the illegible signatures under the name of *Mark Sywak* and the writer of *Mark Sywak* signatures on the specimen documents referred to in items 152 to 172, 174 to 176, 178 to 181 and the writer of the *Mark Sywak* signatures on the originals of the specimen documents referred to in items 173 & 179 **wrote** the *Mark Sywak* signatures on the questioned documents referred to in items 55 to 58 to the support for the alternative proposition that another writer **wrote** these *questioned Sywak signatures*.
128. *Conclusions A, B, C, E, I, K* are all **Level 1** conclusions where I am satisfied, within the constraints of "practical certainty" that there are sufficient significant individual features in common and in combination, and no significant or fundamental differences to conclude writer of the specimen signatures wrote the questioned signatures.
129. *Conclusions F, H, L* are slightly qualified **Level 2** conclusions where the evidence reveals a significant number of individual features and similarities, in common and in combination, which strongly supports the proposition of common authorship but there is a limiting factor in each case which has lessened the level of "practical certainty" and thus raising the possibility of another writer being involved, albeit very limited support. In the cases of *Conclusions F & H*, the reproduced nature of the questioned signatures has been the limiting factor and in the case of *Conclusion L*, not having sufficient normal course of business signatures.
130. *Conclusions D, G, H* are qualified **Level 3** conclusions where there are a sufficient number of similarities to support the proposition that the questioned signatures had been written by the same person. However, there were also significant limiting factors, in *Conclusions D, G, H* it was the poor quality of reproduction and with *Conclusion H*, it was also the lack of sufficient normal course of business signatures.
131. *Conclusion J* is a qualified **Level 3** conclusion where there are a sufficient number of inconsistencies and/or differences to support the proposition that another writer other than the writer of the specimen signatures wrote the questioned signatures. However, as the specimen writer has the writing skill to have written the questioned signatures it is not possible to eliminate this writer from having done so, despite there being no evidence of this occurring.
132. *Conclusion I* is a highly qualified **Level 4** conclusion where there are significant limitations, being both the poor quality of reproduction and the lack of sufficient normal course of business signatures. However, there were pictorial features in the signatures that pointed to them having been written by the writer of the specimen signatures.
133. Further and to re-iterate what I stated in paragraph 8; in relation to my *Conclusions F & H*, these findings are simply in relation to the signatures themselves and they do not provide any support, one-way or the other that these signatures were in fact signed on the originals of those documents as they purport. Only an examination of the originals will confirm whether or not the copies are true and accurate reproductions of the originals.

134. All these conclusions are based solely on the material supplied for this examination. *Appendix K* lists the levels of conclusions used in our laboratory.

EXPERT WITNESS CODE OF CONDUCT

135. I confirm that I have read the Uniform Civil Procedure Rules 2005 Schedule 7 Expert Witness Code of Conduct and that I agree to be bound by the requirements of the Code.

CURRICULUM VITAE

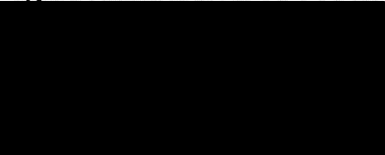
136. *Appendix L* contains a copy of my Curriculum Vitae detailing my experience and expertise as a forensic document examiner in compliance with the requirements of Schedule 7 Expert Witness Code of Conduct.

DISPOSITION OF EVIDENCE

137. All documents referred to in items 1 to 181 returned safe-hand to the Registry of the Local Court, Downing Centre on the 31st July 2014.

Yours faithfully

CHRIS ANDERSON & CO PTY LTD



C I Anderson

Appendix 5: Christopher Anderson, Forensics Document Examiner's report dated 17 September 2017.

Our Ref: [REDACTED]

17 September 2017

Confidential

Charles C. Waterstreet
Barrister
Level 1, 299 Elizabeth Street
SYDNEY NSW 2000

Dear Mr Waterstreet

The following are comments in relation to Magistrate Keogh's Decision of the 27 November 2014:

- Para 102 - Magistrate Keogh refers to an early edition of Cross on Evidence (5th Edition) citing that an experts function is to simply point out similarities and differences and leave it to the court to make its own conclusion. I know this view has been successfully challenged and it is not a widely held point in criminal matters. However, within my current time constraints and limited resources I do not have sufficient time to research this issue any further.
- Para 108 - Magistrate Keogh has viewed my disclosure of limitations to my examination as further support for her rejecting my conclusions in certain instances. As I failed to mention in my report that whilst I was working under some limitations that these limitations were not so overwhelming that I could not reach and support the various conclusions I made. What she failed to grasp was that my conclusions were made taking into account all the listed constraints.
- Para 109 – the inference is I could have made mistakes in relying upon only my notes. I don't believe this has occurred. Magistrate Keogh has ignored all the features I observed in each signature examination. In no instance has she pointed to any error in my observations, results or conclusions. She has attempted to weaken those observations by inferring they are potentially unreliable because of the limitations I have brought to the courts attention. She has no evidence whatsoever, other than her blind acceptance of the evidence of the various doctors.
- A minor point at para 117 Magistrate Keogh states I had reached a conclusion of "practical certainty the signatures were original". This is not correct. I reached a conclusion that the signatures were genuine. This could simply be a typo or it indicates Magistrate Keogh was confused about original documents and genuine signatures.

Hacker

- a. Paras 111 – 122. Magistrate Keogh largely accepted Prof Hacker's evidence that he had not seen the Vendor Maintenance forms (items 2 to 6) and rejected my opinion of common authorship.
- b. She did not reject my evidence in relation to the Requisition forms (items 8 to 12), although she was concerned about the limitations I was operating under and that I was examining carbon copies.
- c. The conundrum is; if Magistrate Keogh is correct, then what significant difference/s between the signatures on items 2 to 7 (found to be not genuine by Magistrate Keogh) and items 8 to 12 (found to be genuine by Magistrate Keogh) can be pointed out to support this view? I point to 8 significant features in common and in combination between the questioned and specimen Hacker signatures.
- d. Note, a carbon copy is a facsimile of the signed signature produced at the same time as the original. It has qualities over and above those of photocopy reproductions. The carbon copy Hacker signatures had clear evidence of the 8 significant features which were observed on the originals providing no reason to qualify the conclusions in relation to these signatures.

Marsden

- a. Paras 123 – 128. It is interesting to note that Prof Marsden decries the questioned signatures (items 7 to 12) not being his because they lack the underline or flourish. On the questioned signatures, this is so. However, what has not been explained is why 5 out of 10 specimen Marsden signatures have no flourish. If, Prof Marsden signed all the specimen signatures (I presume this is the case or he would have challenged this whilst giving his evidence), then it is evident that it is equally likely he will include a flourish as to not include it.
- b. Reviewing my signature comparison charts at Tab 5 make this patently obvious! I would have thought this point, if researched by Magistrate Keogh, would have at least caused some concern about the genuineness of the Marsden signatures and accepting Professor Marsden's evidence without reservation.
- c. In stating her reasons for rejecting my evidence on the authorship of the Marsden signatures, Magistrate Keogh goes to great lengths to point out the limitations I had listed in my report implying these factors could have been the reason in arriving at what Magistrate Keogh perceived to be an erroneous view.
- d. I re-iterate what I stated earlier in a slightly different way; if a limitation impacted on the examination and ultimate conclusion to the extent Magistrate Keogh believed occurred, then I could and would not have arrived at such a conclusion. While there were limitations as stated but these limitations did not overwhelm the examination to the extent that no conclusions could be reached. In fact, in the cases of Hacker and Marsden the individuality and uniqueness of their respective signatures, coupled with there being no evidence of the indicia of forgery, permitted a conclusion of "practical certainty".
- e. I mentioned these limitations in my report out of courtesy to inform the court that the examination had some difficulties compared to other examinations but I was able to largely overcome those difficulties and arrive at useful conclusions that could be demonstrated to the court (note, I was not afforded the opportunity when giving evidence in chief to go through the features of each signature) .

