

To: NSW Ombudsperson

May 6,2023

FORMAL COMPLAINT AGAINST:

Government Sector Employment Act (GSE Act) employed officer :

Louise Clegg

NSW Civil & Administrative Tribunal

ALLEGING:

- a. **UNLAWFUL** conduct pursuant to GSE Act Sect.7 Government Sector Core Values
- b. Breach of agency code of conduct
- c. Abuse of authority
- d. Misconduct in Public Office
- e. Perverting the course of justice
- f. Conduct likely to constitute corrupt conduct

1. EFFECT OF MISCONDUCT:

Evidence will be provided in this complaint substantiating the complainants allegations that GSE Act employed Clegg has deliberately & most likely maliciously denied the complainant legislative rights & procedural rights in her exercising of administrative functions for the tribunal.

2. PUBLIC INTEREST ISSUE:

This complaint will substantiate that there is a real & serious public interest issue associated with GSE Act employed Clegg's demonstrated misconduct.

- a. The NCAT registry is the gateway through which the public seeks to exercise legislative rights under:
 - NSW Civil & Administrative Tribunal Act (CAT Act)
 - NSW Administrative Decisions Review Act (ADR Act)
- b. The NCAT registry controls ALL correspondence between parties who are before the tribunal
- c. The NCAT registry receives & exercises controls over complaints to NCAT
- d. The NCAT registry does not have independent oversight of it's officers

3. RESPONSE FROM THE OMBUDSPERSON:

It is a reasonable expectation that the Ombudsperson will address each issue raised by the complainant for transparency & accountability of decision making.

4. REQUIREMENT OF THE OMBUDSPERSON:

The Ombudsperson is required to conduct an investigation into GSE Act employed Clegg's conduct.

This is a minimum requirement as disregarding this complaint would set a dangerous precedent whereby NCAT GSE Act employed officers are deemed to be permitted to act **UNLAWFULLY** to undermine the beneficial legislation provided to the citizens of NSW and their procedural rights. The Ombudsperson is also required to exercise those powers provided to the Ombudsperson to refer GSE Act employed Clegg to either / all:

- a. the attorney general
- b. the NCAT president
- c. the ICAC commissioner
- d. the DDP

any other independent oversight agency who has such jurisdiction

There is considerable & substantiating evidence submitted with this complaint to establish: GSE Act employed Cleggs UNLAWFUL conduct are is not the result of simple errors, misunderstanding or accidents.

- e. **There is evidence of deliberate & malicious UNLAWFUL conduct specifically intended to seriously harass,intimidate & bully the SRNLPA and to cause a serious detriment by wasting the SRNLPAs resources,deny legislative & procedural rights**
- f. **There is evidence of deliberate & malicious UNLAWFUL conduct which is incompatible with those LEGISLATED MANDATORY CONDUCT OBLIGATIONS pursuant to GSE Act Sect.7 Government Sector Core Values**
- g. **GSE Act employed Cleggs UNLAWFUL conduct presents a serious public trust risk and demonstrates the deliberate & malicious abuses of authority & misconduct in public office by a GSE Act employed officer who considers herself above the law**
- h. **GSE Act employed Cleggs UNLAWFUL conduct brings the NSW agency she exercises adminstrative functions for into disrepute**
- i. **GSE Act employed Cleggs UNLAWFUL conduct has distinct element of ICAC Act CORRUPT CONDUCT**

The NSW Ombudsperson is required to disclose any conflicts of interest that may affect the impartial handling / investigation of this complaint (such as any obligation to protect a GSE Act officer from any disciplinary action which has the effect to override relevant legislation such as the

Interpretation Act	(I Act)
Government Sector Employment Act	(GSE Act)
Civil & Adminstrative Tribunal Act	(CAT Act)
Adminstrative Decision Review Act	(ADR Act)

and any other relevant legislation

The NSW Ombudsperson is requested to provide the complainant with the procedural fairness to contest any "evidence" that GSE Act employed Clegg relies on to convince the NSW Ombudsperson that her conduct is not a serious breach of those:

- i. **LEGISLATED MANDATORY CONDUCT OBLIGATIONS pursuant to GSE Act Sect.7 Government Sector Core Values**
- ii. **ICAC Act Sect.7,Sect8 & Sect.9**

There appears to be PRIMA FACIE evidence of serious misconduct / corrupt conduct perpetrated by GSE Act employed Clegg

5. JURISDICTION:

a. OMBO website:

<https://www.ombo.nsw.gov.au/Making-a-complaint>

If you are unhappy with the way you've been treated by a NSW Government agency or community service provider, you can make a complaint.

