

To the,

20 September 2019

Information and Evidence Unit
Office of the Prosecutor
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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 a second 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**, containing additional evidence in relational to systematic, widespread and prolonged crimes against humanity, against the named victims, and the greater population.

263. As this communication is a continuation to the official complaint/communication dated 16 August 2019, the numbering format (paragraph, appendix, accused, etc) will also continue, from where concluded, in the previous communication to ensure consistency. I once again am writing this official complaint/communication on behalf of the named victims, the three Mss Lazarus (with their assistances) on pro bono bases for the sake of natural justice, human rights, and as a matter of national and international interest.

264. Since my first official complaint/communication dated 16 August 2019 the situation has intensified and worsened. **Following the judicial judgment of 08 May 2019 the Mss Lazarus have been placed in far more danger. From the evidence available, it is clear that Sandra Lazarus is in danger of being physical harmed. As mentioned each of the named victims is a national of Australia, and a natural person. I previously 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,**

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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.

265. The events and evidence presented in this additional official complaint/communication are of a horrify nature, they destroy the core principles of the rule of law, which form part of all democratic societies, and the free world. Since, my involvement in this matter with the three Mss Lazarus, I too have been threatened professionally and personally, an example of such a threat was outlined in the email dated 24 May 2019 [**Appendix 28:** Email dated 24 May 2019 from the New South Wales Crown Solicitors' office to Ms Leigh Johnson] from the office of the Crown Solicitors' in Sydney, who are representing the State of New South Wales in legal matters involving the Mss Lazarus. Prior to the email of 24 May 2019 I received a number of telephone calls requesting that I ask Sandra Lazarus to discontinue her judicial proceeding which she commenced, to highlight the abuse of her rights to fair and just judicial proceeding, in accordance with the rule of law. The threats stated that if the judicial proceedings (judicial proceeding [REDACTED]) were not discontinued, then I would personal be responsible for court costs, and the Crown Solicitors' legal costs when Sandra Lazarus' judicial proceeding fail in court of law. Apart from the threats of costs outlined in the email, the Crown Solicitors' also outlined the certainty in which Sandra Lazarus' judicial proceeding would fail, and court cost awarded against me. This certainty of success demonstrated in the email by the office of the Crown Solicitors' is NOT due to the poor legal grounds upon which Sandra Lazarus' judicial application is based on, rather, the certainty stems from the fact there is NO Bill of Rights to ensure a fair and just judicial proceeding, and that there is a lack of judicial independence.

266. I am shocked and saddened to state that such threats are common, this additional official complaint/communication will outline, further abuse of human rights, as defined within the provisions of international law. Such abuse of human rights then gives rise to crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**.

267. There are additional three parts in this official 'communication to the **International Criminal Court**':

- the fifth part outlines numerous occasions upon which, the Parliamentarians utilised legislations as a vehicle to abuse human rights, legalising the abuse of human rights, and disregarded Parliaments' obligations pursuant to the **Charter of the United Nations** and other human rights laws;

- the sixth part outlines the blatant abuse, and torture inflicted upon the three Mss Lazarus in order to protect officials acting in the official capacity, who had abused human rights. This section also summaries the events which led to the Mss Lazarus' rights being abused.
- the seventh part, outline the conduct of the accused individuals, and who it is alleged, engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Roma Statute.**

268. As mentioned earlier there have been a number of threats made against me personally, due to my law firm providing legal services for the Lazarus judicial proceedings (legal services which at times, are on pro bono bases). I too am fearful of this submission, as the accused in this official complaint/communication, are individuals who are official within Australia.

269. Australia is using the legislative process and legislation to validate crimes against humanity, and ensuring 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 reports have made little difference in ensuring the practices of human rights, such reports are simply dismissed by the governing bodies.

270. As per my earlier communication dated 16 August 2019, 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".

271. Further, as mentioned in my earlier official complaint/communication dated 16 August 2019, this official complaint/communication is within the jurisdiction of the **ICC**. For the purpose of this communication, once again below is a summary of **ICC** jurisdiction in relational to this official complaint/communication:

- 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**.
- d. 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**.
- e. 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**.
- f. 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.
- g. 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**.

h. 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.

i. The crimes against humanity stated in this official complaint/communication occurred from a period of 08 May 2019 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.

j. 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):

272. This official complaint/communication to the **ICC** is in relation to crimes against humanity by the following individuals. The below 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). Note that, the

numbering below corresponds and is constant with the numbering in the official communication dated 16 August 2019:

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.**
12. Peter Severin, Commissioner of the New South Wales Correctional Services – 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.**
13. Andrew Bell, 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 individuals, in their official capacity, are accused individuals who, it is alleged 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.**

273. 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.

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PART V

PARLIAMENT OBSTRUCTS THE OPERATION OF HUMAN RIGHTS LAWS

274. Since Australia does NOT have a Charter of Human Rights or a Bill of Rights operating Australia wide, Federal Parliament and State Parliament can abuse its legislative privileges to legalise abuse of human rights. Below are details of such acts by the Parliament, which contravene the Parliament's obligations within the provisions of the **Charter of the United Nations**, within the provisions of international human right laws, and within the provisions of common law.

Validation legislation

275. As mentioned in paragraphs 14 – 33 the ICAC legalisation was introduced to investigate, and hold inquires in relation to corruption in the public sector of New South Wales. The ICAC had no jurisdiction in relational to corruption and/or misconduct in the private sector. This was defined within the ICAC legalisation, and within the ministerial statement of 26 May 1988 in Parliament. As outlined in paragraphs 34 – 37 the investigation regarding Margaret Cunneen led to the High Court of Australian making a conclusive judgment that, the ICAC legalisation did not give jurisdiction to investigate and/or hold inquiries in relational to misconduct and corruption in the private sector. This prompted the NSW Parliament to make legislative amendments to the ICAC legislation, which extended the ICAC's jurisdiction, to include investigation/inquiries of misconduct and corruption within the private sector. Below is a summary of the Parliament's actions which contravened human rights laws:

On 15 April 2015 in the judicial proceeding of 'Independent Commission Against Corruption v Margaret Cunneen & Ors [2015] HCA 14' the High Court of Australia stated the following in relation to ICAC's lack of jurisdiction to investigate alleged misconduct and corruption in the private sector: "The majority held that the expression "adversely affect" in s 8(2) refers to conduct that adversely affects or could adversely affect the probity of the exercise of an official function by a public official. The definition of "corrupt conduct" does not extend to conduct that adversely affects or could adversely affect merely the efficacy of the exercise of an official function

by a public official in the sense that the official could exercise the function in a different manner or make a different decision. 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.”



Following the High Court judgement of 15 April 2015, the NSW Parliament convened to amend the ICAC legislation. As mentioned in paragraphs 35 – 37, on 20 April 2015 legal professionals including former/retired judicial officers (Supreme Court Judges), cautioned the NSW Parliament not to introduce such legislative amendments, as these amendments would contravene common law provisions (human rights provisions).



On 06 May 2015 the NSW Parliament disregarded the cautionary advice of legal professionals including former/retired judicial officers (Supreme Court Judges), and introduced the “Independent Commission Against Corruption Amendment (Validation) Bill 2015”, which amended the ICAC legislation to allow the ICAC to investigate and hold inquiries in relation to misconduct and corruption in the private sector.



On 06 May 2015 the NSW Parliament deemed the introduction of the “Validation” Bill 2015 as urgent. As such, the required parliamentary checks, and protocols which ensured new Bills, prior to their introduction, are constitutionally valid and not in breach of the common law provisions, were not carried out by the Parliamentarians.



Further, on 06 May 2015 the Parliament stated that, the reason for this urgency, in introducing the “Validation” Bill 2015 is that, the lack of ICAC’s jurisdiction to investigate private citizens would provide those who have been found to be corrupt to utilise this “loophole” to overturn their verdicts of “corrupt”. The second reason for this urgency stated by the Parliament, was that there would be a “conga line” forming, by individuals taking legal action against the ICAC (NSW government) for damages.

For these reasons and these reasons alone, the “Validation” Bill 2015 was deemed urgent, forging the required parliamentary checks, and protocols which ensure new Bills prior to their introduction are constitutionally valid, and not in breach of the common law and human rights.



Though the NSW Parliament was cautioned regarding the “Validation” Bill 2015, and the breach of common law and human rights law provisions, the NSW Parliament urgently legislated the “Validation” Bill 2015 and gave it retroactive operations. This meant that all ICAC investigations and inquiries which were previously unlawful, were now made lawful. This conduct and actions of the NSW Parliament contravened the principles of the rule of law, and international human rights laws, in particular contravening the provisions of **Article 15 of the ICCPR**.



Further, as mentioned in paragraphs 14 – 33 the ICAC was originally legislated to investigate corruption in the public sector, and as such, there are many sections of the ICAC legislation which only makes reference to public officers, for example only public officers may file complaints with the ICAC Inspector in regards to misconduct of ICAC Officers. Though, due to the amendment of the ICAC legislation through the introduction of the “Validation” Bill 2015 (which has retroactive operation), private citizens can be investigated, however, no measures have been taken to make changes to the ICAC legislation to include private citizens in all sections of the ICAC legislation. This causes additional breaches of international human rights laws and common law, in particular contravening the provisions of **Article 14 and Article 15 of the ICCPR**, as private citizens are NOT equal before the law in regards to the ICAC legislation.



Additionally, the retroactive operation of the “Validation” Bill 2015 contravenes numerous human rights laws. Firstly, the ICAC has without jurisdiction violated the rights of private citizens; secondly, as mentioned in paragraph 19 the rules of evidence do not apply during ICAC investigations and/or inquiries, as such, on many occasions it was publicly noted in court of law that ICAC Officers had manipulated the evidence they had collected (as discussed at paragraphs 34 – 51); and thirdly, this exposes the greater

population of New south Wales to human rights abuse, denial of fairness and justice in accordance with the rule of law. The “Validation” Bill 2015 in its retroactive operation strips away the foundation upon which a democratic legal system was formed.

276. If Australia had an operating Charter of Human Rights and/or Bill of Human Rights, which was implemented in each of its states, then the “Independent Commission Against Corruption Amendment (Validation) Bill 2015” would not be introduced, and would not have a retroactive operation, as the Validation Bill 2015 would be in breach of human rights laws. There is NO Bill of Rights operating Australia wide, and as such legislative processes are being utilised to legalise the breach of human rights. **Of Note**, as mentioned in the communication of 16 August 2019 Australia is the only western democracy without a Charter of Human Rights and/or Bill of Human Rights. This is further discussed in paragraphs 287 – 297.

Section 14A

277. This is another example of the Parliament utilising parliamentary legislative privileges to legalise the abuse of human rights, the amendment of the NSW legislation ‘Criminal Procedures Act 1986’. The following is an outline of events which led to the legislative amendment, which is now exposing the greater population of Australia in particular the state of New South Wales to the serious abuse of human rights, giving rise to crimes against humanity.

In 2015, in the judicial proceedings of ‘Ian McDonald and John Maitland, ICAC/DPP v Ian McDonald and John Maitland [2015] NSWLC 7’, the presiding judicial officer concluded that, ICAC Officers did not have the legislative jurisdiction to commence and/or institute civil and/or criminal judicial proceedings in a court of law, see paragraphs 53 and 113 – 120 for details.

On 26 May 1988 the NSW Parliament, when legislating the ICAC, stated clearly and accurately that, “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”, see paragraph 25,

111, 244. There was NO uncertainty and NO mistake, it was clearly stated in parliament and clearly stated in the ICAC legislation that the ICAC “will not be engaging in the prosecutorial role”.



However, on 12 November 2015 the NSW Parliament, following the judgment in the judicial proceedings of ‘Ian McDonald and John Maitland, ICAC/DPP v Ian McDonald and John Maitland [2015] NSWLC 7’, once again utilised parliamentary legislative privileges to contravene provisions of the international human right laws and contravene the principles of the rules of law, all which ensure fair judicial proceedings in a court of law in a decametric society.



On 12 November 2015 the NSW Parliament amended the legislation ‘Criminal Procedures Act 1986’ to introduce section 14A which allowed and provided the ICAC Officers with the jurisdiction to commence and institute civil and criminal judicial proceeding in court of law, see paragraphs 30 and 114. **Of Note**, section 14A does not have a retroactive application. This is discussed in detail at paragraphs 30, 114, 143, 148, 164, and 167.



On 13 September 2016 the retired Supreme Court Judge, David Levine stated The following in his correspondence with the Parliament Legislative Assembly Committee Office in Western Australia, that: “issues arising therefrom [following the judgement of *Kear*, as discussed at paragraphs 26-27, 58, and 176] and 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*”. It is this “vested interest” that motivates ICAC Officers to conduct themselves in a

manner which is abusive and at times criminal. Conduct such as, withholding evidence, planting evidence, and other forms of “tampering with evidence”, all to ensure that ICAC investigations/inquiries are justified, even if that means destroying the lives of individuals, and destroying the foundation of a democratic judicial system. **Of Note:** the Western Australian Legislative Assembly Committee did NOT allow for commission Officers to engage in prosecutorial roles, as it breach common law provisions, human rights provisions and principles of the rule of law.



It should also be **noted** that, the evidence collected during ICAC investigations/inquiries by ICAC Officers is inadmissible in a court of law, this was highlighted by the retired Supreme Court Judge Bruce Lander, see paragraphs 103 – 106. Further, the rules of evidence do NOT operate during ICAC investigations/inquiries, see paragraph 19. According to section 53 of the ICAC legislation (see paragraph 117), the ICAC is to provide evidence collected to the ‘relevant authorities’, such as the DPP to assess the evidence for admissibility, and to ensure that prosecution is possible in accordance with the rules of law and the rules of evidence. However, with the introduction of section 14A to the ‘Criminal Procedures Act 1986’ ICAC Officers can now utilise evidence which does not conform with the rules of law and the rules of evidence to prosecute individuals in a court of law, to further their agenda (justify ICAC operations) and “vested interest”.



According to the ‘Criminal Procedures Act 1986’ prosecution via ‘Court Attendance Notice’ must be accompanied by a “factsheet”, which outlines the reasons for the criminal charges brought against an individual. However as mention in paragraphs 108 – 110 to date NO “factsheet” has been provided by the ICAC for the Michelle Lazarus and Sandra Lazarus. As mentioned, throughout the official communication dated 16 August 2019, ICAC Officers have engaged in conduct, (not just in the Lazarus cases, but others as well) which would constitute, hindering of investigations, perverted the course of justice, and other conduct which can be defined within the Criminal Code. However, despite of many public complaints, to date the ICAC and its Officer have not been investigated, or held accountable for their misconduct. There is an unwillingness from the relevant authorities to investigate complaint against ICAC Officers, who have conduct themselves in “bad faith”.



On 12 November 2016 the NSW Parliament through the introduction of section 14A engaged in conduct which hindered the operation of the provisions set in the **Charter of the United Nations**, which are binding on the crown (Australia), and to its States and Territories.

The introduction of section 14A causes improper interference with the free exercise of the Parliament's authority and function, and impedes the operation of common law provisions, and the principles rule of law. This action by the Parliament on 12 November 2016, misled the greater population of NSW, this is evident from the ministerial statements, which falsely stated that section 14A stands to "clarify" the ICAC Officer's jurisdiction to engage in a prosecutorial role. If the ministerial statements of 26 May 1988 are to be understood and read at face value, then it is clear that: "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", see paragraphs 25, 111 and 244. The ministerial statement of 12 November 2016 inaccurately utilise the phrase "clarify" to justify ICAC Officers jurisdiction to engage in a prosecutorial role, and to justify the actions of the Parliament in the introduction of section 14A. **Of Note:** In 1993 the courts of the United Kingdom concluded in the judicial proceedings of *Pepper v Hart* that, "when interpreting ambiguous statute the courts may look at ministerial statements made in Parliament during the passing of the Bill through Parliament. The courts have also established a practice of examining ministerial statements made in Parliament in another circumstance, namely, when considering challenges by way of judicial review to the lawfulness of ministers' decision". As such, the abovementioned statements of the ministers when introducing section 14A need to be reviewed to ensure the lawfulness of the decision to introduce section 14A.

278. For the above mentioned reasons, and the reasons mentioned in paragraphs 30, 114, 143 – 150, 164 – 167 and 203 (but not limited to), the introduction of the section 14A contravenes the provisions of **Article 14 of the ICCPR**, giving rise to crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**.

Veto

279. On 26 May 1988, the NSW Parliament introduced the ICAC legislation, it was stated in Parliament that the Commissioner of the ICAC was to be a former judicial officer, in particular a retired or inactive Supreme Court Judge, the following was stated by the

minister in his preliminary speech on the day: “The commissioner will be a person who has the legal qualifications necessary to be a judge of the Supreme Court.”

280. Also the following was stated by the minister on 26 May 1988 in his preliminary speech regarding the appointment of commissioners of the ICAC: “The commissioner will have total direction and control of the commission. He or she can be appointed only for a term or terms totalling five years and can be removed from office only by the Governor on the address of both Houses of this Parliament. This is one way in which the independence of the commission from the Executive is safeguarded.” This safeguard referred to, was to ensure that the ICAC Commissioner would remain independent of government influence when conducting ICAC investigations/inquiries. The ICAC Commissioner could not be terminated until the conclusion of the set term as commissioner. Further, according to the ICAC legislation, ICAC commissioner is given the same protection, immunity and independence as a judge of the Supreme Court of New South Wales, while conducting investigations and presiding over ICAC inquiries.