- f. The limitations mainly impacted only on the strength of conclusion on those documents where reproductions were only available for examination or there were a limited number of specimen signatures. A carbon copy is a facsimile of the signed signature produced at the same time as the original. It has qualities over and above those of photocopy reproductions.

Hugh

- a. Magistrate Keogh accepts Dr Hugh's evidence without reservation. She attempts to justify her decision by citing issues with my examination including the possibility the signatures are the product of a cut and paste manipulation. Further, she states, beyond reasonable doubt, Ms Lazarus made false documents. This is interesting because it infers or implies Ms Lazarus either produced a series of free-hand simulations of the T Hugh signatures in which she also happens to introduce a natural range of variation into her handiwork or she has managed to find eight (8) genuine T Hugh signatures and use these signatures as models for cut and paste manipulations. In my experience, it is extremely rare that a lay person would be capable of producing what would be deemed the perfect forgery without leaving evidence of their handiwork or alternatively, think of finding eight (8) genuine signatures of Dr Hugh to produce a series of documents each with cut and paste signature (note, normally or my experience has been that the one model signature is reproduced onto several documents).
- b. Magistrate Keogh also states that I arrived at a conclusion of practical certainty. This is simply wrong, my conclusion was qualified because of the reproduced nature of the questioned documents and the paucity of normal course of business signatures of Dr Hugh.
- c. The problem with this view is the specimen signatures – the examination only had a limited number of specimen signatures (despite requesting further normal course of business signatures) which were produced or provided in relation to this matter. I noted that all the questioned signatures are completed with an illegible scrawl, whereas the specimen signatures form the "ugh" more legibly.
- d. If the specimen signatures are representative of Dr Hugh's normal course of business signature (and I am not saying they are) then why do the questioned signatures not reflect the obvious, more legibly written "ugh" formation? It must be realised if the suggestion is that the questioned Hugh signatures are non-genuine then the person undertaking this task has been able to produce the subtleties of the "TH" formation including the correct sequence of strokes, the height relationship between the "T" & "H" the positioning of the cross-bar of the "H", yet they miss out on producing the obvious feature of writing the "ugh" more legibly!
- e. Further, if the specimen Hugh signatures are representative of his normal course of business signature, then this all but rules out the possibility of the questioned signatures being the product of cut and paste because where were the models obtained from if Dr Hugh does not write his signature in this manner?
- f. This is the reasoning behind requesting, the originals of the questioned documents as this immediately rules out the possibility of a cut and paste and further normal course of business signatures of Dr Hugh to determine the full range and extent of his signature. A more representative sample of Dr Hugh's signature will establish if he only signs his name writing the "ugh" part more legibly or if the signature has the illegible scrawl as part of his range of variation.
- g. Until this material is provided, it remains speculative as what constitutes a representative sample of Dr Hugh's signature. However, if it turns out that the writing of the more legible "ugh" is normal, then this raises a further possibility of whether the questioned signatures have been deliberately disguised to afford an opportunity of disavowal.

- h. In other words, to resolve these issues further normal course of business signatures of Dr Hugh need to be provided.

Sywak

- a. Magistrate Keogh accepts that one voucher, signed on the 28th July 2009 was signed by Dr Sywak but rejects that the remaining three (3) documents dated on this day were signed by Dr Sywak. In her decision, this document is not identified. However, there are four (4) vouchers dated the 28th July 2009. My conclusion was that within the limits of practical certainty the writer of the specimen signatures wrote the questioned signatures on items 59 to 62 i.e. all four (4) signatures.
- b. Dr Sywak claims he could not have signed the four (4) vouchers dated 28th July 2009 as he was not available on that day. Obviously, this statement has little evidentiary value because documents can be either back-dated or forward-dated and I surmise this issue was not put to Dr Sywak during evidence or if it was not considered a relevant factor by Magistrate Keogh.
- c. Again, Magistrate Keogh has got it wrong in regards to my conclusion. At paras 138 she states that I expressed a qualified conclusion on the four (4) 28th July dated signatures and uses this qualification for rejecting my opinion. This is not correct, as I expressed a conclusion within the limits of practical certainty that the specimen writer wrote these questioned signatures. Hence, her comments about my supposed reasoning behind a "qualified" conclusion are irrelevant in regards to these signatures. She also states there are obvious differences that can be observed making it plausible to reject my conclusion. There is no indication as to what those differences were, only that they are observable. I observed no differences, significant or otherwise, which would even remotely point to these signatures being non-genuine. In fact I observed five (5) significant features in common and in combination, between the questioned and specimen (Group 2) signatures (para's 115 & 116 of my report).
- d. According to Magistrate Keogh I got this totally wrong. Yet there is an about face in relation to the questioned signatures, items 55 to 58, where I have given a qualified conclusion as there some features I could not account for on the available specimen signatures. These inconsistencies are easily viewed on the comparison charts I produced and are a part of my report. I clearly state at para 111 of my report I don't believe these inconsistencies are evidence of a different writer but simply a factor of not having sufficient specimen signatures. As such I correctly qualified my conclusion in recognition of this limitation. Surprisingly, mainly due to Dr Sywak's uncertainty I surmise, Magistrate Keogh could not reject my conclusion.
- e. Magistrate Keogh states the documents, items 55 to 58 were dated the 29th January 2009. Clearly items 55 to 58 are dated 21st January 2009. Another error in her reasons for her decision or it is simply another typo!
- f. Further, Magistrate Keogh is clearly confused about the nature of the documents I examined. I examined originals in relation to all the questioned Sywak signatures and all the specimen Sywak signatures except two, items 173 & 177. It was the prosecution who said they only had copies. But from my point of view, I examined originals of the questioned documents and I clearly stated that as part of my evidence and in my report.
- g. A very important consideration with the Sywak signatures is that the specimen signatures revealed three different variants of his signature and two of those variants were observed

on the questioned signatures. Again, it is difficult for a person, unfamiliar with another person's signature, to adopt all of its features, introduce a natural range of variation into it and not leave any tell-tale signs of the indicia of forgery. Then, to realise that this person has a different form of signature and supposedly after mastering this first form, decides to master another form with perfection, is simply incredible and totally without precedence. Only a highly skilled calligrapher who had a sound knowledge of signature examinations and construction, would have any hope of producing such signatures. I have spoken to a colleague who is one such person, a master calligrapher and forensic document examiner. He told me that only certain styles of signatures which emulate the writing style the calligrapher was taught can be replicated with such precision that it would leave little evidence or no evidence of the true nature of the signature. Otherwise, there would be some evidence of the fraudulent nature of the signature even written by a master calligrapher. My understanding there has been no suggestion that Ms Lazarus is a master calligrapher.