There are many benefits of making a complaint and telling someone about your problem.

Complaints can:

- increase the chance of getting a better outcome

- help others in similar situations

- let agencies and service providers know there are problems, and help them improve their services

- provide you with an explanation for why something has happened

- give you a greater control of your life.

You have a right to good services and fair treatment. And you have a right to complain to the Ombudsman if that doesn't happen

b. Ombudsman Act 1974 No 68

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1974-068#sch.1>

Schedule 1 Excluded conduct of public authorities

2. Conduct of—

- (a) a court or a person associated with a court, or

- (b) a person or body (not being a court) before whom witnesses may be compelled to appear and give evidence, and persons associated with such a person or body, where the conduct relates to the carrying on and determination of an inquiry or any other proceeding.

a. **Zistis v Zistis [2018] NSWSC 722** with some discussion of the court issue:

"Is NCAT a Court?"

I am unpersuaded that NCAT is a court of the State

68. The weight of authority is against the characterisation of the Tribunal as a court.

Only the defendant submits that this Court should follow

Johnson v Dibbin; Gatsby v Gatsby [2018] NSWCATAP 45

in preference to the decisions that precede it and are to the contrary:

Trust Co. of Aust.Ltd v Skiwing Pty Ltd [2006] NSWCA 185 (*Skiwing*); [2006] NSWCA 185; 66 NSWLR 77;

Sunol v Collier [2012] NSWCA 14; 81 NSWLR 619 at [8].

69. Notwithstanding that these Court of Appeal authorities were concerned with the previous incarnation of the Tribunal before the passage of the NCAT Act, the analysis undertaken remains valid. At [26] and [27] of Spigelman CJ's judgment in *Skiwing*, his Honour lists those features of the Tribunal (as constituted then) consistent with, and inconsistent with, its characterisation as a court of a State (the "balance sheet" approach).

With the possible exception of the power now available to punish for contempt of the Tribunal, the power to enforce its monetary orders, and the enlarged jurisdiction, the features articulated by Spigelman CJ predominantly still apply.

70. The Appeal Panel in *Johnson v Dibbin; Gatsby v Gatsby* placed a degree of emphasis upon the existence of a power in NCAT to punish for contempt as a signifier of NCAT as a "court of record". When determining whether NCAT could properly be characterised as a court of a State, the Appeal Panel relied heavily upon the fact that the majority of the Tribunal's work now involves the exercise of judicial power (at the [209] to [217]), it is a court of record, notwithstanding that it has not been designated as a "court of record" by the State legislature (at [219]), and it has the necessary decisional independence and impartiality, notwithstanding the appointment of its members for fixed terms at a salary fixed by the Minister, and provision for the appointment of occasional members ([237] to [246]). The attributes of procedural fairness, providing reasons for decisions and conducting proceedings in public were also considered important signifiers. This analysis largely adopted and followed the Queensland Court of Appeal decision in *Owen v Menzies & Ors; Bruce v Owen; Menzies v Owen* [2012] QCA 170, which determined that the Queensland Civil and Administrative Tribunal (QCAT) was a court of a State.

71. Two relevant matters should be noted. The Queensland legislation establishing QCAT designated that Tribunal as a court of record, a significant criteria for the purposes of determining whether a tribunal is a court of a State. There is no such provision in the NCAT Act. The Court of Appeal in *Owen v Menzies* (and the Appeal Panel) rejected "the balance sheet" approach undertaken by Spigelman CJ in *Skiwing* and emphasised the exercise of judicial power. However, this consideration does not enjoy determinative weight: *Skiwing* at [19] and [20].
72. **I am unpersuaded that NCAT is a court of the State,** having regard to the analysis undertaken in *Skiwing* which I regard as authoritative for the purposes of these proceedings."

b. (27) Ref.NCAT website:

<https://www.ncat.nsw.gov.au/help-and-support/get-legal-help-and-advice/how-we-can-and-cannot-assist.html>

About the NCAT Registry

The Registry's role is to provide information about NCAT's practices and procedures, to support the dispute resolution functions and to manage NCAT's resources.