281. However, on 23 November 2016 the New South Wales Parliament once again utilised the parliamentary legislative process to contravene the principle of the rule of law, common law provisions and human rights laws, by introducing “Independent Commission Against Corruption Amendment Act 2016”. This allowed for ICAC commissioners appointments to be terminated by the Parliament. Section 64A of the ICAC legislation provides the Parliament with the “power to veto proposed appointment of a Commissioner or the Inspector”. This newly introduced section to the ICAC legislation removes the “independence of the commission from the Executive”, and as outlined in my communication of 16 August 2019, removal of such safeguards is corruption itself, see paragraphs 243 – 250. By this principle and reason the appointment of the ICAC Commissioner is corrupted as the safeguard has been removed, and also lacking independence.

282. Additionally, judicial officers when presiding over judicial proceedings, have immunity (excluding crimes against humanity), tenure and independence. In the High Court of Australia judicial proceeding of *R v Kirby; Ex parte Boilermakers’ Society of Australia* (1956) 94 CLR 254 the presiding judges concluded that the judicial officers hold a tenured position, and that the tenure extends to non-judicial appointments such as presiding over

Royal Commissions and Commissions of Inquiry, where the judicial officer is required to utilise and exercise their knowledge of a judicial officer. The New South Wales Parliament through the introduction of section 64A to the ICAC legislation engaged in conduct which hindered the operation of the provisions of common law, the principles of the rules of law, and the set provisions in the **Charter of the United Nations**, which are binding to the crown (Australia), and to its States and Territories. The introduction of section 64A to the ICAC legislation causes improper interference with the free exercise of the Parliament's authority and function, and impedes the operation of common law provisions, the principles of rule of law, exercise of human rights laws, and the tenure position of a judicial officer which extends to non-judicial roles such as presiding over Royal Commissions and Commissions of Inquiry. As such the introduction of the section 64A contravenes the provisions of **Article 14 of the ICCPR**, give rising to crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**, crimes which affect the greater population of NSW.

THE LAW COUNCIL OF AUSTRALIA

283. The Law Council of Australia has on numerous occasions highlighted the need for a Charter of Human Rights in Australia which operates Australia wide. The Council has also released academic commentaries in relational to judicial independence, and how such independence can be contravened with ease, if the necessary “safeguards” are not in place and/or removed. **Of Note:** there would be no need for individual “safeguards” ensuring the operation of principles of common law and the provisions of human rights law, if Australia had a Bill of Human Rights/Charter of Human Rights, operating Australia wide.

Judicial independence

284. Judicial independence is a cardinal principle of the rule of law, which ensures fair judicial proceedings, within a democratic judicial system, observing human rights laws. For reasons, outlined in this official complaint/communication and the official complaint/communication dated 16 August 2019, the State judiciary of New South Wales lacks judicial independence, and not just during judicial proceedings which involve ICAC investigations, but other judicial proceedings in which the State of NSW is a party and/or

is involved, also see paragraph 243 – 250. Below is an outline of events which demonstrate the abuse which occurs when the judiciary lacks independence.

On 25 January 2018 the three Mss Lazarus filed an application to the High Court of Australia, seeking orders that the NSW judiciary be removed from the ICAC jurisdiction to investigate, as the State judiciary's independence is impeded upon by provisions within the ICAC legislation.

On 12 March 2018 I received an email, (this email is marked **appendix 25** of the official communication dated 16 August 2019) from Sandra Lazarus of behalf of the three Mss Lazarus, outlining that the Mss Lazarus were in court of law as self-represented litigants on 05 March 2018, and have stated on court records that, threats are being made to the safety of the Lazarus children (all who at the time were ten years and younger) by individuals representing themselves as State Officer, wanting the Mss Lazarus to discontinue their application to the High Court of Australia. As a result of these threats the Mss Lazarus requested that I file the necessary documents discontinue their application. The Mss Lazarus application to the High Court of Australia was discontinued, see paragraphs 223 – 224.

Following extensive counselling the Mss Lazarus on 13 November 2018 commenced new proceeding in an application to the High Court of Australia (proceeding S296 of 2018), addressing: lack of judicial independence in the state of NSW; the constitutional validity of the section 64A of the ICAC legislation; constitutional validity of the section 87 of the ICAC legislation; constitutional validity of the section 14A of the Criminal Procedures Act 1986 and the validity of the 'Court Attendance Notices' used by the ICAC Officer to commence judicial proceedings prior to the introduction of section 14A; and constitutional validity of the ICAC's extend jurisdictional powers with retroactively operation introduced by the NSW Parliament on 06 May 2015.

Of Note, from 13 November 2018 to date the High Court of Australia has not listed the proceedings S296 of 2018 for 'directions', nor listed the proceedings for a hearing

date in relational to the ‘interlocutory’ application filed to stay the convictions and sentences of Michelle Lazarus and Sandra Lazarus until the conclusion of the High Court proceedings S296 of 2018.

On 20 December 2018 the President of the Law Council of Australia, Senior Council Arthur Moses published an academic commentary in relation to judicial independence. Arthur Moses stated the following, in regards to commission of inquiries, such as the ICAC having jurisdiction to investigate judicial officers: “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.” Also see paragraphs 243 – 250.

On 26 May 1988 the NSW Parliament provided the ICAC jurisdiction to investigate allegations against judicial officers. According to the academic commentary of Arthur Moses “separation of powers is in and of itself a critical safeguard against corruption”, if these separation of powers are destroyed, then corruption is allowed to thrive. Due to the ICAC’s jurisdiction to investigate allegations against judicial officers, the separation of powers, a critical safeguard against corruption is destroyed, causing the destruction of judicial independence. Therefore, by these reasons and principles mentioned above, since 26 May 1988 the NSW Judiciary has had NO judicial independence.

It was judicial independence that the three Mss Lazarus were trying to achieve through their High Court application filed 25 January 2018, and again through their High Court proceeding commenced on 13 November 2018 (proceeding [REDACTED]). **This High Court proceeding needed to be heard, and the independence of the NSW Judiciary resorted.** If this does not occur, then the NSW Parliament will continue to interfere with the proper function of the NSW Judiciary, contravening provisions of the rule of law, **Article 14 of the ICCPR**, hindering the operation of fair judicial proceedings in a democratic society, and engaging in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Roma Statute.**

“Judicial Nonsense”

285. The current President of the Law council of Australia a Senior Counsel Arthur Moses, represented Michelle Lazarus and Sandra Lazarus in judicial proceedings in a court of law, following are the event which led to presiding judges stating Arthur Moses presented “judicial nonsense”:

On 07 February 2017 Arthur Moses as Senior Counsel represented both Michelle Lazarus and Sandra Lazarus in judicial proceeding in a court of law, the following was presented by him: that the provisions of the “Validation Bill 2015” do not apply to judicial proceedings which were current in a court of law at the time the “Validation Bill 2015” was introduced and came in to power. Therefore, the provisions of the “Validation Bill 2015” would not apply to the judicial proceedings of the Mss Lazarus, as such ICAC has NO jurisdiction to investigate and/or hold inquiries in relation to the Mss Lazarus.

Parliament commissioned a report to evaluate ICAC investigations/inquiries from the period of December 1990 to 03 June 2015, to review the number of ICAC investigations/inquiries which were beyond the jurisdiction of the ICAC prior to the retroactive introduction of the “Validation Bill 2015”. The report was compiled by the former High Court of Australia Judge Murray Gleeson and Senior Counsel Bruce McClintock. The report compiled by senior legal practitioners ensured that the terms of ICAC’s jurisdiction would be defined and reviewed in accordance with the High Court’s judgment in the judicial proceedings of Margaret Cunneen, see paragraphs 34 – 37. On 31 July 2015 the report was released to the public, the following was outlined in the report in relation to the ICAC’s jurisdiction in investigating and holding inquiries in regards to the Mss Lazarus: “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).” Also see paragraphs 79 – 83. This clearly confirmed that the ICAC had NO jurisdiction investigate and/or hold inquiries in relation to the Mss Lazarus.

Of Note: Prior to the ICAC investigation, the NSW Police declined to investigate the Mss Lazarus state that NO wrongdoing could be identified.

On 07 February 2017 Arthur Moses when representing the Mss Lazarus in a court of law stated that retroactive operation of the “Validation Bill 2015” which increased, retroactively ICAC’s jurisdiction to investigate, did not apply to the Mss Lazarus as they judicial proceedings were current in a court of law at the time the “Validation Bill 2015” was introduced, and the very point of jurisdiction was being raised in court.

On 09 March 2017 the presiding judges, (one of the presiding judge was the former Deputy ICAC Commissioner) stated in their judgment that Arthur Moses presented “judicial nonsense”, and that the retroactive operation of the “Validation Bill 2015” did apply to the Mss Lazarus regardless of having current judicial proceedings in a court of law, raising the very point about ICAC’s jurisdiction. **Of Note:** the “Validation Bill 2015” with its retroactive operation, made past unlawful actions of the ICAC lawful in the present. This contravenes the provisions of **Article 14 and Article 15 of the ICCPR**, and the principles of the rule of law.

286. It is clearly stated in human right law provisions, common law provision, in principles of the rule of law, and in **Article 15 of the ICCPR**, that such retroactive application of law can NOT apply to criminal proceedings, nor to criminal law, especially if the judicial proceedings are current in a court of law at the time of the change in law. The only conclusion that can be drawn from the conduct of the presiding judges is that, this is once again an example of their lack of judicial independence. Arthur Moses at the time of representing the Mss Lazarus was the president of the NSW Bar Association, and is currently the president of the Law Council of Australia, given his legal position he would not be presenting in a court of law “judicial nonsense”. The erroneous judgment of the presiding judges once again deprived the Mss Lazarus of a fair and just judicial proceeding in accordance with the rule of law and human rights, and as such provisions of **Article 14 of the ICCPR** were contravened.

Bill of Human Rights

287. As mentioned throughout this official complaint/communication, and the official complaint/communication dated 16 August 2019, Australia does not have an Australian wide operating Charter of Human Rights and/or Bill of Human Rights. On 04 September 2019 the President of the Law Council of Australia addressed the National Press Club, in the Capital City of Canberra, he stated the following in relation to human right practices in Australia: “We are the only western democracy without a Charter of Rights or a Human Rights Act”. Following is the **website link** : <https://www.npc.or.au/speakers/arthur-moses-sc-dr-matt-collins-am-qc/arthur-moses-matt-collins/>

288. As there is no Charter of Human Rights and/or Bill of Human Rights which operates Australia wide, provisions and principles of human rights laws are contravened with ease and without accountability. It should also be noted, since there is no operating Charter of Human Rights and/or Bill of Human Rights, Australia as a country, which is reliant on common law provisions for human rights. Human rights in Australia are assumed and not enforced. Regarding judicial proceedings, the application of human right provisions are relent and dependent on the presider judicial officers, also see paragraphs 243 – 253. In the case of the NSW judicial officers, for reasons and principles outlined above, they lack judicial independence, this has been demonstrated in the judicial proceedings for the Mss Lazarus, and as such a number of judicial officers are accused individuals for alleged crimes against humanity pursuant to provisions of **Article 5(b) and Article 7 of the Rome Statute** in this and in the official complaint/communication dated 16 August 2019.

Freedom of Speech and Freedom of Press

289. During the address of 04 September 2019, at the National Press Club, in the Capital City of Canberra, the President of the Law Council of Australia and other legal practitioners and experts stated that the current legal position of Australia comprises freedom of press, and freedom of journalistic expression and reporting.

290. The President of the Law Council of Australia, Arthur Moses and Matt Collins a Queens Counsel, in their address at the National Press Club, highlighted the lack of press freedom and freedom of speech in Australia. They attributed this to Australia NOT having an

operating Charter of Human Rights and/or Bill of Human Rights, which would clearly define the provisions and principles of human rights, allowing for press freedom and freedom of speech.

“They both called for greater protection for freedom of speech, freedom of the press, and other fundamental rights” [**Newspaper Article** by: Michaela Whitbourn, “Push for Charter of Rights amid ‘creeping erosion of media freedoms’”. The Sydney Morning Herald, 04 September 2019].

291. It was further stated by Arthur Moses that,

“until the Australian Federal Police raids in June [2019] on the ABC’s Sydney headquarters and the home of News Corp journalist Annika Smethurst, “Australians for the most part believed press freedom was protected by law. They were wrong”” [**Newspaper Article** by: Michaela Whitbourn, “Push for Charter of Rights amid ‘creeping erosion of media freedoms’”. The Sydney Morning Herald, 04 September 2019].

292. It was noted that, since the “federal Parliament has passed more than 70 pieces of national security legislation since the terrorist attack on the US on 11 September 2001” [**Newspaper Article** by: Michaela Whitbourn, “Push for Charter of Rights amid ‘creeping erosion of media freedoms’”. The Sydney Morning Herald, 04 September 2019].

293. Arthur Mosses, stated the following in relation to the federal Parliament’s actions in introducing more than 70 pieces of national security legislation:

“the national security driven raids “shone a powerful light on the limits of freedom – of people and of the press – in Australia and were a stark example of how far the pendulum has swung” [**Newspaper Article** by: Michaela Whitbourn, “Push for Charter of Rights amid ‘creeping erosion of media freedoms’”. The Sydney Morning Herald, 04 September 2019].

294. Additionally, Matt Collins stated:

“no coincidence that our [Australian] defamation laws are among the most restrictive of any Western democracy, and that we are at the same time the only Western democracy without a charter [of Rights]”. [Newspaper Article by: Michaela Whitbourn, “Push for Charter of Rights amid ‘creeping erosion of media freedoms’”. The Sydney Morning Herald, 04 September 2019].

295. Matt Collins further stated:

“the absence of a Charter of Rights enshrining freedom of speech “has been used by Australian courts as a justification for not following liberalising trends in defamation laws that have emerged in countries like the United States, the United Kingdom, Canada and New Zealand””.

296. Matt Collins as a Queens Counsel provided his legal expertise when he stated:

“our laws do not adequately protect freedom of speech, and particularly freedom of the press, in cases of serious journalism in relation to matters that its targets do not want exposed”.

297. Once again Australia has fallen short of its obligations pursuant to the **Charter of the United Nations** and its obligations pursuant to Human Rights laws which ensure freedom of speech and freedom of press, the two fundamental principles of a democratic society.

PART VI

LAZARUS, VICTIMS OF CRIMES AGAINST HUMANITY

Michelle Lazarus (ICAC investigation/inquiries)

298. The following is a summary of events which led to the abuse of Michelle Lazarus’ rights, the rights of the child who, at the time was under the age of two years, and the rights of

her unborn child during the ICAC investigation and inquiries. These abuses give rise to crimes against humanity.

On 12 July 2010 Michelle Lazarus was summoned to give evidence at an ICAC private inquiry, the following was stated on the summons:

“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.”

Also see paragraphs 134 – 135.

As mentioned in paragraph 19 the rules of evidence do not apply during ICAC investigations and/or inquiries. As such the questions asked during the ICAC inquiries do not conform to the rules of law and/or the rules of evidence. On 12 July 2010 Michelle Lazarus was asked to identify individuals, the names of three individuals were stated in one questions, and she was asked one question containing the names of multiple individuals. It was further asked that, Michelle Lazarus answer the question with a “yes” or “no”. Michelle Lazarus was never shown photographs of the individuals for identification, nor were any of the individuals present for identification at the time of questioning. In a court of law it would be required that persons being identified be present in court for identification or at the very least a photograph be shown to the witness for identification. None of which took place during the ICAC inquiry, simply due to the fact the ICAC is not bound by the rule of evidence. Also see paragraph 136.

On 12 July 2010 Michelle Lazarus was asked to produce evidence of the work completed at the two named hospital, as supporting evidence to show that services were provided. Michelle Lazarus produced multiple folders which contained evidence of work completed, and services provided. For these reasons Michelle Lazarus was NEVER charged in a court of law for not providing services and/or for not completing work, as the evidence clearly showed that service were provided and work completed.

On 14 February 2011 Michelle Lazarus was summoned to an ICAC public inquiry,
the following was stated on the summons:

“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.”

Though, on 12 July 2010 Michelle Lazarus had provided evidence of work completed and services provided at the two named hospital, the ICAC released false information to the public and the media that, the bases of the ICAC investigation/inquiries were in relation to “no services were provided”. The ICAC knowingly released this false statement, given that they had in their possession evidence of work completed and services provided, is a blatant abuse of Michelle Lazarus’ rights, and an abusive attack upon her reputation.

On 21 February 2011 Michelle Lazarus was once again asked to identify individuals, and once again no photograph was shown to her, and none of the individuals were present for identification at the time of questioning. The following is the section of the ICAC transcript:

“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?”

Michelle Lazarus replied a collative “no” to this question, having not met the other two individuals Vern or Pleiskna and David Pleiskna. Also see paragraphs 136 – 138.

On 22 February 2011 Michelle Lazarus returned to the ICAC inquiry to give evidence after seeing Gilbert Burton in the waiting area of the ICAC Offices, she recalled after seeing him face to face that she did meet him once in relation to marketing and not clinical research/trials. The following is a section of the ICAC transcript:

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?---

MICHELLE LAZARUS: Yes”.

On 25 March 2011 Michelle Lazarus once again asked the same questions regarding Gilbert Burton, The following is a section of the ICAC transcript:

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?---

MICHELLE LAZARUS: 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.”

Of Note: during the ICAC public inquiry, while Michelle Lazarus was being bullied, mislead and screamed at by the ICAC Commissioner and Counsel Assisting Michelle Lazarus was pregnant with her second child. Also see paragraphs 136 – 139.

Further, on 12 July 2010 Michelle Lazarus was asked to give insight to the mind of her sister Jessica Lazarus in regards to, Jessica Lazarus’ payslips which were not ‘material particular’ to the ICAC inquiries. Such abuse of Michelle Lazarus’ rights as a witness would not be permitted in a court of law. However, as mentioned the rules of evidence do not apply during the ICAC investigations/inquires. Jessica Lazarus’ payslips were not ‘material particular’ to the ICAC investigation/inquiries. **Of Note:** Jessica Lazarus was NEVER paid monies from the two named hospital.