Pavlakis

- a. The Pavlakis signatures are important because one group of them contain evidence of being non-genuine signatures which exhibit all the hallmarks of forgeries. It would seem on Magistrate Keogh findings, she is concluding in the majority of instances that Ms Lazarus created false documents in part by forging a number of doctor's signatures, including Dr Pavlakis's signatures.
- b. With the questioned signatures, items 44 to 48, 50 to 54 Magistrate Keogh accepts that these signatures are not genuine and clearly points the finger at Ms Lazarus as having produced these signatures. These questioned signatures are the only instance where alleged forged signatures actually have substantive evidence of being forgeries. This is interesting, given in all the other signatures found by Magistrate Keogh to be forgeries (non-genuine) that none of them exhibited any evidence of the indicia of forgery. Yet in comparison to some of the other more complex signatures alleged to have been forged by Ms Lazarus, Ms Lazarus in this instance is incapable producing a high-quality likeness (facsimile) of a genuine Pavlakis signature.
- c. To spell out the ridiculousness of the situation; on the one hand Magistrate Keogh finds in relation to the Hacker, Marsden, Hugh and Sywak signatures that Ms Lazarus has produced facsimiles of them I found that could not be distinguished from genuine signatures. As I said above, this would place her in an area where having this ability is well above the extraordinary ability of a master calligrapher who also has sound knowledge of the principles of signature analysis. Yet, with the Pavlakis signatures, items 44 to 48, 50 to 54, which are relatively simple signatures to copy, Ms Lazarus can only produce a typical facsimile that is easily seen as the product of a free-hand simulation and not the work of a master calligrapher.
- d. Clearly, this is ridiculous and the evidence I have observed about these signatures supports that there are genuine or likely to be genuine signatures. I also point out this is demonstrable.
- e. One further issue needs to be addressed; while there is strong and clear evidence that the questioned Pavlakis signatures, items 44 to 48, 50 to 54 are not genuine, there is no evidence as to who may have written them. In this situation, any one of a number of persons could have produced these signatures, not only Ms Lazarus.

Smith

- a. There is little point in commenting too much on the Smith signatures, simply because of the lack of comparable material. Both my conclusions are qualified. There was no evidence of the indicia of forgery on any of the questioned signatures. Yet again Magistrate Keogh is wrong when she says, at para 153 of her Decision, that I only had three (3) specimen signatures for comparison. I had nine (9) specimen signature signed on three documents.

Magistrate Keogh does not comment on the Vaux and Burton signatures.

In my view this not a very considered or balanced judgement, particularly in relation to the expert evidence. It is riddled with errors and/or typo's. She is very inconsistent in accepting or rejecting evidence and she was clearly of a mindset believing the doctor's evidence under most circumstances where they said they did not sign a particular document. Where there was some doubt expressed by the doctor about signing a signature, she accepted or partially accept the expert evidence.

On the one hand, when it suited her belief about the authenticity of a signature she had no hesitation in citing the alleged tiredness, pressure, or limitations expressed by the expert to support her rejection of the expert evidence. Yet on the other hand when she wasn't convinced of the veracity of the doctor's evidence or they were equivocal about signing particular signatures, she accepted the experts evidence on the authorship of that signature. In other words, she must have deemed the expert was, in these cases, not labouring under tiredness, pressure or other limitations.

Yours faithfully

CI Anderson

Principal Forensic Document Examiner

Appendix 6: Email of 01 July 2010 sent at 9:24am from Michael Kane to Michelle Novotny.

Michelle Novotny

From: Michael Kane [redacted]
Sent: Thursday, 1 July 2010 9:24 AM
To: Michelle Novotny
Subject: RE: Query

Michelle,

Thanks for your prompt response.

No problems. There is no rush on this matter. I just want to make sure that I can provide the best handwriting examples for comparison purposes to assist you and your colleagues

Regards

Mick

From: Michelle Novotny [mailto:[redacted]]
Sent: Thursday, 1 July 2010 9:23 AM
To: Michael Kane
Subject: RE: Query

Hi Michael,

Thanks for your email. I am under some pressure to finalise a report to meet a court deadline this morning so is it ok if I get back to you this afternoon?

So sorry, please let me know if this causes problems.

Kind regards,
Michelle

Michelle Novotny | Senior Forensic Document and Handwriting Examiner
Forensic Document Services Pty Ltd
T: +61 [redacted]
E: [redacted]
Postal [redacted]

The FDS Group:
Forensic Document Services Pty Ltd | Forensic Digital Services Pty Ltd | Fingerprint Detection Services Pty Ltd

From: Michael Kane [mailto:[redacted]]
Sent: Thursday, 1 July 2010 8:06 AM
To: Michelle Novotny
Subject: Query

Michelle,

I am currently investigating a large scale fraud against NSW Health where it is alleged that a young female person purporting to be PhD student through the University of Sydney and seeking to undertake clinical trials at various hospitals

Appendix 7: Email of 02 July 2010 sent at 2:50pm from Michael Kane to Michelle Novotny.

Michelle Novotny

From: Michael Kane [REDACTED]
Sent: Friday, 2 July 2010 2:50 PM
To: Michelle Novotny
Subject: Sample handwriting documents - Op Charity
Attachments: Samples of Document handwriting for examination.pdf

Michelle,

As discussed with you earlier today, attached are a sample of the various forms and handwriting required for forensic document examination. These are a small sample of the documents to be examined but the majority of a similar nature.

All authorising officers denied signing the documents but stated that their signatures are similar to theirs, except for Dr. Michael Back, who admitted signing some of the documents. Dr. Nick Pavlakis stated that all his signature are not his nor are the signatures similar and vary (see attached 2 copies)

[REDACTED]

await your reply and guidance.

Regards

Michael Kane
Senior Investigator
Independent Commission Against Corruption (ICAC)
Level 21
133 Castlereagh Street
Sydney NSW 2000
PO Box 500
Sydney NSW 2001
(02) [REDACTED] (Direct)
(02) [REDACTED] (fax)

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Appendix 8: Email of 05 July 2010 sent at 6:20pm from Michelle Novotny to Michael Kane.

E-mail Message

From: Michelle Novotny [SMTP: [REDACTED]]
To: Michael Kane [EX/O=ICAC/OU=ICAC/CN=RECIPIENTS/CN=MKANE]
Cc: Andrea Devlin [SMTP: [REDACTED]]
Sent: 5/07/2010 at 6:20 PM
Received: 5/07/2010 at 6:19 PM
Subject: RE: Sample handwriting documents - Op Charity

Hi Mick,

Further to our telephone discussion earlier today, please find below some directions on the most appropriate specimens for comparison with the questioned entries.