The above abusive treatment of Michelle Lazarus would not be accepted in a court of law, however, the ICAC and the ICAC officer Michael Kane utilised the ICAC transcript, as supporting evidence in a court of law, and criminally charged Michelle Lazarus with giving “false and misleading evidence” pursuant to the ICAC legalisation and not the criminal code/legislation which normally operates in relational criminal conduct. See paragraphs 138 – 142.

Further, it was noted by a retired Supreme Court Judge who made reference to High court judgement, which concluded that Commission transcripts are inadmissible in a court of law as they the transcripts do not conform to the principles of the rule of law.

This is discussed in details at paragraphs 104 and 155. **Of Note:** When Gilbert Burton was asked to identify Michelle Lazarus and Sandra Lazarus, both Michelle Lazarus and Sandra Lazarus were present during the ICAC inquiry, and were asked to stand before the ICAC officers and Gilbert Burton as he identified the two Mss Lazarus. **Appendix 29** is the ICAC transcript of 17 February 2011, Gilbert Burton was asked to identify Michelle Lazarus and Sandra Lazarus, at

the time Gilbert Burton was asked to identify, both Michelle Lazarus and Sandra Lazarus were present in person for identification during the ICAC inquiry, Michelle Lazarus and Sandra Lazarus were asked to “stand up” for identification, and then only was Gilbert Burton allowed to answer the question in relation to identification, Michelle Lazarus was NEVER given that equal opportunity when she was asked to identify individuals, which included Gilbert Burton.

[**Appendix 29:** ICAC transcript section dated 17 February 2011]

The Counsel representing Michelle Lazarus in judicial proceeding in a court of law, judicial proceedings which were commenced by Michael Kane as the prosecutor and the ICAC as the prosecuting organisation, (see paragraphs 136 -142) stated that, Michelle Lazarus was never shown photographs of individuals she was asked to identify, nor where the individuals present at the ICAC during the period Michelle Lazarus was being questioned. The presiding judicial officer, dismissed this presentation by the Counsel and convicted Michelle Lazarus in a court of law, utilising the evidence of the ICAC transcripts where the rules of evidence do not apply. Further, it was presented in a court of law by Michelle Lazarus’ Counsel that Jessica Lazarus payslips were not a ‘material particular’ to the ICAC investigations/inquiries, and the payslips require Michelle Lazarus to give insight to the mind of Jessica Lazarus. This too was dismissed by the presiding judicial officer, who once again convicted Michelle Lazarus.

Of Note: the presiding judicial is the very one who had to disqualify himself from further presiding over a death in custody case due to apprehended bias. See paragraph 163.

299. The above is a violation of Michelle Lazarus’ right pursuant to the principles and provisions set **Article 14 of the ICCPR**, human right laws, common law and the rule of law, and abused her right to be equal before the law. ICAC video transcript and other related material can be viewed at the following **website links**:
https://m.youtube.com/watch?v=YP5_B66ohc
<https://m.youtube.com/watch?v=6jcR-49Drz0>

Jessica Lazarus (ICAC investigation/inquiries)

300. The following is a summary of the events during the ICAC investigation/inquiry in relation to Jessica Lazarus.

On 12 July 2010 Jessica Lazarus was summoned to the ICAC private inquiry, as an “affected person” and not just as a witness. The following was stated on the summons: “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.”

For the period of 2006 to 2009 Jessica Lazarus was completing her tertiary education, as part of her university elective program, Jessica Lazarus began completing just one assessment on the technical developments and the associated clinical research of the device being evaluated in clinical trials/research [**Appendix 30**: Jessica Lazarus’ University assessment dated 26 September 2008 regarding clinical research device]. Jessica Lazarus received training and completed the required training, which provided her with certification to operate the device. Photographs of Jessica Lazarus attending training and receiving the certificate, including a copy of the certificate were submitted during the ICAC inquires. Additionally, independent witnesses stated during the ICAC inquires that Jessica Lazarus is a certified operator of the device, Jessica Lazarus’ certification to operate the device was not a point of question during the ICAC inquires, or at any other tribunal and/or court of law.

In completing her assessment, Jessica Lazarus being a certified operator of the device, conducted numerous evaluation of patients at the Royal Hospital for Women as part of the clinical research/trail (this was unpaid work). Jessica Lazarus, as part of the medical/science university program, had official authorisation to be on the hospital premise having a hospital pass and badge, and her name being on the ethics application and documentation, this was submitted as evidence during the ICAC inquires. Jessica Lazarus did extremely well in her assessment [**Appendix 30**: Jessica Lazarus’ University assessment dated 26 September 2008 regarding clinical research device]. Additionally, Jessica Lazarus was asked to present the device and the clinical research material and results at the (October) 2007 Royal Australian College of General Practitioners Scientific Convention at Darling Harbour, following the completion of her training [**Appendix 31**: Letter dated 28 September 2007

from the Australian College of General Practitioners Scientific Convention at Darling Harbour, Participation record for Jessica Lazarus, and **Appendix 32:** Jessica Lazarus' badge (front and back image) from the Australian College of General Practitioners Scientific Convention at Darling Harbour, outlining her status as an "Exhibitor"]. Evidence of this all, in form of documentation was provided during the ICAC investigation/inquiries. There was no doubt that Jessica Lazarus completed this all.



On 14 February 2011 Jessica Lazarus summoned to the ICAC public inquiry, as an "affected person" and not just as a witness. The following was stated on the summons: "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."



On 25 February and on 25 March 2011 Jessica Lazarus was asked questions in relation to the work she completed at the Royal Hospital for Women. Jessica Lazarus' assessment formed part of the evidence during the ICAC inquiry. Jessica Lazarus also provided evidence of the research and work completed.



The evidence provided by Jessica Lazarus was disregarded by the ICAC, and in August 2011 the ICAC released a report in relation to the investigation/inquiries, the report stated that, Jessica Lazarus provided false evidence in relation to the work she completed. The ICAC provided NO reasoning and NO evidence to support their false, unsubstantiated and uncorroborated statement regarding Jessica Lazarus, this false statement destroyed Jessica Lazarus reputation. The ICAC is not a court of law, however, the ICAC is legislated to make such false and inaccurate statements in regards to individuals and their reputation without evidence. These false and inaccurate statements by the ICAC have

been subject to number by of applications to the United Nations Human Rights Committees, by other individuals unrelated to the Lazarus matters. However, to date this abuse of human rights has not been corrected by the Parliament. See paragraphs 49 – 51.

301. The false, unsubstantiated and uncorroborated statements in relational to Jessica Lazarus by the ICAC contravened **Article 14, Article 15, Article 16 and Article 17 of the ICCPR**. Further, this abusive conduct by the ICAC has caused Jessica Lazarus unrepairable damage and denied her human rights. The following is a **website link** in relation the abuse inflicted upon Jessica Lazarus:

<https://m.youtube.com/watch?v=QdSoskF1xDM>

Sandra Lazarus (ICAC investigation/inquiries)

302. As mentioned in my official complaint/communication dated 16 August 2019 New South Wales Independent Commission Against Corruption commenced investigation/inquiries in relation to the three named victims the Mss Lazarus, below is a summary of event which led to the mentioned crimes against humanity, in relation to the victim Sandra Lazarus.

On 28 May 2010 the ICAC executed a search warrant in relation to the Lazarus investigation/inquires, the search warrant remains without jurisdiction, obtained invalidly. This is discussed in detail at paragraphs 80 – 83.

On 01 July 2010 the ICAC officer Michael Kane pursuant to the ICAC legalisation engaged a forensic expert to examine signatures in question. The ICAC has on a number of occasions in past investigations engaged forensic document examiners to analyse signatures in question. The signatures in question were a ‘material particular’ to the investigation/inquires, as many of the report outlining work completed and service provided contained the signatures of supervising individuals. See paragraphs 73 – 78, 84 – 87 and 306 – 307.

On 12 July 2010 Sandra Lazarus was summoned to the ICAC private inquiry, the following was stated on the summons: “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.”

On 13 October 2010 and again on 08 November 2010 the forensic analyst emailed the ICAC officer Michael Kane outlining the importance of forensic analysis, and that he, to date had not provided her with the requested samples to complete her analysis. See paragraphs 89 – 90.

On 15 December 2010 the ICAC held a second private inquiry, on this occasion only Sandra Lazarus was summoned, and the following was stated on the summons:
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.”

On 11 January 2011 the ICAC Officer Michael Kane in an email terminated the forensic analyst service and the forensic analysis of the signature in question, by making false statements, and providing false reason to support the termination of the forensic analysis. As the signatures in questions were a ‘material particular’ to the ICAC investigation/inquiries, the termination of the forensic analysis, allowed to the ICAC to continue making false statements in support of false allegations against the Mss Lazarus. Had the forensic analysis allowed to be completed, there would have been forensic evidence in support of the Mss Lazarus, and this would have stopped the public damage to the Mss Lazarus’ reputation. Also see paragraphs 92 – 100.

On 14 February 2011 the ICAC released false statements to the media and commenced a public inquiry, stating the following on the summons for the three Mss Lazarus:

“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.”

303. It is clear from the above mentioned and in the official complaint/communication dated 16 August 2019 that, the ICAC conducted the investigation/inquiries in relation to the three Mss Lazarus in “bad faith”. The ICAC hindered and manipulated the investigation/inquiries to suit their “vested interest” which were clearly stated on the summons. The ICAC stopped forensic analysis to justify their false and groundless investigation/inquires. In doing so the ICAC and its officers engaged in crimes against humanity and abuse the rights of the three Mss Lazarus. ICAC video transcripts, court audio transcripts, and other related material can be viewed at the following **website links**:

<https://m.youtube.com/watch?v=V1Mflp0HoMM>

<https://m.youtube.com/watch?v=t8yBgUP5fM0>

<https://m.youtube.com/watch?v=jozysylofg4>

Michelle Lazarus (Proceedings in a court of law)

304. The following is a summary of the event which led to the abuse of Michelle Lazarus’ rights to a fair and just judicial proceeding in a court of law.

On 01 March 2013 the ICAC and the ICAC Officer Michael Kane, once again without jurisdiction commenced criminal judicial proceeding in court of law against Michelle Lazarus pursuant to section 87 of the ICAC Act 1988. The document use to commence criminal judicial proceeding ‘Court Attendance Notice’, did not conform to the legislative requirements, for example the ‘Court Attendance Notice’ stated the ICAC officer Michael Kane in his official capacity as the prosecutor, and the ICAC as the prosecuting organisation, given that at the time either the ICAC officer nor the ICAC had the legislative jurisdiction to

commence proceeding in a court of law and/or had the jurisdiction to assume the role of prosecutors. Further, as per legislative requirements a document known as the 'Factsheet' is to accompany the 'Court Attendance Notice', outlining and stating the nature of the charges brought forward, this to date was NEVER provided, though numerous requests were made. After numerous communications, the Officer of the Director of Public Prosecution provide some information, however, it was NOT the required 'Factsheet'.

See paragraphs 146 – 149 for details.

Further, On 22 October and 23 October 2013 it was presented in the court of law that the ICAC transcript, which was relied upon to support the charges pursuant to section 87 of the ICAC Act 1988 is inadmissible in a court of law. As the evidence collated during the ICAC inquiries is NOT bound by the rules of evidence. This was confirmed by the High Court of Australia judgement, Lee v The Queen [2014] HCA 20 (21 May 2014), details are at paragraphs 104 – 105 and 155. The seven changers pursuant to section 87 against Michelle Lazarus, all relied on the ICAC transcript, and relied on the court disregarding of the rules of evidence and rule of law. [**Appendix 33:** 'Court Attendance Notice' New South Wales Local Court for Michelle Lazarus issued 01 March 2013.]

Chargers 1 and 3 stated on the 'Court Attendance Notice' are in relation to not identify and/or recalling having met Gilbert Burton on the one occasion. During the ICAC inquires Michelle Lazarus was asked to identify Gilbert Burton and others, just the names of the individuals were said to Michelle Lazarus, all names of the individuals were mentioned in the one question. Gilbert Burton and other individuals were NOT present at the ICAC inquires at the time of questioning and identification, nor were photographs of the individuals shown to Michelle Lazarus for identification. The details of this are discussed in paragraphs 136 – 142 and 298 – 299. **Of Note:** as mentioned the rules of evidence do not apply during ICAC investigations/inquiries, as such the ICAC is not obligated to show photographs of individuals for identification, nor is the ICAC obligated to have individuals present at the time of questioning and/or identification. Further, as discussed in paragraphs 136 – 142, 165 – 166 and 298 – 299, during the ICAC inquiries when Gilbert Burton was asked to identify both Michelle Lazarus and Sandra Lazarus, both the Mss Lazarus were present at the ICAC

inquiries and were asked to “stand up” for identification by Gilbert Burton, see **Appendix 29** for ICAC transcript. Michelle Lazarus was NEVER given the same equality as an individual before the law, and NEVER given the same equality as Gilbert Burton, before the law. Additionally, Michelle Lazarus’ meeting with Gilbert Burton was NOT ‘material particular’ to the ICAC investigation/inquiries, and were beyond the scope of the ICAC investigation/inquires, the scope as stated on the ICAC summons. The presiding magistrate, Michael Barnes, dismissed the rules of evidence and the rules of law, and converted and sentenced Michelle Lazarus for these charges.



Changers 4, 5, 6, and 7 are related to Jessica Lazarus’ payslips, her employment, and whether or not Jessica Lazarus utilised her payslips, (complete income tax was paid for these payslips), for a home loan. During the ICAC inquires Michelle Lazarus was asked questions regarding Jessica Lazarus’ payslips, her employment, and whether or not Jessica Lazarus utilised her payslips, (complete income tax was paid for these payslips), for a home loan, these questions were not a ‘material particular’ to the ICAC investigation and inquires, and were beyond the scope of the ICAC investigation and inquires, the ‘material particular’ and the scope of the ICAC investigation and inquiries were stated on the ICAC summons. **Of Note:** in a court of law such questions would be in breach of the rules of evidence and the rule of law, as they require Michelle Lazarus to give an insight to the mind and actions of her sister Jessica Lazarus. The presiding magistrate, Michael Barnes, dismissed the rules of evidence and the rules of law, and converted and sentenced Michelle Lazarus for these charges.



Charge 2 is once again NOT a ‘material particular’, and not within the scope of the ICAC investigation and inquiries, the scope of the ICAC investigation and inquiries was defined on the ICAC summons. Charge 2 related to Michelle Lazarus’ payslips (payslips NOT from the named hospitals), and once again a payslips for which complete income tax was paid. The ‘Court Attendance Notice’ stated the word “benefit” in relation to this charge, since a ‘Factsheet’ was NEVER provided with the ‘Court Attendance Notice’ it remains unclear what grounds form the bases of charge 2, and what the word “benefit” is in relation. To date, the definition of this changer has NEVER been disclosed, basically Michelle

Lazarus, nor I, and nor the Counsel representing Michelle Lazarus knew the grounds upon which Michelle Lazarus was being charged. Once again the presiding magistrate, Michael Barnes, dismissed the rules of evidence and the rules of law, and converted and sentenced Michelle Lazarus for this charge.



On 08 April 2014 the presiding magistrate disregarded the rules of evidence and the rules of law, and convicted Michelle Lazarus for all seven charges pursuant to section 87 of the ICAC Act 1988. The very magistrate who, as a Queensland coroner was asked to disqualify himself, and did step down from further presiding over the judicial proceeding for a death in custody case due to apprehended bias.

See paragraphs 163 – 167 for details.



On the very day Michelle Lazarus filed an ‘all grounds appeal’ to the New South Wales District Court. Michelle Lazarus also filed a ‘judicial review’ to the NSW Supreme Court, the presiding judge on 28 August 2015 dismissed the ‘judicial review’. The grounds for the ‘judicial review’ were: that the ICAC had no jurisdiction to investigate and/or hold inquiries in relation to the Mss Lazarus; the ICAC had no jurisdiction to assume the role of a prosecutor and commence criminal judicial proceedings in a court of law; that the utilisation of evidence collected in an environment where the rules of evidence do not apply, cannot be used to support criminal charges in an environment such as the court of law, where the rules of evidence do apply; and that these charges are not a ‘material particular’ to the ICAC investigation and inquiries. See paragraphs 200 – 203 for details.



On 07 February 2017 the then President of the New South Wales Bar Association (now the current President of the Law Council of Australia) represented the Mss Lazarus in the New South Wales Court of Appeal, outlining that the retroactive application of the “Validation Bill 2015” (discussed in detail at paragraphs 36 and 275 – 276) did not apply to the Mss Lazarus judicial proceedings, as these criminal judicial proceedings were current and active before a court of law when the “Validation Bill 2015” was introduced. The presiding judges stated that the then President of the New South Wales Bar Association (now the current President of the Law Council of Australia) presented “judicial nonsense”, and dismissed the appeal. This

is discussed in detail at paragraphs 285 – 286. Further, as mentioned for reasons and principles discussed in this official complaint/communication and the official complaint/communication dated 16 August 2019, the New South Wales judicial officers lack independence, see paragraphs 243 – 250 and 284. Due to this dismissal the criminal judicial proceedings for both the Mss Lazarus returned to the NSW District Court.