I note that the questioned handwritten entries consists of dates and, with respect to M Back, the entry "MICHEAL BACK M. BACK for N. PAVLAKIS" (sic).

I understand that you will be obtaining historical specimen handwritings of the suspect, Sandra Lazarus. Please ensure that those specimen handwritings include as many date entries as possible, numerical entries including many repetitions of the numerals that appear in the questioned dates, as well as the uppercase (capital) letters that appear in the handwritten entries associated with the M Back signature (stated above). As I have only seen copies of some questioned documents, if any of the other documents bear handwritten entries, please also ensure that the specimens of the suspect include those letters (in a comparable style e.g. upper case, cursive/running writing, etc).

With respect to the specimens of the purported signatories, it would be good to have a combination of historical examples (if they can be provided) as well as "request" specimens where the person is asked to write their signatures and certain handwritten entries for the purposes of comparison with the questioned entries. Please note the following when obtaining the request specimens.

- (a) Please provide blank sheets of paper for the specimen writer to write their signature and the date (5 per writer).
- (b) Please also provide blank sheets bearing ruled lines (e.g. notepad paper) for the specimen writer to write their signature and the date (5 per writer).
- (c) Please also provide copies of blank Northern Sydney Central Coast Health non-order vouchers for each specimen writer to write their signature and the date in section 7(b) (10 per writer).
- (d) Please ask each writer to use a fibre tip pen when preparing the specimens on the blank paper outlined at (a) above.
- (e) Please ask each writer to use a roller ball pen when preparing the specimens on the ruled line paper outlined at (b) above.
- (f) Please ask each writer to use a ballpoint pen when preparing the specimens on the non-order vouchers outlined at (c) above.
- (g) For each sample on the blank paper and ruled line paper, please ask the writer to sign their name and write the date/s that is associated with the questioned signature/s in their name without any instruction as to how they should format the date (for example, Hugh Thomas should be asked to "sign your name and write the date 31/10/08". If they ask about the date format, just ask them to use the format they would normally use. It is important that these be written before the samples on the blank non-order vouchers (see below).
- (h) For each sample on the blank non-order vouchers, please ask the writer to sign their

file://C:\Users\mkane\AppData\Local\TOWER Software\TRIM5\TEMP\CONTEXT.4... 4/06/2013

name and write the date/s that is associated with the questioned signature/s in their name, specifying the format (for example, Hugh Thomas should be asked to "sign your name and write the date 31/10/08 using oblique strokes or forward slashes to divide the day/month/year and with only 2 digits for the year", as well as any other dates that are associated with questioned signatures in his name if there are multiple documents in his name).

(i) Do not at any time show any of the questioned documents to the writers at or about the time they are to prepare the request specimens.

Please let me know if you have any questions. As discussed, I will prepare an estimate of costs when you are able to provide all of the documents to be examined.

Kind regards,

Michelle

From: Michael Kane [mailto:]
Sent: Friday, 2 July 2010 2:50 PM
To: Michelle Novotny
Subject: Sample handwriting documents - Op Charity

Michelle,

As discussed with you earlier today, attached are a sample of the various forms and handwriting required for forensic document examination. These are a small sample of the documents to be examined but the majority of a similar nature.

All authorising officers denied signing the documents but stated that their signatures are similar to theirs, except for Dr. Michael Back, who admitted signing some of the documents. Dr. Nick Pavlakis stated that all his signatures are not his nor are the signatures similar and vary (see attached 2 copies)

I await your reply and guidance.

Regards

Michael Kane

Senior Investigator

Independent Commission Against Corruption (ICAC)

file://C:\Users\mkane\AppData\Local\TOWER Software\TRIM5\TEMP\CONTEXT.4... 4/06/2013

Level 21
133 Castlereagh Street
Sydney NSW 2000
GPO Box 500
Sydney NSW 2001
(02) [REDACTED] (Direct)
(02) [REDACTED] (fax)

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Michael Kane

From: Michelle Novotny [REDACTED]
Sent: Wednesday, 13 October 2010 10:29 AM
To: Michael Kane
Subject: Lazarus - list of documents and estimate of costs

Dear Mick,

Thank you for delivering the documents yesterday. The list of documents received is given below.

Questioned:

E10/0035/2/21/1 (18 documents)
E10/0035/2/22/1 (29 documents)
E10/0035/2/32/1 (9 documents)
E10/0035/2/33/1 (11 documents)
E10/0035/2/34 (17 documents, 1 envelope and 1 business card)
E10/0035/2/42/1 (17 documents)
E10/0035/2/43 (47 documents)
No number specified (13 copy documents)

Specimen:

E10/0035/2/22/2 (1 document and 4 post-it notes)
E10/0035/2/27/1 (1 document)
E10/0035/2/35 (AccoHide notebook)
E10/0035/2/47 (Collins diary)
E10/0035/4/9 (R Smith statement)
E10/0035/4/13 (M Back statement)
E10/0035/4/14 (D Marsden statement)
E10/0035/4/18 (N Hacker statement)
E10/0035/4/21 (M Sywak statement)
E10/0035/4/22 (T Hugh statement)
E10/0035/4/23 (N Pavlakis statement)
E10/0035/4/24 (G Burton statement)
No number specified (6 documents, request specimens)

Note that you will in due course also provide the fax copy documents from NSW Health and also possibly Ms Lazarus' x machine and printer.

I also note that there are specimen documents bearing D Marsden signatures but not any questioned signatures in that name, and that there are questioned documents bearing D Dalley signatures but not any specimen signatures in that name. I recall you mentioning that there may be further documents bearing signatures in the name G Burton but do not recall any mention regarding D Marsden or D Dalley. Please clarify matters regarding the signatures in these two names.

As to the estimated costs, as discussed, this is a very large job. I have broken it down into parts according to our discussions yesterday regarding the G Burton signatures and S Lazarus signatures not needing to be examined at this time, as well as separating the signature/handwriting examinations from the ESDA examinations as you may decide to approach it on a stage by stage basis. We do not recommend foregoing the ESDA examinations on the basis of cost as it has been our experience in past matters that ESDA examinations can provide extremely compelling evidence as to the genuineness or otherwise of a document and information as to its origins or other information relevant to the

investigation. (The estimated costs for the ESDA examinations are divided into two: questioned documents bearing signatures and/or handwritings and other questioned documents not bearing signatures/handwritings.) Given the very large nature of the job, I have provided the estimated costs calculated on the basis of our normal hourly rate, as well as the proposed reduced fee for this matter for the ICAC. The estimated costs include GST.

Signatures and handwriting and preparation of a report: reduced fee \$23,000 to \$30,000	normal fee \$28,000 to \$36,000
ESDA examination of documents bearing signatures/handwriting: reduced fee \$10,000 to \$13,500	normal fee \$12,000 to \$16,000
ESDA examination of other documents: reduced fee \$9,000 to \$12,500	normal fee \$11,000 to \$15,000
G Burton signatures (to be confirmed on receipt of documents): reduced fee \$1,500 to \$2,000	normal fee \$2,000 to \$2,500
S Lazarus signatures (to be confirmed on receipt of documents): reduced fee \$4,000 to \$4,500	normal fee \$4,500 to \$5,500

Disbursements for the signature/handwriting examinations and report are estimated to be in the order of a further \$450 to \$550 including GST. Disbursements for the ESDA components are estimated to be in the order of a further \$1,100 to \$2,000 including GST.