On 19 June 2017 the NSW District Court judge dismissed Michelle Lazarus' application to submit fresh and new evidence in relation to her charges; dismissed her appeal without reviewing the evidence presented in the lower court before the magistrate; dismissed her appeal without a hearing; and dismissed her appeal, in her absences, while she was a self-represented litigant with a valid medical certificate stating that she is unsuitable to litigate on the day which the judge had before him. Further, the presiding NSW District Court judge convicted and sentenced Michelle Lazarus on the same day being 19 June 2017, in her absences while Michelle Lazarus was a self-represented litigant with a valid medical certificate stating that she is unsuitable to litigate on the day which the judge had before him. The medical reason was later diagnosed as a breast lesion for which Michelle Lazarus underwent an invasive medical procedure

[**Appendix 34:** is a copy of the Michelle Lazarus' Mammography report outlining the breast lesion], this is also discussed in details at paragraphs 204 – 209.



On 13 July 2017 Michelle Lazarus filed an application to the NSW Court of Appeal, stating that the presiding NSW District Court judge fell into jurisdictional error. The NSW District Court judge failed in its jurisdiction as an appellant court when it: failed to hearing the evidence from the lower court; failed to allow fresh and new evidence which further supported Michelle Lazarus' innocence; had no jurisdiction to enter convictions and/or pass sentences in invalidly commenced judicial proceedings; that Michelle Lazarus' appeal was dismissed in her absence while she was a self-represented litigant; and that Michelle Lazarus was convicted and sentenced in her absence while she was a self-represented litigant. On 08 May 2019 the presiding judges, once again making reference to the statements in the ICAC summons of 12 July 2010, 15 December 2010 and 14 February 2011, dismissed the appeal, convicting and

sentencing Michelle Lazarus. This miscarriage of justice can only be defined as reflection of the lack of judicial independence, as NO court of law would be so blatantly, abusively and dismissive of the evidence before it supporting the innocence of a wrongly charged individual, in this case Michelle Lazarus.

305. The above events can only be defined as abusive, and a grievous miscarriage of justice. The conduct of the presiding judicial officers is disgraceful and clearly lacking independence, and is a breach of their judicial oath. The rules of law are clear in regards to the retroactive application of laws to criminal proceedings, it is also stated in human rights laws such as **Article 15 of the ICCPR**, that there is NO (unless clearly defined in the law) retroactive application of laws to criminal proceedings. Further, the above conduct and events denied Michelle Lazarus her right of a fair judicial proceeding in a democratic judicial system, and this contravened provisions of **Article 14 of the ICCPR** and common law provisions. This is a miscarriage of justice and Michelle Lazarus is entitled to fair and just judicial proceedings in accordance with the rules of law and human rights.

Sandra Lazarus (Proceedings in a court of law)

306. The following is a summary of the event which led to the abuse of Sandra Lazarus' rights to a fair and just judicial proceeding in a court of law.

On 01 March 2013 the ICAC and the ICAC Officer Michael Kane, once again without jurisdiction commenced criminal judicial proceeding in court of law against Sandra Lazarus pursuant to the Crimes Act 1900. The document use to commence criminal judicial proceeding 'Court Attendance Notice', did not conform to the legislative requirements, for example the 'Court Attendance Notice' stated the ICAC officer Michael Kane in his official capacity as the prosecutor, and the ICAC as the prosecuting organisation, given that at the time either the ICAC officer nor the ICAC had the legislative jurisdiction to commence proceeding in a court of law and/or had the jurisdiction to assume the role of prosecutors. Further, as per legislative requirements a document known as the 'Factsheet' is to accompany the 'Court Attendance Notice', outlining and stating the nature of the charges brought forward, this to date, was NEVER provided, though numerous requests were made. In relation to Sandra Lazarus a 'Factsheet' has NEVER been provided. See paragraphs 146 – 149 for details.

The 57 charges against Sandra Lazarus mainly stated, creation of false instruments, and since the required “Factsheet” was NEVER provided the grounds which supported the charges of “making false instruments” are NOT known, to date.

As an urgent matter, on 03 September 2013 a subpoena was issued to Michelle Novotney at the ‘Forensic Document Exchange Service Pty Ltd’ [**Appendix 35**: are the first two pages of the NSW Local Court Subpoena issued to Michelle Novotney at Forensic Document Exchange Service Pty Ltd on 03 September 2013.] Michelle Novotney provided the court with the listed required documents, including email correspondences with Michael Kane, emails which are produced as **Appendix 6 – 10** in the official complaint/communication dated 16 August 2019. The emails are discussed in detail at paragraphs 84 – 120.

It was through this subpoena that the court of law in the criminal judicial proceeding for Sandra Lazarus become aware of the extent that Michelle Novotney was engaged by the ICAC and Michael Kane during the ICAC investigation/inquiries. It was through the subpoenaed emails, it was revealed that Michael Kane made false statements to Michelle Novotney to terminate her service and cancel forensic analysis, see paragraphs 92 – 97 for details relating to Michael Kane’s false statement. Also court audio transcripts of Michael Kane’s admissions and related emails can be viewed at the following **website link**:

<https://m.youtube.com/watch?v=V1Mflp0HoMM>

To support Sandra Lazarus’ innocence my law firm engaged a forensic document examiner to forensically analyse the signatures in question, the outcome of the forensic analysis would prove that work was completed and service provided. Christopher Anderson (forensic document examiner the ICAC had engaged in past investigations, unrelated to the Lazarus ICAC investigation/inquiries), forensic document examiner on 18 September 2014 submitted in a court of law the completed forensic document examiner’s report. The forensic document examiner report by Christopher Anderson ‘Executive Summary’ is **Appendix 4** of the official complaint/communication dated 16 August 2019. Additionally, the report and

expert evidence presented in a court of law by Christopher Anderson can be viewed at the following **website link**: <https://m.youtube.com/watch?v=oZeZOmGsagqg>

During the ICAC investigation the ICAC seized a document which contained the handwritten notes of Gilbert Burton, and a flowchart diagram drawn by him outlining instructions for a pilot clinical trial [**Appendix 36**: are the handwritten notes and flowchart by Gilbert Burton outlining instructions for a pilot clinical trial]. Gilbert Burton and the Forensic Document Examiner's report both confirmed in a court of law that the handwriting contained in the document, **Appendix 36** is the handwritten of Gilbert Burton.

This document's authenticity was never in question.

A letter dated 06 May 2009, containing the signature of Gilbert Burton outlining the research methods, outcome and results of a pilot clinical trial, and the number of patients assessed for the pilot clinical trial [**Appendix 37**: is the Letter dated 06 May 2009 containing the signature of Gilbert Burton outlining research methods, outcome and results of a pilot clinical trial, and the number of patients assessed for the pilot clinical trial] (Forensic Document Examiner's report confirms that the signature on the letter dated 06 May 2009 is a genuine signature of Gilbert Burton, see **Appendix 4** and **Appendix 5**), showed that work was completed and services were provided. **Of Note**: the content of **Appendix 36**, the handwritten instruction and the flowchart I relation to a pilot clinical trial, resemble the content of **Appendix 37** the letter dated 06 May 2009.

Though documents at **Appendix 36** and **Appendix 37** did not form part of the criminal charges against Sandra Lazarus, these documents provided evidence that service were provided, and that work was completed. However, to support her erroneous judgment the presiding magistrate, Joanna Keogh on 27 November 2014, stated that the signature of Gilbert Burton on the letter dated 06 May 2009 (signature authorship was confirmed by forensic evidence, author being Gilbert Burton) was a forgery, once again Joanna Keogh disregarded expert forensic evidence which was before her in a court of law. See **Appendix 4** and **Appendix 5** for the expert forensic evidence. Expert forensic evidence can be viewed at the following **website link**: <https://m.youtube.com/watch?v=oZeZOmGsagqg> . Also visit the following **website** to view copies of sample signatures and signatures in question from the Forensic Document Examiner's report: www.lazarussisterscase.com .

A Letter dated 12 June 2009, containing the signature of Kenneth Vaux (signature on page 2 of the document) outlining the research methods, number of patients assessed for the clinical trial, the statistical methods used to evaluated the device being trial [**Appendix 38**: is the Letter dated 12 June 2009 containing the signature of Kenneth Vaux outlining the research methods, number of patients assessed for the clinical trial, the statistical methods used to evaluated the device being trial] (Forensic Document Examiner's report confirms that the signature on the letter dated 12 June 2009 is a genuine signature of Kenneth Vaux, see **Appendix 4** and **Appendix 5**), showed that work was completed and services were provided.

Though the document at **Appendix 38** did not from part of the criminal charges against Sandra Lazarus, this document provided evidence that service were provided, and that work was completed. However, to support her erroneous judgment the presiding magistrate, Joanna Keogh on 27 November 2014, stated that the signature of Kenneth Vaux on the letter dated 12 June 2009 (signature authorship was confirmed by forensic evidence, author being Kenneth Vaux) was a forgery, once again Joanna Keogh disregarded expert forensic evidence which was before her in a court of law. See **Appendix 4** and **Appendix 5** for the expert forensic evidence. Expert forensic evidence can be viewed at the following **website link**: <https://m.youtube.com/watch?v=oZeZOmGsagg> . Also visit the following **website** to view copies of sample signatures and signatures in question from the Forensic Document Examiner's report: www.lazarussisterscase.com .

As mentioned in paragraphs 168 – 199 the presiding magistrate, dismissed the forensic evidence, including Christopher Anderson expert forensic evidence in a court of law, convicting Sandra Lazarus on 27 November 2014 “beyond reasonable doubt” for 48 of the 57 criminal charges. Further, as mentioned in paragraphs 200 – 203, when Sandra Lazarus was placed in custody on 27 November 2014 she was approached by an individual requesting her to sign documentation releasing the supervising medical practitioners, the two named hospitals and the ICAC of any legal obligations. The account of this can be viewed at the following **website link**: <https://m.youtube.com/watch?v=2wdpzBOUjik> .

This abuse of human rights was raised when Sandra Lazarus filed a ‘judicial review’ in the New South Wales Supreme Court. The continued abuse of Sandra Lazarus’ right to be seen equal before the law was once again dismissed, this is discussed in detail at paragraphs 200 – 203. The continued abuse placed Sandra Lazarus as a vulnerable person before Joanna Keogh in her official capacity as the presiding magistrate in a court of law on 27 April 2015. On this day Sandra Lazarus was once again placed in custody, Joanna Keogh, as mentioned in paragraphs 168 – 199 physically and mentally had Sandra Lazarus tortured to such an extent that she was hospitalised, and placed into the hospital spinal rehabilitation program for ~ nine months, details of the hospitalisation are at paragraphs 179 – 185, 194 – 199, and 234. The judgment, conviction and sentence of 27 November 2014 and 27 April 2015 were appealed in the NSW District Court.

Of Note: this form of abuse of human right and torture is only possible due to the fact Australia does NOT have a Charter of Human Rights and/or Bill of Rights operating Australia wide. Therefore, the implementation and practice of human rights in New South Wales courts of law is at the discretion of the presiding judicial officers, and if these presiding judicial officers lack judicial independence, then the “safeguards” which ensure a corrupt free judiciary and corrupt free judicial proceedings are damaged and removed allowing for further abuse of human rights. The abuses of such fundamental rules of law and human rights are discussed in details at paragraphs 242 – 250, 284 and 287 – 288.

A ‘judicial review’ was filed in the New South Wales Court of Appeal on 12 September 2016, and on 07 February 2017 the then President of the New South Wales Bar Association (now the current President of the Law Council of Australia) represented the Mss Lazarus in the New South Wales Court of Appeal, outlining that the retroactive application of the “Validation Bill 2015” (discussed in detail at paragraphs 36 and 275 – 276) did not apply to the Mss Lazarus judicial proceedings, as these criminal judicial proceedings were current and active before a court of law when the “Validation Bill 2015” was introduced. The presiding judges stated that the then President of the New South Wales Bar Association (now the current President of the Law Council of Australia) presented “judicial nonsense”, and dismissed the appeal. This is discussed in detail at paragraphs 285 – 286. Further, as mentioned for reasons and principles discussed in this

official complaint/communication and the official complaint/communication dated 16 August 2019, the New South Wales judicial officers lack independence, see paragraphs 243 – 250 and 284. Due to this dismissal the criminal judicial proceedings for both the Mss Lazarus returned to the NSW District Court.

On 19 June 2017 the NSW District Court judge dismissed Sandra Lazarus' application to submit fresh and new evidence in relation to her charges in a court of law, if leave was granted for fresh and new evidence, then the forensic evidence marked as **Appendix 5** (which is also attached to this official complaint/communication) would be prepared and submitted in a court of law. However, this did not take place and the **Appendix 5** was never submitted as fresh and new evidence in the NSW District Court. After the dismissal of 19 June 2017, I made further applications to the NSW District Court to allow Christopher Anderson to come into court as an expert witness and given evidence, these applications were also denied. The courts through this denial have ensured that Sandra Lazarus did not get a fair and just hearing. This is a blatant miscarriage of justice. The conduct of the presiding judicial officer is discussed in detail at paragraphs 204 – 209.

Also on 19 June 2017 Sandra Lazarus was a self-represented litigant, awaiting the approval of a legal aid application to ensure adequate legal representation. The following was outlined by Sandra Lazarus in a court of law, on 19 June 2017:

“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].

On 19 June 2017, as a self-represented litigant Sandra Lazarus placed on record in a court of law the following, in relation to her current health condition (this is discussed in detail at paragraphs 204 – 209):

“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.”

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

The matter was relisted before another judge for the following day, being 20 June 2019. However, due to the stress caused by, once again being denied her human rights to submit forensic evidence which proved her innocence, Sandra Lazarus' cardiac condition was Exacerbated, and Sandra Lazarus was admitted into hospital on the evening of 19 June 2017, and remained in hospital until the evening of 20 June 2017. Sandra Lazarus was diagnosed with a cardiac condition for which she requires daily medication. Due to her hospitalisation Sandra Lazarus (at the time Sandra Lazarus was as a self-represented litigant) could not attend court on 20 June 2017, the court was informed of Sandra Lazarus' hospitalisation, the following is the court transcript of the day:

“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].

Having full knowledge of Sandra Lazarus hospitalisation the presiding judge in a court of law; dismissed her appeal without reviewing the evidence presented in the lower court before the magistrate; dismissed her appeal without a hearing; and dismissed her appeal, in her absences, while she was a self-represented litigant with a valid medical reasons. Further, the presiding NSW District Court judge convicted Sandra Lazarus on 20 June 2017, in her absences while Sandra Lazarus was a self-represented litigant. This is discussed in detail at paragraphs 210 – 212.

On 12 December 2017 Sandra Lazarus was resentenced for the same criminal charges, for which she had served part of her custodial sentence. A ‘Sentence Warrant’ was issued by the NSW District Court on 12 December 2017 [**Appendix 39**: is the first page of the NSW District Court ‘Sentence Warrant’ issued on 12 December 2017 for Sandra Lazarus.].

On 13 July 2017 Sandra Lazarus filed an application to the NSW Court of Appeal, stating that the presiding NSW District Court judge fell into jurisdictional error. The NSW District Court judge failed in its jurisdiction as an appellant court when it: failed to hearing the evidence from the lower court; failed to allow fresh and new evidence which further supported Sandra Lazarus' innocence; had no jurisdiction to enter convictions and/or pass sentences in invalidly commenced judicial proceedings; that Sandra Lazarus' appeal was dismissed in her absence while she was a self-represented litigant; and that Sandra Lazarus was convicted in her absence while she was a self-represented litigant. On 08 May 2019 the presiding judges, once again making reference to the statements in the ICAC summons of 12 July 2010, 15 December 2010 and 14 February 2011, dismissed the appeal, convicting and sentencing Sandra Lazarus. This miscarriage of justice can only be defined as reflection of the lack of judicial independence, as NO court of law would be so blatantly, abusively and dismissive of the evidence before it supporting the innocence of a wrongly charged individual, in this case Sandra Lazarus. The conduct of the presiding judge, which was contrary to his judicial oath is discussed in detail at paragraphs 213 – 215.



Of Note: On 08 May 2019 the New South Wales Court of Appeal dismissed the application of the Director of Public Prosecution to issue a new 'Sentence Warrant' with new sentence period, for the same charges for which part sentence has been served, and the issued 'Sentence Warrant' expired (**Appendix 39**). On 12 December 2017 the presiding judge placed the new sentence on record, and due to the 'judicial review' which was filed on 13 July 2017, Sandra Lazarus' custodial sentence was stayed. According to the presiding judge, as the remaining new sentence was stayed, there was no 'Sentence Warrant' issued on 12 December 2017 by the NSW District Court, see the correspondence marked **Appendix 40**.



On 07 May 2017 the associate of the presiding judge, made clear in an email that, due to the stay imposed on the new remaining sentence NO 'Sentence Warrant' was issued, the following was the recollection of the presiding judge who resentenced Sandra Lazarus on 12 December 2017:

“His Honour’s recollection is that no warrant of commitment was issued because he was advised of the stay pursuant to s69c of *Supreme Court Act 1970*. His Honour has no objection to you approaching another Judge should you so wish, for the issue of a warrant of commitment if the judicial review proceedings conclude. He suggests it would be prudent to ensure any Judge approached has access to the relevant file and court records both before the District Court of NSW and consequent orders of the Court of Appeal.” [Appendix 40: is the email dated 07 May 2017 from “Elly Oliver, Associate to His Honour Judge Chris Hoy SC”].

Following the dismissal of the Mss Lazarus’ NSW Court of Appeal ‘judicial review’ on 08 May 2019, the Crown Solicitor representing the Director of Public Prosecution, contacted the NSW Court of Appeal Registrar through an email, requesting that Sandra Lazarus be taken into custody, utilising the expired ‘Sentence Warrant’ (which is Appendix 39). The following was stated in a reply email by the NSW Court of Appeal Registrar dated 08 May 2019:

“Dear Crown Solicitor

I refer to your email of today. I assume from your email that Ms Lazarus does not intend to surrender herself to serve the sentence imposed by the District Court.

The attached notification is being sent to the various authorities concerning the orders made today.