Please note that these estimated costs do not include examinations relating to the fax machine, printer or fax head on the NSW Health documents. Estimated costs associated with such further examinations can be provided once the additional material is received.

As always, we will endeavour to keep costs to a minimum without compromising the quality of our work.

Please let me know if you have any questions.

Kind regards,
Michelle

Michelle Novotny | Senior Forensic Document and Handwriting Examiner
Forensic Document Services Pty Ltd

[REDACTED] | Website: www.thefdsgroup.com.au
Postal: PO Box 167, MANLY NSW 1655 AUSTRALIA | DX: 9239 MANLY

The FDS Group:

Forensic Document Services Pty Ltd | Forensic Digital Services Pty Ltd | Fingerprint Detection Services Pty Ltd

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E-mail Message

From: Michael Kane [EX:/o=ICAC/ou=ICAC/cn=Recipients/cn=mkane]
To: Michelle Novotny [SMTP: [REDACTED]]
Cc: Evama Hart [EX:/o=ICAC/ou=ICAC/cn=Recipients/cn=ehart]
Sent: 11/01/2011 at 7:37 PM
Received: 11/01/2011 at 7:37 PM
Subject: Op Charity documents

Hi Michelle,

Hope you had a very Merry Christmas and are having a great New Year. I am back at work now and I just need to update you on the forensic work relating to Sandra Lazarus (Operation Charity). We had a Compulsory Examination with her just before Christmas where she made certain admissions as to signing several of the documents.

The Commissioner of the ICAC has directed that we will not proceed with any forensic work at this stage due to Sandra Lazarus partial admission and the evidence of the witness now stating that they did not sign the relevant forms. I am sorry for all the hassles with this matter.

Can you please advise when I will be able to collect the exhibits from your office.

Regards

Michael Kane

Senior Investigator

Independent Commission Against Corruption (ICAC)

Level 21

133 Castlereagh Street

Sydney NSW 2000

GPO Box 500

Sydney NSW 2001

[REDACTED]

[REDACTED]

Appendix 11: 'Court Attendance Notices' for Michelle Lazarus, commencing criminal judicial proceeding a court of law, page 1.

**** Defendant Copy ****

COURT ATTENDANCE NOTICE

DETAILS OF COURT LISTING

The Court Attendance Notice has been listed before the Local Court on
Date: Tuesday, 9 April 2013 Time: 9:30am
Place: Downing Centre, 143-147 Liverpool Street, Sydney

DETAILS OF DEFENDANT

Defendant: Michelle Lazarus
Address: [REDACTED]
Sex: Female
Date of Birth: [REDACTED]

DETAILS OF PROSECUTOR

Prosecutor: Michael Kane
Organisation: ICAC
Address: Level 21 / 133 Castlereagh St, Sydney
Telephone: (02) [REDACTED]
Date of Issue of Court Attendance Notice: 1 March 2013

DETAILS OF OFFENCE(S)

Sequence Number	Description & Short Particulars of Offence (including Act & Section)
1	Give false or misleading evidence; Section 87(1) Independent Commission Against Corruption Act 1988; Law Part Code 56822 That on 12 July 2010 she did give evidence at a compulsory examination that was false in a material particular, namely that she had not previously met or spoken to Dr Gil Burton and that she knew that this was false.
2	Give false or misleading evidence; Section 87(1) Independent Commission Against Corruption Act 1988; Law Part Code 56822 That on 21 February 2011 she did give evidence at a public inquiry that was misleading in a material particular, namely that she had not gained any benefit from the creation and use of payslips from MCIC regarding her employment and that she knew that this was misleading.
3	Give false or misleading evidence; Section 87(1) Independent Commission Against Corruption Act 1988; Law Part Code 56822 That on 21 February 2011 she did give evidence at a public inquiry that was false in a material particular, namely that she had not previously met or spoken to Dr Gil Burton and that she knew that this was false.
4	Give false or misleading evidence; Section 87(1) Independent Commission Against Corruption Act 1988; Law Part Code 56822 That on 21 February 2011 she did give evidence at a public inquiry that was false in a material particular, namely that Jessica Lazarus was not a paid employee of Wish Consulting Pty Ltd and that she knew that this was false.

Appendix 12: 'Court Attendance Notices' for Sandra Lazarus, commencing criminal judicial proceeding a court of law, page 1.

**** Defendant Copy ****

COURT ATTENDANCE NOTICE

DETAILS OF COURT LISTING

The Court Attendance Notice has been listed before the Local Court on
Date: Tuesday, 9 April 2013 Time: 9:30am
Place: Downing Centre, 143-147 Liverpool Street, Sydney

DETAILS OF DEFENDANT

Defendant: Sandra Lazarus
Address: [REDACTED]
Sex: Female
Date of Birth: [REDACTED]

DETAILS OF PROSECUTOR

Prosecutor: Michael Kane
Organisation: ICAC
Address: Level 21 / 133 Castlereagh St, Sydney
Telephone: (02) [REDACTED]
Date of Issue of Court Attendance Notice: 1 March 2013

DETAILS OF OFFENCE(S)

Sequence Number	Description & Short Particulars of Offence (including Act & Section)
1	Make false instrument; section 300(1) Crimes Act 1900; Law Part Code 27313 Between 7 April 2008 and 11 July 2008 did make a false instrument, to wit, a South Eastern Sydney & Illawarra Area Health Service Vendor Maintenance Form No. 111514 with the intention of using it to induce another person to accept the instrument as genuine and because of that acceptance, to do some act to that other person's prejudice.
2	Make false instrument; section 300(1) Crimes Act 1900; Law Part Code 27313 Between 7 April 2008 and 11 July 2008 did make a false instrument, to wit, a South Eastern Sydney & Illawarra Area Health Service Vendor Maintenance Form No. 111515 with the intention of using it to induce another person to accept the instrument as genuine and because of that acceptance, to do or not to do some act to that other person's prejudice.
3	Make false instrument; section 300(1) Crimes Act 1900; Law Part Code 27313 Between 7 April 2008 and 22 July 2008 did make a false instrument, to wit, a South Eastern Sydney & Illawarra Area Health Service Requisition 783209 with the intention of using it to induce another person to accept the instrument as genuine and because of that acceptance, to do or not to do some act to that other person's prejudice.
4	Make false instrument; section 300(1) Crimes Act 1900; Law Part Code 27313 Between 7 April 2008 and 18 November 2008 did make a false instrument, to wit, a South Eastern Sydney & Illawarra Area Health Service Requisition 783210 with the intention of using it to induce another person to accept the instrument as genuine and because of that acceptance, to do or not to do some act to that other person's prejudice.

Appendix 13: Letter dated 05 April 2011 from ICAC Principal Lawyer Jane Daly to Lloyd Hart Lawyers.