Enquiries have been made with the NSW Police Service concerning this notification. I understand from those inquiries, that the Service will not be taking steps to bring Ms Lazarus into custody without an arrest warrant. Whether this view is correct, I express no opinion on that.

As no orders were made by this Court varying the sentence, or directing the issue of a bench warrant, I do not believe that I have jurisdiction to issue any warrants. I would welcome any contrary views by the parties on that.

Whether the District Court has such a power, I also express no opinion on that.”

[Appendix 41: is the email dated 08 May 2019 from the NSW Court of Appeal Registrar.].

Of Note: From 11 September 2018 there was NO valid ‘Sentence Warrant’ for Sandra Lazarus. The ‘Sentence Warrant’ and the part served sentence (27 November 2014 and 27 April 2015) were both expired. The expiry of ‘Sentence Warrant’ (**Appendix 39**) was noted by the presiding judges in their judgement of 08 May 2019. Therefore, there was NO document to allow for Sandra Lazarus to be taken into custody. To falsely suggest that Sandra Lazarus be taken into custody would be, once again a breach of the fundamental rights of an individual, it would be against all that constitutes a democratic society and a democratic judicial system.

The expired sentence, the expired ‘Sentence Warrant’, nor the fact that the Court of Appeal dismissed the application for a new sentence period and ‘Sentence Warrant’, discontinue the abusive conduct of the Director of Public Prosecution. The next to be approached by the Director of Public Prosecution was the NSW Correctional Services, they were requested to take Sandra Lazarus into custody, utilising the expired ‘Sentence Warrant’ stating the expired sentence period.

On 09 May 2019 the solicitor representing the Director of Public Prosecution emailed the NSW District Court Registrar requesting that, the NSW Correctional Services and the NSW Police be contacted, and Sandra Lazarus be taken into custody, the following was the reply from the NSW District Court Registrar in relation to this request:

“Dear Ryan,

I have had a telephone conversation with an officer of Corrective Services who state they have no jurisdiction to apprehend the offender, they also state that the warrant is now expired rendering any action on their part impossible. They rely on the NSW Police to apprehend any offenders at large. NSW Police have been quite clear that they are unable to apprehend the offender without an arrest warrant. The District Court so far as I know has no jurisdiction to do this and it is the opinion of both Correctives and the District court that the Court of Appeal are the proper authority to issue such a warrant. The only other options as I see them are to liaise with the offenders legal representative to have her Barrister or solicitor advise their client to voluntarily surrender herself to the proper authorities to serve her sentence or to make an application to the District Court to have the matter listed before a District court

Judge to explore any possible jurisdiction by the District Court to make an order for an arrest warrant for the apprehension of the offender.

Regards

Gavin” [**Appendix 42:** is the email from the New South Wales District Court Registrar dated 09 May 2019.].

On 09 May 2019 I wrote an email to all parties involved, the court Registrars, and the Solicitor acting for the Director of Public Prosecution, the following is the content of the email:

“Dear all,

Counsel has confirmed the following:

The original district court warrant has expired.

The term of our client’s imprisonment has expired.

The Court of Appeal dismissed a notice of motion sought to issue a warrant of committal. This was sought without notice to us.

Counsel has advised our client of her rights according to current legal structures. There is no basis to seek to create a new warrant or apprehension order, but if any of the parties seek to do so, we require notice of such application or applications.

The structure of the relevant statutory and administrative legislature cannot be thwarted by stealth or undue legal process.

In the event that any party seeks to approach the registry for any order/s, we require to be advised and we will seek to be heard.

Yours faithfully

Leigh Johnson Lawyers”

[**Appendix 43:** is the email of Leigh Johnson dated 09 May 2019.].

On 10 May 2019, the Director of Public Prosecution filed a motion to reopen the judicial proceeding which were concluded and judgment delivered, on 08 May 2019 in the NSW Court of Appeal, for the very same application which was dismissed by the very same court on 08 May 2019. Application requesting the court to reissue the ‘Sentence Warrant’,

and the alteration of the sentence period, which was part served by Sandra Lazarus. The proceeding was reopened and the hearing of the Director's of Public Prosecution application was listed for hearing at 2:30pm on 16 May 2019.

On 16 May 2019 at 12:03pm the New South Wales Correctional Services sent an email to the solicitor for the New South Wales Director of Public Prosecution, stating that the New South Wales Correctional Services, will take Sandra Lazarus into custody, using the expired 'Sentence Warrant', and disregarding the expired sentence period. Also, the NSW Correctional Service, took it upon themselves to making a judgment that an expired 'Sentence Warrant' with an expired sentence period/term, in their view, "the warrant of commitment ['Sentence Warrant'] previously issued by the District Court remains effective". [**Appendix 44:** is the email dated 09 May 2019, sent at 12:03 pm from the New South Wales Correctional Services.] Apart from the abuse of human rights, one wonders, for what time frame and/or period was the NSW Correctional Services wanting to detain Sandra Lazarus in custody? Further, without a valid 'Sentence Warrant', with what authority and jurisdiction were NSW Correctional Services taking Sandra Lazarus into custody. This abusive conduct is in direct contravention of **Article 7, Article 9, Article 10, Article 14, Article 16 and Article 17 ICCPR**. This is discussed in detail at paragraphs 321 - 325.

As the NSW Court of Appeal had entered judgment and conclude the judicial proceeding in a court of law on 08 May 2019, the principle of *functus officio* would apply to the NSW Court of Appeal in relation to the Director's of Public Prosecution application, and therefore, the NSW Court of Appeal would have NO jurisdiction to rehear a judged and concluded proceeding, given that the appeal process was available to the Director's of Public Prosecution, and given that the outcome and judgment were in relation to a criminal proceedings and not civil proceedings, this is discussed in detail at paragraphs 326 – 330. Once again the principles of the rule of law were disregarded by the presiding judges, and on 16 May 2019 at ~ 4:15pm (Sydney, Australia Eastern Standard Time) the NSW Court of Appeal made declarations and not court orders that: that expired 'Sentence Warrant' was "valid and sufficient authority" to take Sandra Lazarus into custody, and that the period of sentence (for a sentence part served by Sandra Lazarus, in relation to the same

criminal charges) can be altered by the NSW District Court, the very court who concluded the criminal judicial proceedings in a court of law on 12 December 2017. **Of Note:** it was presented in court on 16 May 2019 that the NSW District Court within the principles of the rule of law become *functus officio* and *res judicata* in its jurisdiction on 12 December 2017 when it concluded the criminal judicial proceedings in a court of law. These principles are discussed in detail at paragraphs 326 – 330.

Following the erroneous declarations of the NSW Court of Appeal on 16 May 2019, the NSW District Court on 22 May 2019 issued a new ‘Sentence Warrant’ for Sandra Lazarus, with a new period of committal, new custodial sentence period, disregarding the rules of law and altering a sentence period, for a sentence period which was part served by Sandra Lazarus.

307. There are no words to describe the above mentioned appalling abuse of a person’s human rights. The abusive conduct of the officials mentioned as the accused have it is alleged, through their conduct engaged in crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**. The mentioned conduct has contravened **Article 7, Article 14, Article 15, Article 16 and Article 17 of the ICCPR** (but not limited to).

PART VII

THE CONTRAVENTION OF HUMAN RIGHT LAWS

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.

308. In addition to the contraventions mentioned in the official complaint/communication dated 16 August 2019, Lloyd Babb as the New South Wales Director of Public Prosecution in his official capacity, it is alleged engaged in the following crimes against humanity as well, outlined in this official complaint/communication.

309. The Mss Lazarus had filed ‘all grounds’ appeal to the NSW District Court, following the erroneous judgements of the NSW Local Court Magistrates. On 19 June 2017 the New

South Wales District Court disallowed the application for further forensic evidence to be submitted in the appeal judicial proceedings for the Mss Lazarus. Part of the forensic evidence is produced as **Appendix 5** of this official complaint/communication and the official complaint/communication dated 16 August 2019. Further, on 12 December 2017 the presiding NSW District Court judge resented Sandra Lazarus for the same criminal charges. **Of Note:** Sandra Lazarus had serviced part of the sentenced imposed by the NSW Local Court magistrate on 27 November 2014 and 27 April 2015 in relation to the same criminal charges, which are marked as **Appendix 12**, 'Court Attendance Notice'.

310. As mentioned at paragraphs 213 – 222 the erroneous judgements of the NSW District Court were appealed to the NSW Court of Appeal. On 08 May 2019 NSW Court of Appeal dismissed the appeals of the Mss Lazarus. Further, the court also dismissed the motion/application filed by the New South Wales Director of Public Prosecution on 08 May 2019, motion/application requesting for a new 'Sentence Warrant' with a new sentence period for Sandra Lazarus, a sentence which was part serviced by Sandra Lazarus. **Of Note:** No such application was filed in relation to the sentence imposed for Michelle Lazarus. As the terms of Michelle Lazarus' sentence have also expired, Michelle Lazarus can NOT have a sentence against. Presently, there is NO valid sentence for Michelle Lazarus, therefore to have one listed contravenes the provisions of **Article 14 of the ICCPR** and abuse her human rights.

311. Prior to the dismissal of the motion/application filed by the New South Wales Director of Public Prosecution, the solicitor for the Director of Public Prosecution/Crown Solicitors', on 07 May 2019 contacted the sentencing NSW District Court judge, inquiring whether a "Sentence Warrant" was issued in relation to Sandra Lazarus on 12 December 2017. Sandra Lazarus was resented on 12 December 2017, and a stay was imposed on the resentence period due to the 'judicial review' application. **Appendix 40** is the email in reply to the inquiry, the following was stated in the email:

"His Honour's recollection is that no warrant of commitment was issued because he was advised of the stay pursuant to s69c of *Supreme Court Act 1970*. His Honour has no objection to you approaching another Judge should you so wish, for the issue of a warrant of commitment if the judicial review proceedings conclude. He suggests it would be prudent to ensure any Judge approached has access to the relevant file and

court records both before the District Court of NSW and consequent orders of the Court of Appeal.” [**Appendix 40:** is the email dated 07 May 2017 from “Elly Oliver, Associate to His Honour Judge Chris Hoy SC”].

The presiding judge’s recollection was that NO ‘Sentence Warrant’ was issued as there was a stay on the resentencing on 12 December 2017. **Of Note:** the original sentence imposed was part served by Sandra Lazarus in 2014 and 2015 for the same criminal charges (see **Appendix 12**).

312. In the erroneous judgment of 08 May 2019, the presiding judges did make note that the ‘Sentence Warrant’ issued on 12 December 2017 had expired and the sentences period had also expired.

313. Following the dismissal of the motion/application filed by the New South Wales Director of Public Prosecution on 08 May 2019, the solicitor for the Director of Public Prosecution/Crown Solicitors’ contacted NSW Court of Appeal Registrar through an email, requesting that Sandra Lazarus be taken into custody, utilising the expired ‘Sentence Warrant’ (which is **Appendix 39**). The following was stated in a reply email by the NSW Court of Appeal Registrar dated 08 May 2019:

“Dear Crown Solicitor

I refer to your email of today. I assume from your email that Ms Lazarus does not intend to surrender herself to serve the sentence imposed by the District Court.

The attached notification is being sent to the various authorities concerning the orders made today. Enquiries have been made with the NSW Police Service concerning this notification. I understand from those inquiries, that the Service will not be taking steps to bring Ms Lazarus into custody without an arrest warrant. Whether this view is correct, I express no opinion on that.

As no orders were made by this Court varying the sentence, or directing the issue of a bench warrant, I do not believe that I have jurisdiction to issue any warrants. I would welcome any contrary views by the parties on that.

Whether the District Court has such a power, I also express no opinion on that.”

[**Appendix 41:** is the email dated 08 May 2019 from the NSW Court of Appeal Registrar.].

Of Note: From 11 September 2018 there was NO valid ‘Sentence Warrant’ for Sandra Lazarus. The ‘Sentence Warrant’ and the part served sentence (27 November 2014 and 27 April 2015) were both expired. The expiry of ‘Sentence Warrant’ (**Appendix 39**) was noted by the presiding judges in their judgement of 08 May 2019. Therefore, there was NO document to allow for Sandra Lazarus to be taken into custody. To falsely suggest that Sandra Lazarus be taken into custody would be, once again a breach of the fundamental rights of an individual, it would be against all that constitutes a democratic society and a democratic judicial system.

314. On 09 May 2019 the solicitor representing the Director of Public Prosecution emailed the NSW District Court Registrar requesting that, the NSW Correctional Services and the NSW Police be contacted, and Sandra Lazarus be taken into custody, the following was the reply from the NSW District Court Registrar in relation to this request:

“Dear Ryan,

I have had a telephone conversation with an officer of Corrective Services who state they have no jurisdiction to apprehend the offender, they also state that the warrant is now expired rendering any action on their part impossible. They rely on the NSW Police to apprehend any offenders at large. NSW Police have been quite clear that they are unable to apprehend the offender without an arrest warrant. The District Court so far as I know has no jurisdiction to do this and it is the opinion of both Correctives and the District court that the Court of Appeal are the proper authority to issue such a warrant. The only other options as I see them are to liaise with the offenders legal representative to have her Barrister or solicitor advise their client to voluntarily surrender herself to the proper authorities to serve her sentence or to make an application to the District Court to have the matter listed before a District court Judge to explore any possible jurisdiction by the District Court to make an order for an arrest warrant for the apprehension of the offender.

Regards

Gavin”

[**Appendix 42:** is the email from the New South Wales District Court Registrar dated 09 May 2019.].

Of Note: It is apparent from the above email communication that the Director of Public Prosecution has NO respect and/or regard for the validity of documents, rule of law, and/or processes of a democratic court of law. The Director of Public Prosecution allocated a solicitor to continue the criminal judicial proceedings for the Mss Lazarus in a court of law, which at the time, and remain invalid and without jurisdiction; and now requested the NSW Police and the NSW Correctional Service to take Sandra Lazarus into custody, by utilising an expired ‘Sentence Warrant’ and expired sentence period.

315. On 09 May 2019 I wrote an email to all parties involved, the court Registrars, and the Solicitor acting for the Director of Public Prosecution, the following is the content of the email:

“Dear all,

Counsel has confirmed the following:

The original district court warrant has expired.

The term of our client’s imprisonment has expired.

The Court of Appeal dismissed a notice of motion sought to issue a warrant of committal [‘Sentence Warrant’]. This was sought without notice to us.

Counsel has advised our client of her rights according to current legal structures.

There is no basis to seek to create a new warrant or apprehension order, but if any of the parties seek to do so, we require notice of such application or applications.

The structure of the relevant statutory and administrative legislature cannot be thwarted by stealth or undue legal process.

In the event that any party seeks to approach the registry for any order/s, we require to be advised and we will seek to be heard.

Yours faithfully

Leigh Johnson Lawyers”

[**Appendix 43:** is the email of Leigh Johnson dated 09 May 2019.].

316. On 10 May 2019, the Director of Public Prosecution filed a motion to reopen the judicial proceeding which were concluded and judgment delivered, on 08 May 2019 in the NSW Court of Appeal, for the very same application which was dismissed by the very same court on 08 May 2019. Application requesting the court to reissue the ‘Sentence Warrant’, and the alteration of the sentence period, which was part served by Sandra Lazarus. On 13

May 2019 the proceeding was reopened and the hearing of the Director's of Public Prosecution application was listed for hearing at 2:30pm on 16 May 2019. **Of Note:** the court orders to reopen concluded judicial proceeding in a court of law, which had a direct impact on criminal charges, were the court orders of the presiding judge who was a former ICAC Assistant Commissioner.

317. Apart from the known email communications with the NSW Police Officers and the NSW Correctional Services, which are marked as appendices in this official complaint/communication, the solicitor for the Director of Public Prosecution/Crown Solicitors', on 16 May 2019 prior to the commencement of the hearing listed for 2:30pm (Sydney, Australia Eastern Standard Time) was seen personally instructing and communicating with members of the NSW Police Force, without authority and without jurisdiction. At this point in time, there was NO authority and NO valid documentation to take Sandra Lazarus into custody. Further, the NSW Court of Appeal had not commenced the hearing in relation to the reissuing of a 'Sentence Warrant' which had expired.

318. The photograph below is of Sandra Lazarus awaiting the commencement of the hearing on 16 May 2019 at 2:30pm (Sydney, Australia Eastern Standard Time), and in the background of the photograph, can be seen the solicitor for the Director of Public Prosecution/Crown Solicitors', personally instructing and communicating with members of the NSW Police Force, without authority and without jurisdiction. NSW Police Force can only act upon court orders in relation to the arresting and/or detaining of individuals, such are the rules of law (as outlined in this official complaint/communication and the official complaint/communication of 16 August 2019 the rules of law are dismissed and abused with ease, simply because there is NO Charter of Human Rights and/or Bill of Right which operates Australia wide, including in the state of New South Wales).



319. The above abusive conduct of the Director of Public Prosecution gave rise to crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**, as the Director of Public Prosecution contravened the provisions of **Article 7, Article 9, Article 10, Article 14, Article 16 and Article 17 of the ICCPR**.

320. On 16 May 2019 at ~ 4:15pm (Sydney, Australia Eastern Standard Time) the NSW Court of Appeal made declarations and not court orders that: that expired ‘Sentence Warrant’ was “valid and sufficient authority” to take Sandra Lazarus into custody, and that the period of sentence (for a sentence part serviced by Sandra Lazarus) can be altered by the NSW District Court, the very court who concluded the criminal judicial proceedings in a court of law on 12 December 2017. This is further discussed in detail at paragraphs 326 – 330.

Peter Severin – 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.

321. On 09 May 2019, it was known from the email communications (I was a recipient of these emails) that the New South Wales District Court Registrar had contacted the New South Wales Correctional Services in relational to taking Sandra Lazarus into custody, using the expired ‘Sentence Warrant’ [Appendix 39] for an expired sentence period. In the reply email to the solicitor for the Director of Public Prosecution, the NSW District Court Registrar stated the following:

“Dear Ryan,

I have had a telephone conversation with an officer of Corrective Services who state they have no jurisdiction to apprehend the offender, they also state that the warrant is now expired rendering any action on their part impossible. They rely on the NSW Police to apprehend any offenders at large. NSW Police have been quite clear that they are unable to apprehend the offender without an arrest warrant. The District Court so far as I know has no jurisdiction to do this and it is the opinion of both Correctives and the District court that the Court of Appeal are the proper authority to issue such a warrant. The only other options as I see them are to liaise with the offenders legal representative to have her Barrister or solicitor advise their client to voluntarily surrender herself to the proper authorities to serve her sentence or to make an application to the District Court to have the matter listed before a District court Judge to explore any possible jurisdiction by the District Court to make an order for an arrest warrant for the apprehension of the offender.

Regards

Gavin”

[**Appendix 42:** is the email from the New South Wales District Court Registrar dated 09 May 2019.].

This was the legally correct view and opinion of the NSW Police Force and the NSW Correctional Services. The rule of law and the human rights laws are clear, that an individual cannot be detained without reason and/or without authority. Utilising the expired ‘Sentence Warrant’ for an expired sentence period, is a breach of the rule of law and human rights laws.

322. I am unaware of the circumstances surround this illegal change in view of the NSW Correctional Services which led to the content of the email marked **Appendix 44**, I am unaware of any further communication between the NSW Correctional Service and the court registrars and/or the solicitors for the Director of Public Prosecution. However, in his affidavit to the court the solicitor for the Director of Public Prosecution/ Crown Solicitors’ attached email correspondence between solicitor for the Director of Public Prosecution/ Crown Solicitors’ and the officer for the NSW Correctional Services, **Appendix 44**.

323. The email was sent prior to the NSW Court of Appeal hearing which was to commence at 2:30 pm (Sydney, Australia Eastern Standard Time) on 16 May 2019, and prior to any court orders, of reissuing the expired ‘Sentence Warrant’, with a new sentence period, for a part served sentence.

324. The email marked as **Appendix 44** stated the following:

“the warrant of commitment [‘Sentence Warrant’] previously issued by the District Court remains effective”.

[**Appendix 44:** is the email dated 09 May 2019, sent at 12:03 pm from the officer for the New South Wales Correctional Services.].

In the above email the NSW Correctional Service entered a ruling and judgment, without orders from a court of law that, the expired ‘Sentence Warrant’ containing an expired sentence period was “effective” in taking Sandra Lazarus into custody.

325. The NSW Correctional Service has NO authority and NO jurisdiction to make such determination and judgements in relational to the effectiveness of an expired ‘Sentence Warrant’ containing an expired sentence period which was part served. Peter Severin is the Commissioner for the NSW Correctional Services, he has held this position since ~ 2003, he is aware of his duties, obligations, and the jurisdiction of the NSW Correctional Services within the laws of the state of New South Wales, and the rule of law which governs the NSW Correctional Services conduct and jurisdiction. This conduct has given rise to crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**, and the conduct of the officers of the NSW Correctional Services, with Peter Severin as Commissioner, have abused the human rights of Sandra Lazarus, and have knowingly with full knowledge of the rule of law contravened the provisions of **Article 7, Article 9, Article 10 and Article 14 of the ICCPR**.

Andrew Bell – 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.

326. On 16 May 2019 Andrew Bell was the presiding judicial officer at the New South Wales Court of Appeal proceeding for Sandra Lazarus which the Director of Public Prosecution re-opened by way of filing a motion/application. See paragraphs 308 – 320 in relational to the abusive conduct of the Director of Public Prosecution, which led the crimes against humanity.

327. On 16 May 2019 Andrew Bell in his official capacity as the presiding judicial officer knowingly with complete knowledge of the rule of law made delectations in a court of law which led to crimes against humanity for which there is NO judicial immunity. Firstly, he declared that the expired ‘Sentence Warrant’ was “valid and sufficient authority” to place Sandra Lazarus in custody, he declared the following:

“warrants of commitment [‘Sentence Warrant’] issued out of the District Court of NSW on 12 December 2017 in proceedings 2013/00076236 are valid and sufficient authority for the committal of Ms Sandra Lazarus forthwith to be conveyed to a correctional centre and kept in custody for the terms of her sentences”.

This declaration is a blatant abuse of human rights, and an abuse of his official authority in a court of law, before which Sandra Lazarus was a vulnerable person. There is NO law, NO legal provisions in any national and/or international law, nor any provisions in the rules of law, which allow for a person to be taken into custody upon the authority of an expired document ('Sentence Warrant'), for an expired sentence period, where part of the sentence has been served in relation to the same criminal charges. This abusive conduct is a crime against humanity, no individual in such a position of authority, with such extensive knowledge of the rule of law should be allowed engage in such crime against humanity, and such crimes of human rights, there must be accountability. This declaration by Andrew Bell on 16 May 2019 is a direct contravention of the provisions of Article 7, Article 9, Article 10, Article 14, Article 16 and Article 17 of the ICCPR, it is alleged that he engaged in conduct which constitutes crimes against humanity pursuant to Article 5(b) and Article 7 of the Rome Statute.

328. Secondly, Andrew Bell made the following order in a court of law on 16 May 2019:

“Remit the matter to the District Court of NSW for the amendment of the warrants of commitment”.

329. Andrew Bell has extensive knowledge of the rules of law, further he had before him in a court of law the following judicial reference case, which stated:

“At common law, once a sentence is entered into the record of the court, the sentencing judge is *functus officio* and has no power to alter the sentence pronounced, even where that sentence is wholly invalid - Historically, the only remedy has been to appeal the sentence, or to seek a writ of certiorari”, DPP v Edwards [2012] VSCA 293 at [235] per Weinberg JA and Williams AJA.

330. Andrew Bell as a judicial officer has full knowledge of the principles of *functus officio*, *res judicata* and the rules of law. He knew that the NSW District Court as of 12 December 2017 within the principles of *functus officio* and *res judicata* had NO jurisdiction to alter an expired sentence period for a sentence which was part served by Sandra Lazarus in

relation to the same criminal charges. Further, Andrew Bell had complete knowledge that the NSW District Court had no jurisdiction to re-enter a sentence on record for the same criminal charge, a sentence which was part served by Sandra Lazarus. He had full knowledge that the Director of Public Prosecution had the judicial appeal process available with the NSW judicial system in requesting the reissuing of an expired 'Sentence Warrant'. Andrew Bell disregarded the principles of law and rules of law when he entered on record the mentioned declaration and order on 16 May 2019, as such he it is alleged that he abused human rights and engaged in conduct which constituted crimes against humanity pursuant to **Article 5(b) and Article 7 of the Rome Statute**, and directly contravened the provisions of provisions of **Article 7, Article, Article 9, Article 10, Article 14, Article 16 and Article 17 of the ICCPR**.

In Summary

331. I am fearful that, the Mss Lazarus will be further harmed, the following **website links** outline the threats that have been made towards the Mss Lazarus, and the Lazarus children all whom at the time were ten years of age and younger:

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

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

332. As outlined in both the official complaints/communications, it is clear that the very authoritative government agencies which ensure the safety of the people of the state of NSW, are the very authoritative government agencies being illegally utilised to cause harm to the Mss Lazarus. An example of this can be seen in the abusive conduct of the officers of the NSW Correctional Services, with such willingness they contravened the rules of law and human rights laws, see paragraphs 321 – 325 for details in relation to these contraventions.

333. As mentioned the NSW Parliament is utilising the legislative process to contravene the provisions of human right law, and legalise human right abuse. Following **website link** discusses other individuals whose human rights have been abused in a similar manner. This is discussed in detail at paragraphs 19 – 58.

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

334.This is made possible by the Australia NOT having a Charter of Human Rights / Bill of Rights which operates Australia wide. This is discussed throughout the two official complaints/communications, it is also discussed in detail at paragraphs 242 and 287 – 297.

335. I, once again ask the international community and international human rights agencies, the United Nations and the ICC, for urgent protection of the Mss Lazarus. I will wait for your urgent response.

Yours Faithfully,

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

Ms Leigh Johnson (BA/LLB usyd)

APPENDIX LIST:

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 makes 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

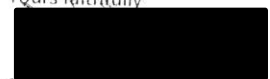
- a. There is little point in commenting too much on the Smith signatures, simply because of the lack of comparable material. Both my conclusions are qualified. There was no evidence of the indicia of forgery on any of the questioned signatures. Yet again Magistrate Keogh is wrong when she says, at para 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 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: [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 28: ‘Email dated 24 May 2019 from the New South Wales Crown Solicitors’ office to Ms Leigh Johnson.

From: **Christopher Frommer** <[REDACTED]>
Date: Fri, May 24, 2019 at 4:20 PM
Subject: Lazarus v Director of Public Prosecutions, New South Wales (Court of Appeal file no 2019/152458)
To: [leighjohnsonlaw](mailto:leighjohnsonlaw@nsw.gov.au) <[REDACTED]>

Dear Ms Johnson,

Lazarus v Director of Public Prosecutions, New South Wales (Court of Appeal file no [REDACTED])

Please see attached a letter of today’s date relating to the above matter.

I note that the letter requests urgent action on your part, prior to the listing of the above matter at **9.45 am on Monday, 27 May 2019**. I also note that the letter foreshadows the possibility of a personal costs order being sought against you if no action is taken to discontinue the proceedings.

Kind regards,

Chris Frommer

Senior Solicitor

for Crown Solicitor

THE COMMISSIONER: Well, then I misunderstood the question.

MS SOARS: I'll ask some questions, thank you.

THE COMMISSIONER: Wouldn't it short-circuit this perhaps if you, if Michelle Lazarus would stand up - - -

MS SOARS: I was just getting to that, Commissioner. I will get to that within a question or two.

10

THE COMMISSIONER: Yes, all right.

MS SOARS: Paragraph 19 of your statement, Dr Burton - - -?---Yes.

- - - the, the meeting you had on 21 October, 2008, it says in your statement it was a meeting with Michelle Lazarus, it was the person you knew as Michelle Lazarus you now know to be Sandra Lazarus, is that your evidence?---Yeah.

20 And could I ask Michelle Lazarus who's in court to stand up. And - - -

THE COMMISSIONER: It's all right, thank you.

MS SOARS: And now that Michelle Lazarus has been identified are you still happy that the meeting was with my client, Sandra Lazarus, is that correct?---Yes.

And at that meeting it's correct, isn't it, that Sandra Lazarus asked you to sign that form that's referred to in paragraph 19 of your statement, the, the - - -

30

THE COMMISSIONER: Sorry, I beg your pardon Ms Soars, I think it would be, just so that there's no misunderstanding when you put that question you should make it clear the person that Professor Burton now knows to be Sandra Lazarus, because he, his evidence is that he thought that that person was Michelle. The first time that, on his evidence, that he knew that that person was Sandra was now, today.

MS SOARS: Thank you, Commissioner. I will - - -

40

THE COMMISSIONER: So if you could just, when you ask the question, so that there's no misunderstanding, that's all.

MS SOARS: Yes, yes, Commissioner. Dr Burton, Dr Burton, I'm putting to you that at that meeting on 21 October, 2008, my client who you now know to be Sandra Lazarus, who you've given evidence you thought to be Michelle Lazarus at the time, asked you to sign the application which is

[REDACTED] – PROCESSES IN DISEASE – MEDIA ASSIGNMENT – SEMESTER 2, 2008		September 26, 2008
Name: Jessica Lazarus		
Student ID: [REDACTED]		
Tutor: [REDACTED]		
Course: [REDACTED]		
Assessment: Media Assignment (30%)		
Date: 26 th September, 2008		

DOES THE MEDEX TEST HAVE A PLACE IN MAINSTREAM PATHOLOGICAL MEDICINE?

Jessica Lazarus, Faculty of Medicine, School of Medical Science, Department of Pathology, UNSW, Sydney, Australia

INTRODUCTION

Pathological medicine is in continuous search of sophisticated diagnostic tools to potentially provide improved diagnosis and prognosis alike. However, the implementation of such tools may be controversial, particularly if they are not a component of conventionally accepted medical practice. An example of such a novel device is the Medex Test (Medex Screen Ltd. Arad, Israel); an early diagnostic tool used for the screening, detection and monitoring of pathologies concerning internal viscera and body systems in humans. Following approximately six years in development in Israel, the Medex Test has since been of popular focus in the medical world, simultaneously evoking fresh interest in the media.

The research of this paper is of medical significance as it evaluates the use and usefulness of this innovative diagnostic tool. In doing so, this research enables us to conceptualise the direction of medical technology and the implications of technological advancements with respect to the potential improvement of medical practice. How this correlates with our compulsion to provide improved health care is also described. The focal aim is to explore whether the Medex Test should be made customary to conventional medical practice and also to ask the central question; does the Medex Test have a place in mainstream pathological medicine?

The report is organised in to three primary sections; an introduction to the research topic, a body describing the controversy surrounding the Medex Test in relation to modern medicine, where related articles are critically evaluated, and finally a conclusion to the topic, where future positions of this novel diagnostic tool are expressed.

BODY:

Background Information:

The Medex Test is a new diagnostic screening tool designed for the early diagnosis of inner-organ human disease and chiefly operates using principles of neurology and patho-physiology. Previous scientific research suggests that measurements of electrical impedance of the skin at specific locations, known as derma-visceral zones (DVZs) or organ-projection areas (OPAs), reflect the occurrence of pathological states in corresponding internal organs. (Weitzen R, Epstein N, Shoenfeld Y, Zimlichman E. (2007). Diagnosing diseases by measurement of electrical skin impedance: a novel technique. *Ann N Y Acad Sci.* 1109:185-92.).

Although this convention has not yet been the subject of traditional scientific research, the Medex Test is based on this rationale, using a system that enables measurement of these specific dermatomes in order to detect inner-organ pathologies or impairments. (Gerosa M, Zimlichman E, Ventura D, Fanelli V, Riboldi P, Meroni PL. (2006). Measurement of electrical skin impedance of dermal-visceral zones as a diagnostic tool for disorders of the immune system. *Lupus* 15(7):457-61.). Measurements are taken at DVZs located on the hands and feet, that each represent their corresponding internal organ. The connection between the DVZs and their corresponding internal organ occurs via a specific network of neurons (Medex Screen (AustralAsia) Pty Ltd., 2006. Medex Test Textbook for General Practitioners, Basic 4/01, pg 3-4.).

The entire Medex Test is a set of two consecutive tests that measure electrical impedance with a hand-held electrical sensor. The initial test is performed prior to electrical stimulation, via a TENS device, and another following stimulation. This stimulation process is performed at specific DVZs at the upper and lower limbs which contain a maximum number of somatic-visceral overlapping (Medex Screen (AustralAsia) Pty Ltd., 2006. Medex Test Textbook for General Practitioners, Basic 4/01,

pg 3-4). The subsequent test allows for a difference in electrical activity to be calculated. The degree of increase or decrease in this activity enables the interpreter to conclude whether there is an area of pathological concern and also to differentiate the degree of severity of various disorders, as the difference in impedance is proportional to the intensity of the pathological process. (Szopinski JZ, Pantanowitz D, Lochner GP. (2004). Estimation of the diagnostic accuracy of organ electrodermal diagnostics. S Afr Med J. 94(7):547-51.). Figure 1 depicts 4 of the 24 DVZs used for measurement during the Medex Test.



Figure 1: An example of the DVZs that the electrical impedance sensor-head of the device is placed upon during the Medex Test. (Lurie Y, 2007).

After skin-impedance information is obtained by the device, it is then translated into graphical form by software uniquely designed for the Medex Test. Figure 2 illustrates an example of a graph that may be produced. The graph is then interpreted by a trained general practitioner. The green bar represents the normative corridor of the patient for body systems and all other bars represent the areas of potential pathological concern.

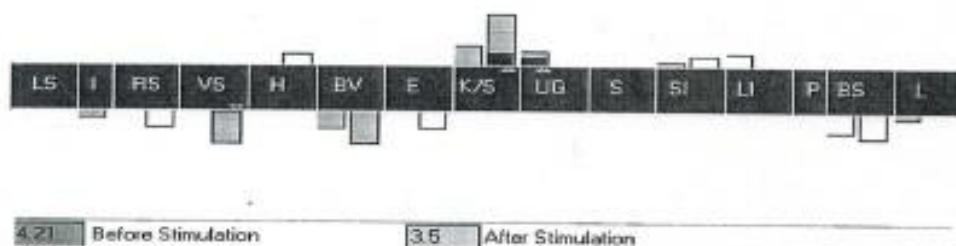


Figure 2: illustrates an example of the graphs produced after computer-calculation of the results after the whole test procedure has been completed. (Medex Screen (AustralAsia) Pty Ltd., 2006. Medex Test Textbook for General Practitioners, Basic 4/01, pg 3-4)

Developers have described the Medex Test as useful for over 200 known pathologies concerning the cardiovascular, immune, digestive, and endocrine systems as well as spine-related impairments and those of the urogenital organs (Unknown author, Medex Test Pty Ltd. Medex Medical Centre - Medex Test. General Medex Medical Centre - Practice and the home of Medex Test. Copyright, 2007-2008. September 5, 2008. URL: <http://www.medextest.com.au/cms/website.php?id=/index/medextest.html>). However, as measurements are taken at the upper and lower limbs, this screening tool is not applicable for amputees. The Medex Test is designed for general practitioners and medical diagnostic departments where it presents numerous attractant features including; the Medex Test is non-invasive, painless, radiation-free and comparatively quicker than conventional screening methods, as examination and test results may be obtained within 20 minutes.