Lloyd Hart
Solicitors



5 April 2011

Your Ref: SLA4
Our Ref: E10/0035

Dear Sirs

RE: Sandra Lazarus

I refer to that part of your letter dated 1 April 2011 regarding the finalisation of the tender bundle produced by Sandra Lazarus (Ex 134).

Counsel Assisting advised after the hearing that the letters from you to the Commission at pages 2, 3-9 and 12 are to be included in the bundle together with replies from the Commission. Copies of the letters from the Commission dated 11 February 2011 and 3 March 2011 are attached for inclusion in the bundle.

I note that certain requests by you were dealt with by me directly during the public inquiry. At page 4 of the bundle there is reference to an assertion that one of the hard drives seized by the Commission was wiped prior to being returned to Ms Lazarus. The drive was subsequently examined and it did not appear to be wiped. I discussed this matter with Mr O'Shannasse on 24 February 2011 and I believe he was satisfied that this was the case. The Imation drive was returned to your client together with a new copy of the image prepared by the Commission after the execution of the search warrant.

In regard to your letter dated 16 March 2011 (at page 12 of the bundle) I confirm my oral advice to Ms Soars that the Commission did approach Ms Novotny last year but did not engage her to conduct any forensic examination of signatures due to the cost of so doing.

The Commission has been able to locate two letters from Meriton concerning the likely rental for properties purchased by your client. I note you will confirm whether your instructions are to include them at the end of the bundle

Yours faithfully



Jan Daly
Principal Lawyer

D10218768

Level 21, 133 Castlereagh Street
Sydney NSW 2000
GPO Box 500, Sydney NSW 2001
T 02 [REDACTED] F 02 [REDACTED]
E icac@icac.nsw.gov.au
www.icac.nsw.gov.au

Appendix 14: is the letter dated 29 July 2013 from Leigh Johnson Lawyers to the office of the DPP.

LEIGH JOHNSON LAWYERS

[REDACTED]

Tel [REDACTED]

Email [REDACTED]

Our ref: [REDACTED]

Your ref:

29 July 2013

The Director of Public Prosecution,
Office of the DPP.
Level, 7
66-68 Goulburn Street,
Sydney, NSW 2000

By email to [REDACTED]

Att: Alex Poulos

Dear Sir,

Re: Michelle Lazarus ats DPP.

As you are aware and for the time being we have taken over the Local Court matter for Michelle Lazarus.

We refer to our letter dated 30th June 2013 and your comments to the learned Magistrate on the 9th July 2013.

It seems from what you have said to the learned Magistrate and the fact that we have not received any type of response to our request for particulars that you do not intend to supply us with the answers to our questions.

If we do not receive any response by the close of business on Thursday the 2nd August 2013 to our request we are instructed to file a Notice of Motion for a stay to these proceedings until proper and full answers are supplied.

We look forward to an early response.

Yours faithfully

[REDACTED]

**Norbert Kelvin
Solicitor**

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Appendix 15: is the letter dated 31 July 2013 from Leigh Johnson Lawyers to the office of the DPP.

LEIGH JOHNSON LAWYERS

[REDACTED]

Tel [REDACTED]

Email [REDACTED]

Our ref: [REDACTED]
Your ref: A.Poulos [REDACTED] (tel)

31 July 2013

Solicitor for Public Prosecutions
OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS
Locked Bag A8
Sydney South NSW 1232

By email to [REDACTED]

DPP –v- Sandra and Michelle LAZARUS. CASES No. [REDACTED]

Dear Madam,

Your letter of 31 July 2013 is not clear and I ask you to answer the question for Sandra and Michelle as set out in our letters.

Is it the intention of the ICAC and the DPP not to answer our request for particulars in both Michelle Lazarus and Sandra Lazarus cases?

Please advise your answer by 5pm on Friday 2 August 2013.

With very great respect may we also remind you of your obligation as the DPP to supply all inculpatory and exculpatory material in the brief.

We note that the ICAC is the real prosecutor and not the DPP. Please supply us with the section or sections of the ICAC Act that empowers the ICAC to be the prosecutor and for your office just to be the solicitor on the record.

If you have any further questions, please contact the undersigned.

Yours faithfully
LEIGH JOHNSON LAWYERS

[REDACTED]

Norbert Kelvin
Solicitor

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Appendix 16: is the letter dated 31 July 2013 from the office of the DPP to Leigh Johnson Lawyers.

OUR REFERENCE

A.Poulos [REDACTED]

YOUR REFERENCE

[REDACTED]

DATE

31 July, 2013



**OFFICE OF THE DIRECTOR
OF PUBLIC PROSECUTIONS**

Level 15
175 Liverpool Street
SYDNEY NSW 2000
Locked Bag A8
Sydney South NSW 1232
DX 11525 SYDNEY DOWNTOWN

Telephone: 02 9285 8606

Facsimile: 02 9285 8600

TTY: (02) 9285 8646

www.odpp.nsw.gov.au

ABN 27445689335

Mr N Kelvin
Solicitor
Leigh Johnson Lawyers



ALSO VIA EMAIL: [REDACTED]

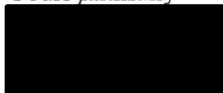
Dear Mr Kelvin

Re: DPP –v- Sandra and Michelle LAZARUS
CASES No. [REDACTED]
Listed: 21 & 28 October 2013
Listed for summary hearing
At Downing Centre Local Court

I have received your letter dated 31 July 2013 and in response to each of your paragraphs I advise:

1. My letter of even date advises the particulars of the offences alleged are detailed in the Court Attendance Notices. I am not sure what part of this is unclear, however, I am not privy to your previous correspondence and or discussions with Mr Poulos about this matter. Mr Poulos will be able to answer any further queries and respond to your letters (if he hasn't already done so) when he returns on 12 August.
2. You have been provided with particulars of the allegations. If you are seeking a summary of the evidence the crown relies upon to support the charges that won't be provided at any stage.
3. Noted.
4. I am aware of the obligations of the Office of the Director of Public Prosecutions.
5. This office doesn't provide copies of legislation to legal practitioners.

Yours faithfully



Solicitor for Public Prosecutions

per: Lisa Viney

Appendix 17: is the letter dated 07 August 2013 from Leigh Johnson Lawyers to the office of the DPP.

LEIGH JOHNSON LAWYERS

45/330 Wattle St
ULTIMO NSW 2007

Tel [REDACTED]

Email: [REDACTED]

Our ref: [REDACTED]

7 August 2013

Director of Public Prosecutions
Level 27
Goulburn St
Sydney NSW 2000

By email to Mr Alex Poulos

Dear Sir,

RE: Michelle Lazarus, ats ICAC

Our client is perplexed about who is the actual prosecuting authority. Is the Director of Public Prosecutions the real prosecutor or is it the Independent Commission Against Corruption?

If it is the Independent Commission Against Corruption who is the prosecuting authority please supply us with a copy of the legislation that empowers Michael Kane to conduct the prosecution in lieu of the Crown or the Department of Public Prosecution.

Would you please explain to us as to why I, as the instructing solicitor of Mr Nagle, of Counsel have received telephone calls from the Independent Commission Against Corruption requesting us to supply to them a listing advice as to which witnesses that Michelle Lazarus wishes to call.