Pathological research conducted by Zimlichman E. et al (2005) revealed that the correlation was significant for all categories studied ($P < 0.01$) except for blood and lymphatic disease. A high sensitivity ($>70\%$) was measured for cardiovascular, respiratory, gastrointestinal and genitourinary diseases, with the highest sensitivity measured for cardiovascular disease (85.3%). (Zimlichman E, Lahad A, Aron-Maor A, Kanevsky A, Shoenfeld Y. (2005). Measurement of electrical skin impedance of dermal-visceral zones as a diagnostic tool for inner organ pathologies: a blinded preliminary evaluation of a new technique. *Isr Med Assoc J.* 7(10):631-4.). These findings have been summarised in Table 1.

Diagnosis	Sensitivity (%)	Specificity (%)	Kappa*	P
Central nervous system	18.5	98.3	0.24	<0.001
Blood/Lymph	6.9	99.1	0.09	0.04
Cardiovascular	85.3	52.3	0.39	<0.001
Respiratory	80.6	82.7	0.57	<0.001
Gastrointestinal	81.1	45.0	0.18	0.005
Musculoskeletal	48.0	88.4	0.36	<0.001
Endocrine	51.0	81.4	0.34	<0.001
Drug/Alcohol abuse	9.5	99.2	0.14	0.009
Genitourinary	72.4	69.7	0.35	<0.001

* Cohen-Kappa is the measure of agreement. Kappa equals 0 when the agreement equals that expected by chance.

P value is given for the Cohen-Kappa test.

Table 1: Sensitivity and Specificity of the Medex Test method to predict diagnosis, as compared to conventional gold standard methods. (Zimlichman E, Lahad A, Aron-Maor A, Kanevsky A, Shoenfeld Y. (2005). Measurement of electrical skin impedance of dermal-visceral zones as a diagnostic tool for inner organ pathologies: a blinded preliminary evaluation of a new technique. *Isr Med Assoc J.* 7(10):631-4).

Annotated Bibliography of Two Relevant Articles on the Medex Test:

The workings of the Medex Test have been assessed in many scientific publications. The following two studies, conducted in 2005 and 2007 respectively, have evaluated the usefulness of the Medex Test within the clinical environment.

Zimlichman E, Lahad A, Aron-Maor A, Kanevsky A, Shoenfeld Y. (2005). Measurement of electrical skin impedance of dermal-visceral zones as a diagnostic tool for inner organ pathologies: a blinded preliminary evaluation of a new technique. *Isr Med Assoc J.* 7(10):631-4.

Being of such pathological focus, this publication indicates that the intended audience includes those of the medical world; chiefly medical professionals and medical researchers interested in this area of study. The audience of the text accounted for the content of this study, which in a highly medical context explores the relevance of the rationale underlying the operation of the Medex Test. In addressing the uniqueness of this early diagnostic screening tool, the text enables the readership to comprehend a subject that is of a novel and perhaps controversial form within the realm of traditional scientific research. The core argument proposed by the authors of this study is that it can be an elaborate task to ascertain the most relevant choice of screening test. It is suggested that the Medex Test, being a new diagnostic tool, must be thoroughly evaluated in order to assist in alleviating such difficulties.

Following the study, the researchers concluded that although the exact mechanism is not entirely clear, measurement of electro-skin impedance of DVZs has the potential to serve as a screening tool for inner organ pathologies and that further research should be conducted (Zimlichman E. et al., 2005). In evaluating the effectiveness of this screening

method, one can gain an understanding of its potential use in conventional medicine. This previous research directly addresses the focal question of my paper; Does the Medex Test have a place in mainstream pathological medicine? My reaction to the text was exceptionally positive as the authors thoroughly outlined the components of their research and presented a well-rounded understanding of the device in question, while concisely delivering information.

Lurie Y, Landau DA, Kanevsky A, Pel S, Zelber-Sagie S, Oren R. (2007). Medex test, a novel modality for liver disease diagnosis: a pilot study. *J Clin Gastroenterol.* 41(7):700-5.

A related study conducted by Lurie Y. et al. (2007) provided a publication with content that closely paralleled that of the former. Again, the relevance of the rationale underlying the operation of the Medex Test was explored, however this study focused only on liver disease. The main argument of this research states that with the detection of liver disorders at their asymptomatic stages, using the Medex Test, we may be able to limit the spread of hepatic disease. Further to this, it is argued that an increase in non-conventional therapies is leading to the development of such screening tools as the Medex Test.

This research is chiefly intended for informing medical practitioners and medical researchers of the potential of the Medex Test as a device for detecting liver disease at its asymptomatic phases and monitoring its progression over time. Upon completion of the research conducted, it was concluded that the Medex Test detects with high accuracy the presence of liver disorders and the necro-inflammatory grade. In addition to this, the authors suggested that in the future the Medex Test may become an important tool in the diagnosis and management of liver disorders (Lurie Y. et al., 2007). As with views established in the research conducted by Zimlichman E. et al. (2005), Lurie Y. et al. (2007) agreed that further study is highly warranted.

The research conducted was considerably relevant to my research as it too aimed at determining the relevance of the Medex Test in modern medicine. However, due to its sole focus on liver disease this publication was not entirely valuable as my research is aimed at discussing this diagnostic tool's usefulness in mainstream pathological

medicine, and not simply in pathologies of the liver. Even so, my reaction to the text was of a highly positive nature as the research appeared to be well planned with very insightful conclusions and detailed statistics. The overall readability of this publication was also of a high standard.

Critical Evaluation of Sources:

Three primary articles were used in this research report, two of which were used in the annotated bibliography citation and thirdly, a media article originally issued in the Jerusalem Post, 26th of August, 2006, written by author Judy Siegel-Itzkovich. The formal scientific style of delivery, characteristic of scientific publications, possessed various strengths that include a thorough and medically-inclined comprehension of presented material. The educational quality of these publications is also of a comparatively superior standard. This style of text enables the author to scientifically present relevant statistics in support of their scientific findings where the inclusion of peer-reviewed references solidifies the authenticity of information making it comparatively more reliable.

However, individuals with little knowledge in this area of study may find it relatively difficult to interpret the entire contents of the information. The chosen media article helps to resolve this issue enabling those of the general public to receive a greater understanding of this new device. The news-style delivery is tailored to the readership of the article and gives individuals the opportunity to explore the device without having to have a medical background. Here the readers are provided with a quick appraisal of the diagnostic tool without being forcing to conduct elementary research.

The media article also has detectable weaknesses. Because the article has been filtered through journalistic editing, much of the accuracy and detail of the original source may have been lost. This may have thoroughly modified the original data and hence may not be entirely correct or delivered as intended by the original author. Further to this, the media article does not describe statistical information that would typically be found in a scientific publication. An adverse outcome of this could be a lack of completely accurate information.

There are particular motives behind the style of delivery chosen by each author as each possessed a different readership. The scientific publications used a highly scientific context relevant to medical researchers and medical professionals who understand the strict medical terms used. This suggests that the readership of this publication has an interest in what the authors discovered as a result of their research, perhaps in order to add to their own research.

Contrarily the media article is made relevant to the general public as the over-use of medical terminology is avoided. This is because the audience is not typically expected to understand the medical terms. It is likely that the readership of this article simply seek a quick overview of how the device works and the novelties about it without an in-depth evaluation. An appreciation of the components characteristic of each resource enables one to utilize this understanding in choosing the most appropriate style of delivery for their own ongoing academic research.

CONCLUSION:

Upon completion of my research I was able to address the focal question of this publication; does the Medex Test have a place in mainstream pathological Medicine? Evidence strongly suggests that the Medex Test may one day become an integral part of mainstream pathological medicine. My position parallels those taken by authors of previous scientific research on the Medex Test, where it had been concluded that this non-invasive, low cost screening test may in the future become an important tool in the diagnosis and management of pathological disorders. (Lurie Y, Landau DA, Kanevsky A, Pel S, Zelber-Sagie S, Oren R. (2007). Medex test, a novel modality for liver disease diagnosis: a pilot study. *J Clin Gastroenterol*. 41(7):700-5.).

The substantial diagnostic potential of this screening device is evident, however further research and clinical studies are highly defensible, as with many novel technologies. In essence, this research has created an avenue towards defining improved medical practice by means of seeking high-technology screening tools. Although the innovative Medex Test may not be used in place of conventional screening methods, it may perhaps be used in conjunction with them as numerous features of this device have proven to be of significant medical advantage. As evaluation of the Medex Test

continues, the sensitivity and specificity will be made more palpable. The factors that contribute to the keen interest surrounding the Medex Test are outlined in articles using various styles relevant to their readership, where the implementation of the Medex Test is described as a potential improvement the proficiency of modern medicine. Currently in Australia, related evaluations are taking place in various hospitals such as the Royal Hospital for Women, Prince of Wales Hospital and Nepean Hospital in NSW.

REFERENCES

- Unknown author, Medex Test Pty Ltd. Medex Medical Centre - Medex Test. General Medex Medical Centre - Practice and the home of Medex Test. Copyright, 2007-2008. September 5, 2008. URL:
<http://www.medextest.com.au/cms/website.php?id=/index/medextest.html>.
- Judy Siegel-Itzkovich, In the News - The Nevada Clinic, Jerusalem Post. The Nevada Clinic - Integrative Medicine for Health and Wellness. Copyright, 2005. September 5, 2008. URL: <http://www.nevadaclinic.com/page.php?p=58>.
- Gerosa M, Zimlichman E, Ventura D, Fanelli V, Riboldi P, Meroni PL. (2006). Measurement of electrical skin impedance of dermal-visceral zones as a diagnostic tool for disorders of the immune system. *Lupus* 15(7):457-61.
- Lurie Y, Landau DA, Kanevsky A, Pel S, Zelber-Sagie S, Oren R. (2007). Medex test, a novel modality for liver disease diagnosis: a pilot study. *J Clin Gastroenterol*. 41(7):700-5.
- Weitzen R, Epstein N, Shoenfeld Y, Zimlichman E. (2007). Diagnosing diseases by measurement of electrical skin impedance: a novel technique. *Ann N Y Acad Sci*. 1109:185-92.
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- Zimlichman E, Lahad A, Aron-Maor A, Kanevsky A, Shoenfeld Y. (2005). Measurement of electrical skin impedance of dermal-visceral zones as a diagnostic tool for inner organ pathologies: a blinded preliminary evaluation of a new technique. *Isr Med Assoc J*. 7(10):631-4.
- Medex Screen (AustralAsia) Pty Ltd., 2006. Medex Test Textbook for General Practitioners, Basic 4/01, pg 3-4.

Appendix 31: Letter dated 28 September 2007 from the Australian College of General Practitioners Scientific Convention at Darling Harbour, Participation record for Jessica Lazarus.



RACGP ASC 2007

4th - 7th October, Sydney Convention and Exhibition Centre

Participation Record for Jessica Lazarus

As at Friday, 28 September 2007

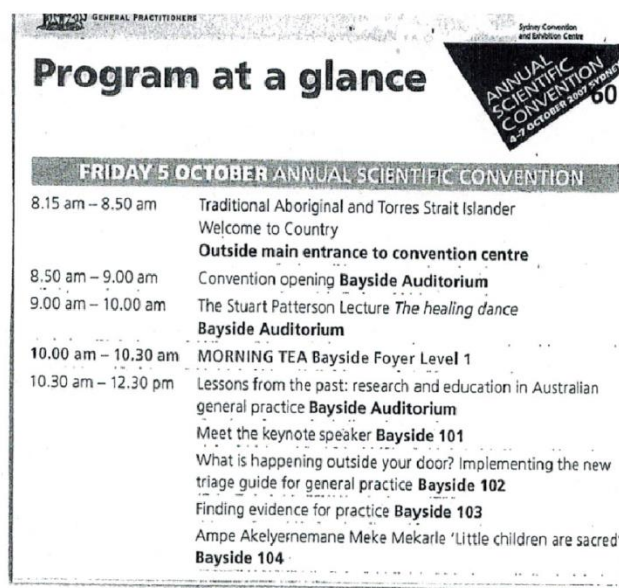
REGISTRATION

Trade Representative SUNDAY:	\$0.00
Trade Representative SATURDAY:	\$0.00
Trade Representative FRIDAY:	\$0.00
Total Amount Due:	\$0.00
Paid To Date:	\$0.00
Amount Still Owing:	\$0.00

YRD (Aust) Pty Ltd
PO Box 717,
INDOORCOOPILLY QLD 4068

Phone: 07 3871 1155
Fax: 07 3871 1232
E-Mail: racgp@yrd.com.au

Appendix 32: Jessica Lazarus' badge (front and back image) from the Australian College of General Practitioners Scientific Convention at Darling Harbour, outlining her status as an "Exhibitor".



Appendix 33: 'Court Attendance Notice' New South Wales Local Court for Michelle Lazarus issued 01 March 2013.

**** 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.

5	Give false or misleading evidence; Section 87(1) <i>Independent Commission Against Corruption Act 1988</i>; 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 was unaware that a Letter of Employment from Wish Consulting Pty Ltd regarding Jessica Lazarus was created for and used in an application for a bank loan and that she knew that this was false.
6	Give false or misleading evidence; Section 87(1) <i>Independent Commission Against Corruption Act 1988</i>; 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 did not know why Sandra Lazarus had prepared a letter of appointment of Jessica Lazarus from Wish Consulting and that she knew this was false.
7	Give false or misleading evidence; Section 87(1) <i>Independent Commission Against Corruption Act 1988</i>; 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 did not know the reason why Jessica Lazarus had entered into a loan document which nominated her as an employee of Wish Consulting and that she knew that this was false.

INFORMATION FOR THE DEFENDANT

1. *You should obtain legal advice immediately about your rights regarding this Court Attendance Notice. You may wish to contact a legal practitioner, LawAccess NSW (1300 888 529), the Legal Aid Commission or a Chamber Magistrate at a Local Court if you require assistance. On your first date of appearance at court, you should be in a position to advise the court, if required, of whether you wish to plead guilty or not guilty to the alleged offence.*
2. *If you have a physical impairment, or require an interpreter to assist you at Court, please advise the Local Court at which you are to appear as soon as possible.*
3. *Failure to appear may result in your arrest or in the matter being dealt with in your absence.*

Appendix 34: is a copy of the Michelle Lazarus' Mammography report stating a breast lesion.

LAZARUS, MICHELLE
Birthdate: [REDACTED] Sex: F Medicare Number: [REDACTED]
Your Reference: [REDACTED] Lab Reference: [REDACTED]
Addressee: [REDACTED] Referred by: [REDACTED]
Name of Test: BILATERAL MAMMOGRAM AND BREAST ULTRASOUND
Requested: [REDACTED] Collected: [REDACTED] Reported: [REDACTED]
Laboratory: [REDACTED]

Name: MS MICHELLE LAZARUS Folio: [REDACTED]

Exam Date: [REDACTED] Report Collection: Urgent
ACC No: [REDACTED] Folio: [REDACTED]
Location: [REDACTED] Phone No: [REDACTED]
[REDACTED]
[REDACTED]
Patient: MS MICHELLE LAZARUS
DOB: [REDACTED]

+-----+
| Exam: BILATERAL MAMMOGRAM AND BREAST ULTRASOUND |
+-----+

Clinical History: Lump in the 12 o'clock position of the right breast close to the areolar region.

Findings:
Bilateral Mammogram

[REDACTED]

Breast Ultrasound

[REDACTED]

Conclusion: The area of concern in the right breast 12 o'clock position 1cm

[REDACTED]

Sonographer: [REDACTED]
Secretary: ML

[REDACTED]
[REDACTED]
Folio: [REDACTED] MICHELLE LAZARUS
of

Appendix 35: is the first two pages of the NSW Local Court Subpoena issued to Michelle Novotney at Forensic Document Exchange Service Pty Ltd on 09 May 2013.

Page 1 of 3

SUBPOENA FOR PRODUCTION AND TO GIVE EVIDENCE

To: Ms. Michelle Novotney or The Proper Officer of Forensic Document Exchange Service Pty Ltd. of: [REDACTED]

You are hereby required to attend and produce this subpoena and such of the documents and things described in the schedule as are in your possession or control, and attend for the purpose of giving evidence—

- a) before the Downing Centre Local Court;
- b) at 4th Level Downing Centre 143-147 Liverpool Street, Sydney at 9.30am
- c) on 10th September 2013

and until you are excused from further attending; but;

- (i) you need not attend or produce any document on any day unless reasonable expenses have been paid or tendered to you; If you are requested to attend or produce to the Court by a police officer or public officer, the costs of attendance/production may be reimbursed to you after the date of attendance/production.
- (ii) you need not comply with this subpoena if it is served on you after 29th August 2013.

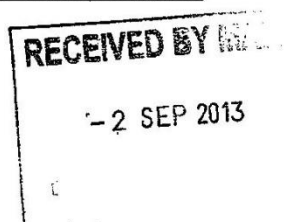
Schedule

- 1. All or any ICAC instructions, and/or notes or file notes and/or correspondence, and/or all reports, and/or the results of any and all scientific testing and any examination(s) of the handwriting of various medical doctors, as was requested by the ICAC relating to Sandra Lazarus in the ICAC operation known as "Charity".
- 2. Your entire file on the ICAC's request and engagement for handwriting examination relating to Sandra Lazarus and the ICAC operation known as "Charity" [REDACTED]

Parties: Independent Commission Against Commission v Sandra Lazarus.

Proceedings: Breach section 300 of the New South Wales, to wit, making or using false instruments.

Your attendance is required on behalf of the defendant on the 10th September 2013, unless you have supplied the information required in the schedule above.