Michelle Lazarus' witness list is as follows:

1. Every person who is listed in the brief served upon the defendant Michelle.
2. Dr Gil Burton.
3. Commissioner Ipp.

Please see the listing advice as attached.

Yours faithfully,
LEIGH JOHNSON LAWYERS

[REDACTED]

.....
Norbert Kelvin, Solicitor

Appendix 18: NSW Ambulance Service Invoice for service provided on 27 April 2015.



NSW Ambulance

ABN: 69 291 930 156

Invoice



008

Invoice Number

Amount Due

\$383.65

Issue Date

21/06/2015

Due Date

19/07/2015

Are you a pensioner or do you have private health ambulance cover?

You may not have to pay this invoice. Please see overleaf for more information.

NSW Ambulance services are not covered by Medicare.

Details of service provided

Service Date: 27/04/2015

Distance travelled*: 11 km

Attended: 143-147 LIVERPOOL ST
SYDNEY
NSW 2000

Destination: ROYAL PRINCE ALFRED
HOSPITAL

** Kilometres are calculated on the basis of a round trip from the nearest ambulance station.*

How to pay

Online: Visit www.ambulance.nsw.gov.au to pay by Mastercard or Visa.*

Phone: Call **02 8083 9669** to pay by Mastercard or Visa.
* A card payment fee of 0.4% applies. This fee is not subject to GST.



Telephone & Internet Banking - BPAY

Access BPAY via your financial institution's web site or phone banking service. The BPAY details are unique for each invoice.



POSTbillpay: Take this to Australia Post and pay by cash, cheque or EFTPOS.

Post: Post a cheque or money order made payable to **NSW Ambulance, GPO Box 4130, Sydney NSW 2001**. Please write your payment reference number on the reverse of the cheque.

**Payment
Reference No:**

Amount due: \$383.65

Date due: 19/07/2015

NSWAMB_173_120001_1-0001061-00531

Appendix 19: Hospital discharge summary dated 20 June 2017 for Sandra Lazarus.

ED Discharge Summary

LAZARUS, Sandra

Result Type:

Result Date:

20 June 2017 17:32

Performed By:

on 20 June 2017 17:42

Discharge Referral - ED

Patient: LAZARUS, SANDRA

MRN:

Age: 37 years Sex: Female DOB:

Associated Diagnoses: Chest pain

Author:

Attachments: None

Visit Information

Facility:

Westmead Hospital

Admission Date:

19/06/2017

Medical Service:

Cardiology, nec

Attending Medical Officer:

AMO Provider No.:

Local Medical Officer:

LMO Provider No.:

LMO Address:

LMO Phone:

Interpreter Required:

To be discharged: 20/06/2017

Consulting Clinician:

Indigenous Status: Neither Aboriginal/Torres Strait Is

LMO Fax:

Language spoken at home: English

Dear

Thank you for reviewing SANDRA LAZARUS a 37 year old female to be discharged on 20/06/2017 from WE W.EMSS at Westmead Hospital. SANDRA LAZARUS presented to this facility with two week history of chest pains and palpitations. She was noted to be intermittently tachycardic.

Plan on discharge:

1. Metoprolol 25mg BD
2. Outpatient Holter monitor and TTE (patient given forms)
3. Follow-up with GP in 2-3 days for:
 - a) review progress as inpatient; to monitor heart rate and blood pressure in response to metoprolol
 - b) 24 hour catecholamine collection and review results
4. Follow-up with in 4-6 weeks (patient to make appointment post TTE and Holter monitor results)
5. If ongoing chest pains or palpitations, return to ED

Clinical Summary:

Printed by:

Printed on: 29-06-2017 02:51

Page 1 of 4
(Continued)

no haemoptysis
no recent air travel

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Printed by:

[REDACTED]

Printed on:

29-06-2017 02:51

Page 2 of
(Continued)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Printed by:

[REDACTED]

Printed on:

29-06-2017 02:51

Page 3 of 4
(Continued)

Appendix 20: Email dated 10 August 2018 from Court of Appeal Registrar to the Legal Aid Commission Director.

From: SCO - Court of Appeal Registrar (Shared Mailbox) [mailto: [REDACTED]]

Sent: Friday, 10 August 2018 4:28 PM

To: Grants.Crime [REDACTED]

Subject: Sandra Lazarus [REDACTED] & Michelle Lazarus v ICAC [REDACTED]

Dear Director,

Sandra Lazarus & Michelle Lazarus of [REDACTED] 13 July 2017 a summons seeking to review the decisions of King DCJ and Conlon DCJ of 19 and 20 June 2017. That summons was further amended on 5 March 2018 to include challenges to decisions of Hoy DCJ of 12 December 2017. The Lazarus's are represented by Leigh Johnson Lawyers.

You kindly advised me on 1 July 2018 that Sandra Lazarus had made an application for legal aid and that there was an authorisation to determine if there was sufficient merit to satisfy the merit test.

At the directions hearing on 6 August 2018, Ms Lazarus's matter was set down for hearing on 22 & 23 November 2018 in the Court of Appeal. Ms Lazarus has been directed to file and serve her submissions on her appeal by 17 September 2018. It was indicated at the directions hearing that Mr Waterstreet has provided a merits advice to the Commission.

The Court requests pursuant to section 25 of the *Legal Aid Commission Act 1979*, that with the consent of the Commission, information be supplied as to the outcome of Ms Lazarus's legal aid application. Ms Lazarus at the directions hearing did not oppose the Court requesting this information.

The Court thanks you for any assistance you may provide in the matter.

Jerry Riznyczok

Registrar, Court of Appeal

Supreme Court of NSW

184 Phillip Street, Sydney

Fax: [REDACTED]

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Appendix 21: Email dated 21 September 2018 from Court of Appeal Registrar to the Legal Aid Commission Director.

From: SCO - Court of Appeal Registrar (Shared Mailbox) [REDACTED]
Sent: Friday, 21 September 2018 11:04 AM
To: Grants.Crime <[REDACTED]>
Subject: RE: Sandra Lazarus [REDACTED] & Michelle Lazarus v ICAC [REDACTED]

Dear Director

Thank you for your advice of 13 August 2018. The matter is listed for directions on Monday 21 September 2018.

Would you be able to assist by advising whether the legal aid application has been determined, and what the outcome of the determination was?

Jerry Riznyczok
Registrar, Court of Appeal
Supreme Court of NSW
184 Phillip Street, Sydney
Fax: [REDACTED]

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Appendix 22: Email dated 21 September 2018 from Legal Aid Commission Grants Divisions to the Court of Appeal Registrar.

From: Grants.Crime

Sent: Friday, 21 September 2018 4:23 PM

To: SCO - Court of Appeal Registrar (Shared Mailbox) <[REDACTED]>

Cc: Doumit, Steven <[REDACTED]>

Subject: RE: Sandra Lazarus [REDACTED] & Michelle Lazarus v ICAC [REDACTED]

Dear Mr Riznyczok,

Grants Division has now received Counsel merit advice.

The assigned solicitor Leigh Johnson has requested further funding in these proceedings. I have asked Steven Doumit (Senior Legal Officer) to assign the application to a merit officer for processing.

Regards

Merv Hoskins

Grants Division

T: [REDACTED]: [REDACTED]

E: [REDACTED]

Appendix 23: Email dated 24 September 2018 from Senior Officer of the Legal Aid Commission Grants Divisions to the Court of Appeal Registrar.

From: Doumit, Steven [REDACTED]

Sent: Monday, 24 September 2018 9:14 AM

To: SCO - Court of Appeal Registrar (Shared Mailbox)

Subject: RE: Sandra Lazarus [REDACTED] & Michelle Lazarus v ICAC [REDACTED]

Dear Registrar,

I refer to the email correspondence below.

Legal Aid NSW has not determined whether aid will be granted in this matter at this stage.

The decision may still take a number of weeks as Legal Aid NSW is awaiting a determination of merit from a member of the Legal Aid NSW Appellate Barrister Panel.

I apologise for any inconvenience to the Court.

Yours faithfully,

Steven Doumit

Steven Doumit

Senior Criminal Law Solicitor

Grants Division - Legal Aid NSW

Ph [REDACTED]

Appendix 24: Email dated 18 November 2018 from Leigh Johnson to Sandra Lazarus.

From: Leigh Johnson [REDACTED]

Sent: Monday, 19 November 2018 10:55 AM

To: s lazarus

Subject: Legal aid refusal for 22/11/18

Dear Ms Lazarus,

As you are aware my application to vacate the hearing date of 22 November 2018 so that legal aid might be granted and proper legal representation be afforded to you, was refused.

[REDACTED] of counsel advised the Court that he would have the advice on merit completed together with the amended grounds of appeal and submissions for hearing if the matter was adjourned until February 2019.

[REDACTED] advised me and the Court that in his opinion there are grounds in your appeal.

Legal Aid will not provide approval for the hearing in the absence of [REDACTED] and have misleadingly stated that there is no merit, given that the Advice has not been provided.

Yours faithfully
Leigh Johnson Lawyers

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Leigh Johnson Lawyers acknowledges the Traditional owners of Country throughout Australia and recognises Aboriginal & Torres Strait Islanders' continuing connection to land, waters and community.

Liability limited by a scheme approved under Professional Standards Legislation.

Appendix 25: Email dated 12 March 2018 sent at 12:27am by Sandra Lazarus to Leigh Johnson.

Withdraw High Court Application [REDACTED]

s lazarus

Mon 12/03/2018, 12:27 AM

To: leighjohnsonlaw [REDACTED]
[REDACTED]

Dear Leigh Johnson,

We hope you are recovering well, and will soon return to good health.

As your firm is aware our matter was listed for further directions on 5 March 2018 in the NSW Court of Appeal before the Court Registrar, in which I was a self-represented litigant, in your absence.

An emailed dated 6 March 2018 from the Court Registrar Mr Riznyczok outlined the new court schedule, which you received and forwarded to me, thank you.

However, what is missing is my address to the court in relation to the related High Court proceedings. It was stated on record that, due to threats made our security and threats made to the security of our children aged ten and younger, by individuals representing themselves as ICAC Officers, we would be withdrawing our High Court application which request the High Court to review the ICAC Act impeding upon the independence of the State Judiciary, and to remove the State Judiciary from ICAC's investigative jurisdiction to allow the State Judiciary its independence.

We are now fearful of all that has taken place, we have been threatened, harassed, bullied, intermitted from the beginning of the ICAC investigation to now, however, now the safety and security of children have been threatened.

After giving this long due consideration, we would request that your firm as the firm on record for the High Court proceeding please withdraw our High Court application case number [REDACTED]

I have also copied Mr Waterstreet on this email, who you have briefed in both Court of Appeal and High Court matters.

We thank you for your time.

Hope to see you on your feet soon. Take care, have a good week.

Kind regards,

Sandra on behalf of Michelle and Jessica as applicants in High Court proceeding [REDACTED]

Appendix 26: Jessica Lazarus hospital medical report dated 16 August 2017.

16 August 2017

Newborn Care Centre
Royal Hospital for Women, Randwick



To Whom It May Concern

RE: [REDACTED]

This is to inform you that Ms Jessica Lazarus (DOB [REDACTED] DD: [REDACTED]
[REDACTED]) recently had a baby [REDACTED] admitted to the Newborn Care Centre at the
[REDACTED]

Jessica has experienced severe stress since the birth of her baby and the various medical conditions
[REDACTED]

Thank you for your understanding.

Kind regards, [REDACTED]



Newborn Care Centre,
Royal Hospital for Women, Randwick.
South Eastern Sydney
Local Health District

The Royal Hospital for Women
ABN 70 442 041 439
Randwick Hospitals Campus Barker Street
Locked Mail Bag 2000
Randwick NSW 2031
Tel: (02) 9382 6111 Fax: (02) 9382 6513
Website: www.geslind.health.nsw.gov.au/rhw

**DOUGLASS
HANLY MOIR
PATHOLOGY**

Quality Is In Our DNA

14 Stiffneck Avenue, Macquarie Park, NSW, AUSTRALIA 2113

Results: [REDACTED] **Phonologists:** 021 9655 6160

Toll Free: 1800 232 365 **Enquiries:** 021 9655 6262

Douglas's Hanly Moir Pathology Pty Limited ALN 60 002 162 856

Dr A Akunda Dr T Bailey Dr K Baumgart Dr S Benge Dr C Bero Dr J Blackwell Asst Prof J Bonner Dr A Borchers Dr J Buchanan Dr J Bryant Dr J Cavanagh Dr J Collins Dr A Cohen	Dr S Corbett-Burns Dr O Darrico Dr C Deakin Asst Prof W Delprado Dr C Egan Dr F Ding Dr F D'Souza Dr E Edwards Dr A Grogan Asst Prof J Hargrave Dr J Harte Dr J Hines Dr C Johnson Dr J Kins Dr C Korman Dr A Laidlaw Dr P O'Garra	Dr G Hall Dr F Hanly Dr J Hanvey Dr J Matthews Dr C Ho Dr L Ho Dr V Howard Dr B Hyatt Asst Prof J Jaworski Dr J Johnson Dr C Johnson Dr J Kins Dr J Kins Dr J Kins Dr J Kins Dr J Kins
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Your Ref :

Requested :

Requested :

Collected :
Received :

Printed :

Clinical notes: 8mm complex cyst 12 o'clock right breast.

Cytolysis 100

Surv

MACROSCOPIC

Received: 3 fixed slides, 2 air dried slides
1 needle rinse

MICROSCOPIC

DIAGNOSIS

RIGHT BREAST 12 O'CLOCK - CYST CONTENTS

Revised by: O. K. Narayana

☐ Normal

☐ No Action

☐ Contact Patient

17

☐ See File

CONTINUED

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Signed

1999

RCPA
Approved for camp use
with NPAAC Standards
and ISO 12194
NATA Accreditation No. 21

~~THIS IS A COPY OF THE ORIGINAL FINAL REPORT~~

Clinical Notes: BMM COMPLEX CYST 12O'CLOCK RIG HT BREAST FNAB.