Contact details: [REDACTED]
[REDACTED]

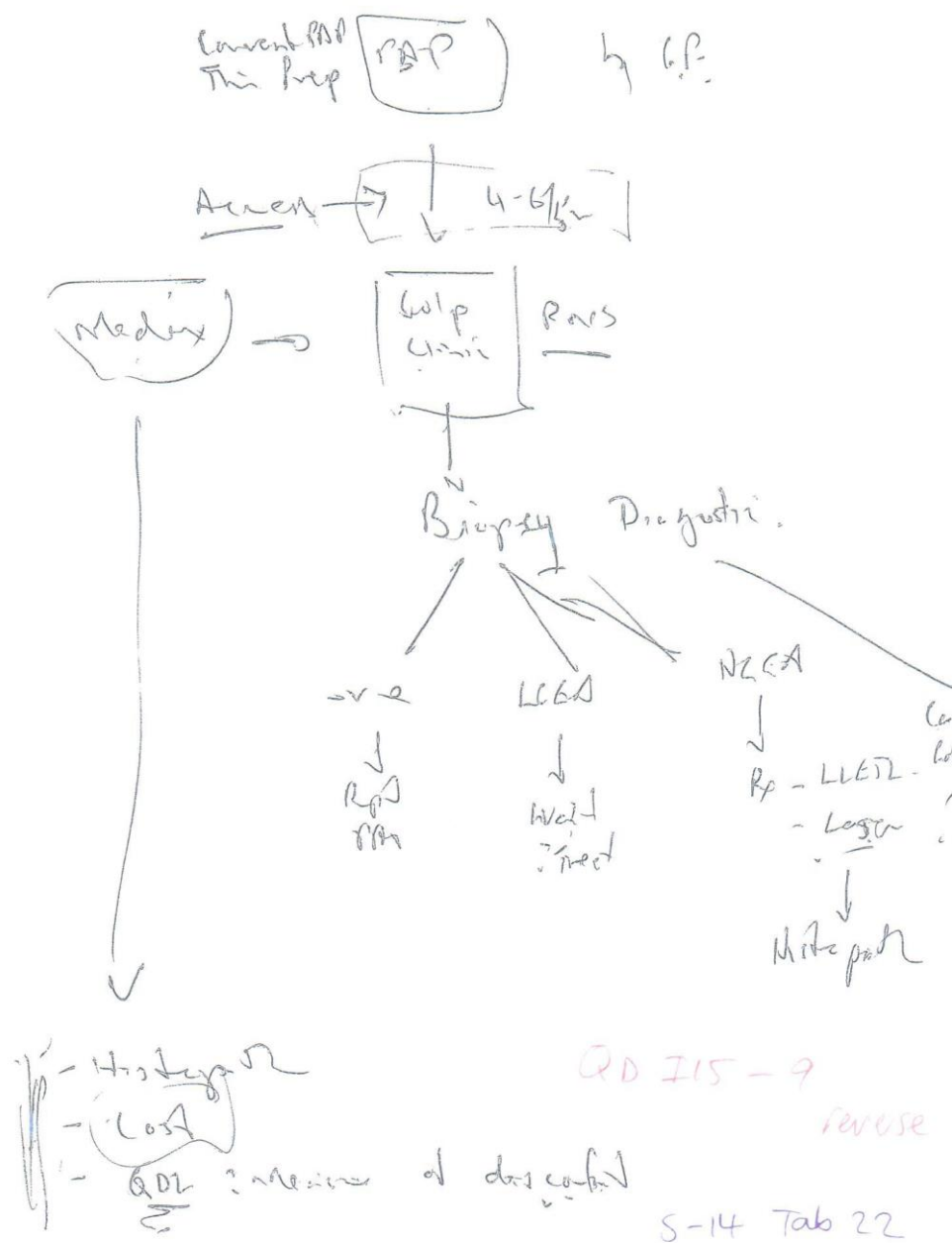
This subpoena was issued by:

Name: Mr. Norbert Kelvin, Solicitor

Address: [REDACTED]

REGISTRAR
Downing Centre Local Court

Appendix 36: are the handwritten notes and flowchart by Gilbert Burton outlining instructions for a pilot clinical trial.



✓ 1. Preliminary Study? < 20 Patients
? Ethics

✓ 2. Major Study - See book by

✓ 3. Screening Cervical
- Pap
- In Reg. "hardly"
- Cervicography
- ? others

4 - See Volume
Book Morris

5.

power
- 20 pt. 2. M. G. A.
avail. by
- Med. test
- ? ~~test~~
- Anticore
- Δ ~~up~~
+ve

QD ± 15-8 reverse

S-14 Tab 22

Appendix 37: is the Letter dated 06 May 2009 containing the signature of Gilbert Burton outlining the outcome and results of a pilot clinical trial.

E10|0035|2|22

NORTHERN SYDNEY
CENTRAL COAST
NSW HEALTH

OPERATION
CHARITY
EXHIBIT 26

To,
Medex Test Corporation



6th May 2009

Dear Sir / Madam

RE: Cervical Cancer clinical research.

This letter outlines the research outcome for an in house preliminary research trial, which evaluates the usability of the Medex Test as a screening method in diagnosing cervical cancer.

As the Medex Test is a screening method which measures the skin's bioelectrical impedance; a technique commonly known as bioelectrical impedance analysis (BIA). The research team saw fit to conduct a preliminary research trial before conducting a larger clinical trial to evaluate the merit of the Medex Test as a cervical cancer diagnostic device. The preliminary research aim was to screen positively diagnosed patients so the accuracy and sensitivity for the screening method can be calculated. The ten positively diagnosed patients (diagnosed with traditional, conventional screening methods) after completing their traditional diagnoses were screened with the Medex test.

The results of the Medex Test were reviewed and compared with the patient's traditional test results. These results showed that eight out of ten patients were correctly diagnosed by the Medex Test screening method. The sensitivity for the ten positively diagnosed patients was calculated to be eighty percent.

The results show that there is enough merit for the Medex test as a cervical cancer screening device and a larger clinical trial should be conducted to further assess the method. We recommend that the larger trial include symptomatic and asymptomatic patients, as well as patients with unknown and known diagnosis, both negative and positive for cervical cancer. This will allow us to complete our research and to conclude whether the Medex test can be used as a screening method for diagnosing cervical cancer and related disorders.

If you have any enquires regarding the research please feel free to contact our research team.

Yours Sincerely,

.....
Dr Gilbert Burton

Department of Obstetrics & Gynaecology
Division of Women's, Children & Family Health
Level 5 Douglas Building, Royal North Shore Hospital
Pacific Hwy, St Leonards NSW 2065
Telephone 02 9926 8950 Facsimile 02 9926 6155

Northern Sydney Central Coast Area Health Service
ABN 48344669728

Appendix 38: is the Letter dated 12 June 2009 containing the signature of Kenneth Vaux outlining the research methods, number of patients assessed for the clinical trial, the statistical methods used to evaluated the device being trial.

E10/0035/2/22

Northern Sydney Health
better health: from the Harbour to the Hawkesbury

ROYAL NORTH SHORE HOSPITAL

St Leonards NSW Australia 2065

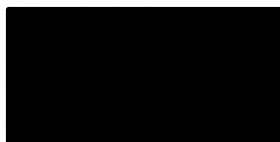
Telephone: (02) 9926 7111

Facsimile: (02) 9926 7779

DX: 3332 St Leonards

Reference:

To,



12th June 2009

OPERATION
CHARITY
EXHIBIT 22

Dear Sir / Madam

RE: Prostate Cancer clinical research

Clinical research was conducted to assess the ability of the Medex Test; a bioelectrical impedance analysis method, to accurately diagnosis symptomatic prostate cancer patients. Prostate cancer patients who were pre-diagnosed with conventional diagnosing methods were recruited for this research. Initially 200 patients with abnormal PSA were screened with the Medex Test. For the purpose to this report the results of the biopsy results are outlined with the biopsy as the standard. The following biostatistical method was used to calculate the sensitivity and specificity of the screening methods with the PSA and Biopsy as the medical standards.

	Positive +	Negative -	Total
Positive +	a	b	a + b
Negative -	c	d	c + d
Total	a + c	b + d	

True positive predicative values and the true negative predicative values calculations. The positive predicative value (PPV) equals $a / (a + b)$ and the negative predicative value (NPV) equals $d / (c + d)$. The sensitivity and specificity are calculated using similar methods, where sensitivity equals $a / (a + c)$ and specificity equals $d / (b + d)$.



Biopsy		Positive +	Negative -	Total
Medex Test	Positive +	15	2	17
	Negative -	5	26	31
	Total	20	28	48

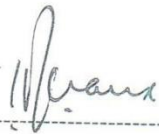
Using the above method the:

Sensitivity $15 / (15 + 3) = 0.75 = 75 \%$

Specificity $26 / (2 + 26) = 0.93 = 93 \%$

The Medex Test showed sensitivity of 75% and specificity of 93% for the 48 patients screened. To assess this screening method further, it is recommended that larger subject pool be used. This can contribute to increased accuracy and reliability of results.

Yours sincerely,



Dr Kenneth Vaux



Appendix 39: is the first page of the NSW District Court 'Sentence Warrant' issued on 12 December 2017 for Sandra Lazarus.

SENTENCE WARRANT

District Court of NSW
at Sydney Downing Centre
[REDACTED]



To	The General Manager. This is your warrant to imprison Sandra LAZARUS.		
Order(s)	Transport [REDACTED] Sandra LAZARUS DOB [REDACTED] CNI [REDACTED] MIN [REDACTED] to a Correctional Centre and imprison her for:		
Proceeding No.		H Number – Sequence Number	Offence:
2013/00076236-024		–	Make false instrument w/i
Term of Sentence: 15 months		Commence: 12 June 2018	Expire: 11 September 2019
Non Parole Period: 7 months		Commence: 12 June 2018	Expire: 11 January 2019
Proceeding No.		H Number – Sequence Number	Offence:
2013/00076236-025		–	Make false instrument w/i
Term of Sentence: 15 months		Commence: 12 June 2018	Expire: 11 September 2019
Non Parole Period: 7 months		Commence: 12 June 2018	Expire: 11 January 2019
Proceeding No.		H Number – Sequence Number	Offence:
2013/00076236-027		–	Make false instrument w/i

Appendix 40: is the email dated 07 May 2017 from “Elly Oliver, Associate to His Honour Judge Chris Hoy SC”.

From: Elly Oliver
Sent: Tuesday, 7 May 2019 1:31 PM
To: Christopher Frommer
Subject: RE: R v Lazarus [REDACTED]

Dr Mr Frommer,

We are presently sitting in Wollongong and do not have access to the relevant file nor any of Judges' records. Presumably, Justice Link records would reveal whether a warrant of commitment was issued. His Honour's recollection is that no warrant of commitment was issued because he was advised of the stay pursuant to s89c of *Supreme Court Act 1970*. His Honour has no objection to you approaching another Judge should you so wish, for the issue of a warrant of commitment if the judicial review proceedings conclude. He suggests it would be prudent to ensure any Judge approached has access to the relevant file and court records both before the District Court of NSW and consequent orders of the Court of Appeal.

In the ordinary course of events, is it not the case that should the judicial review application be dismissed, that court would then confirm the orders of the District Court and relevant warrants then automatically issue via the registry without any need or requirement for another Judge of the District Court of NSW or indeed His Honour to reconsider the matter?

We hope this is of assistance and look forward to your advice of the outcome.

Please don't hesitate to contact me if you need anything further.

Kind regards,

Elly Oliver | Associate to His Honour Judge Chris Hoy SC

District Court of New South Wales

Downing Centre – Level 3, [143-147 Liverpool Street SYDNEY NSW 2000](#)

Phone: [REDACTED] Email: [REDACTED]

Appendix 41: is the email dated 08 May 2019 from the NSW Court of Appeal Registrar.

From: **SCO - Court of Appeal Registrar (Shared Mailbox)**

<[REDACTED]>

Date: Wed, May 8, 2019 at 4:00 PM

Subject: RE: Lazarus v Independent Commission Against Corruption [REDACTED]

To: Christopher Frommer <[REDACTED]>

CC: [REDACTED]

Dear Crown Solicitor

I refer to your email of today. I assume from your email that Ms Lazarus does not intend to surrender herself to serve the sentence imposed by the District Court.

The attached notification is being sent to the various authorities concerning the orders made today.

Enquiries have been made with the NSW Police Service concerning this notification. I understand from those inquiries, that the Service will not be taking steps to bring Ms Lazarus into custody without an arrest warrant. Whether this view is correct, I express no opinion on that.

As no orders were made by this Court varying the sentence, or directing the issue of a bench warrant, I do not believe that I have jurisdiction to issue any warrants. I would welcome any contrary views by the parties on that.

Whether the District Court has such a power, I also express no opinion on that.

Jerry Riznyczok

Registrar, Court of Appeal

Supreme Court of NSW

[184 Phillip Street, Sydney](#)

Fax: [REDACTED]

Appendix 42: is the email from the New South Wales District Court Registrar dated 09 May 2019.].

From: ag_sdc_crime [REDACTED]
Sent: Thursday, 9 May 2019 12:00 PM
To: Thomas, Ryan <[REDACTED]>
Cc: [REDACTED] cases <[REDACTED]>
Subject: RE: Lazarus v Independent Commission Against Corruption [REDACTED] (DPP Ref [REDACTED])

Dear Ryan,

I have had a telephone conversation with an officer of Corrective Services who state they have no jurisdiction to apprehend the offender, they also state that the warrant is now expired rendering any action on their part impossible. They rely on the NSW Police to apprehend any offenders at large. NSW Police have been quite clear that they are unable to apprehend the offender without an arrest warrant. The District Court so far as I know has no jurisdiction to do this and it is the opinion of both Correctives and the District court that the Court of Appeal are the proper authority to issue such a warrant.

The only other options as I see them are to liaise with the offenders legal representative to have her Barrister or solicitor advise their client to voluntarily surrender herself to the proper authorities to serve her sentence or to make an application to the District Court to have the matter listed before a District court Judge to explore any possible jurisdiction by the District Court to make an order for an arrest warrant for the apprehension of the offender.

Regards

Gavin



Please don't hesitate to contact the NSW Courts Service Centre on [REDACTED] if you would like to discuss this matter further.

Downing Centre District Court Criminal Registry | Court Services | NSW Department of Justice

Email: [REDACTED] | Phone: [REDACTED] | Fax: [REDACTED]
Downing Centre [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

You can now file civil court forms online at: www.onlineregistry.lawlink.nsw.gov.au

Following are links to websites that may provide more assistance with your enquiry:

- LawAccess NSW - www.lawaccess.nsw.gov.au or [REDACTED] free government telephone service that provides legal information, advice and referrals for people who

Appendix 43: is the email of Leigh Johnson dated 09 May 2019.

From: Leigh Johnson <[REDACTED]>
Sent: Thursday, 9 May 2019 7:53 PM
To: Thomas, Ryan <[REDACTED]>
Cc: Charles Waterstreet <[REDACTED]> ag_sdc_crime <[REDACTED]>
[REDACTED]; cases <[REDACTED]>
Subject: Re: Lazarus v Independent Commission Against Corruption [REDACTED] (DPP
Ref: [REDACTED]

Dear all,

Counsel has confirmed the following:

The original district court warrant has expired.

The term of our client's imprisonment has expired.

The Court of Appeal dismissed a notice of motion sought to issue a warrant of committal. This was sought without notice to us.

Counsel has advised our client of her rights according to current legal structures. There is no basis to seek to create a new warrant or apprehension order, but if any of the parties seek to do so, we require notice of such application or applications.

The structure of the relevant statutory and administrative legislature cannot be thwarted by stealth or undue legal process.

In the event that any party seeks to approach the registry for any order/s, we require to be advised and we will seek to be heard.

Yours faithfully

Leigh Johnson Lawyers

Appendix 44: is the email dated 09 May 2019, sent at 12:03 pm from the New South Wales Correctional Services.

Christopher Frommer

From: David Huskins
Sent: Thursday, 16 May 2019 12:03 PM
To: Christopher Frommer
Cc: Neil McNamara; Bernhard Ripperger; Glen Ravet
Subject: RE: Lazarus v Independent Commission Against Corruption [REDACTED] (DPP Ref: [REDACTED])

Hi Chris,

CSNSW takes the view that the warrant of commitment previously issued by the District Court remains effective.

Her custody in CSNSW could be facilitated by either Police arrest or her transfer at court (into custody of Police or CSNSW).

Contact detail of Sentence Administration managers are:

Neil McNamara

Senior Project Officer,
Sentence Administration
Corrective Services NSW
Henry Deane Building, 20 Lee St, SYDNEY 2000

Ph: [REDACTED] Mob: [REDACTED] Fax: [REDACTED]

This and the following pages is the annexure marked "A" in the affidavit of *Christopher Frommer* sworn/affirmed at *Sydney* this *16th* day of *May* 20 *19*.
Before me:

.....
[Signature]
Justice of the Peace / Solicitor

Glen Ravet

A/State Manager
State Sentence Administration
Corrections Strategy and Policy
Corrective Services NSW

NSW Department of Justice
Building 19
John Morony Complex

T: [REDACTED]
M: [REDACTED]

Unfortunately I will be out of the office later today.

Regards
David

David Huskins | Director | State-wide Administration of Sentences & Orders
Corrections Strategy and Policy
Corrective Services | NSW Department of Justice
Email: [REDACTED] | Phone: [REDACTED] | Mobile: [REDACTED]
[REDACTED]
[REDACTED]

 Please consider the environment before printing this e-mail

DISCLAIMER: This email and any attachments are intended only for the addressee named and may contain confidential and/or legal profession-privileged material. If you are not the intended recipient you must not use, disclose, copy or distribute this communication. If you have received the message in error, please delete the email and any copy and notify the sender by return