All of these roles must be performed in a way that ensures the integrity of the tribunal system is maintained.

The services offered by NCAT Registry staff are similar to those that generally operate in all Australian courts and tribunals.

NCAT's systems and practices ensure the administrative activities of the Registry are distinct from the independent decision-making role of Tribunal Members.

c. **(14) CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 2013**

Sect.4 Definitions

"registrar" means the principal registrar or any other person employed in the Public Service as a registrar of the Tribunal.

i. **(13) GOVERNMENT SECTOR EMPLOYMENT ACT 2013**

Sect.3 Definitions

(1) In this Act—

- Department** means a Department of the Public Service listed in Part 1 of Schedule 1.
- function** includes a power, authority or duty, and exercise a function includes perform a duty.
- government sector** comprises all of the following (other than any service in which persons excluded from this Act by section 5 are employed)—
- (a) the Public Service,
 - (f) any other service of the Crown (including the service of any NSW gov.agency),
- government sector agency** means—
- (a) in the case of the Public Service—a Public Service agency, or
 - (b) in the case of any other service in the government sector—the group of staff comprising the service or (subject to the regulations) any separate group of that staff, and the head of a government sector agency means the head of the Public Service agency (where paragraph (a) applies) or the person who exercises employer functions in relation to the relevant staff (where paragraph (b) applies).
- government sector employment rules** means rules made by the Commissioner under section 12.
- head of a Public Service agency** means—
- (a) in the case of a Department—the Secretary of the Department, or
 - (b) in any other case—the head of the agency listed in Part 2 or 3 of Schedule 1.
- Public Service** means the Public Service of New South Wales referred to in Part 4.
- Public Service agency** means—
- (a) a Department, or
 - (b) a Public Service executive agency (being an agency related to a Department), or
 - (c) a separate Public Service agency.
- "Public Service employee"** means a person employed in ongoing, term, temporary, casual or other employment, or on secondment, in a Public Service agency (and
- "employee"** of a Public Service agency means a person so employed, or on secondment, in the Public Service agency).

ii. (13) GOVERNMENT SECTOR EMPLOYMENT ACT 2013

Sect.4 Objects of Act

The objects of this Act are as follows--

- (a) to develop a modern high performing government sector--
- (i) that is efficient and effective in serving the Government in the delivery of services to the people of New South Wales, and
- (ii) that has effective and fair employment arrangements, management and leadership,
- (b) to establish the Public Service as the general service within the government sector,
- (c) to provide transparent governance and employment arrangements for the Public Service, including providing for the employer functions and responsibilities of heads of Public Service agencies,
- (d) to establish an ethical framework for the government sector comprising core values and principles that guide their implementation,
- (e) to make provision for the objectives, functions and responsibilities of the Public Service Commissioner.

iii. Ombudsman Act 1974 No 68

public authority means—

- (a) any person appointed to an office by the Governor,
- (b) any statutory body representing the Crown,
- (c) any Public Service agency or any person employed in a Public Service agency,
- (d) any person in the service of the Crown or of any statutory body representing the Crown,
- (d1) any person employed by a political office holder under Part 2 of the Members of Parliament Staff Act 2013,
- (e) an auditable entity within the meaning of the Government Sector Audit Act 1983,
- (f) any person entitled to be reimbursed his or her expenses, from a fund of which an account mentioned in paragraph (e) is kept, of attending meetings or carrying out the business of any body constituted by an Act,
- (f1) any accreditation authority or registered certifier within the meaning of the Building and Development Certifiers Act 2018,
- (f2) any body declared by the regulations to be a public authority for the purposes of this Act,
- (g) any holder of an office declared by the regulations to be an office of a public authority for the purposes of this Act,
- (g1) any local government authority or any member or employee of a local government authority, and
- (h) any person acting for or on behalf of, or in the place of, or as deputy or delegate of, any person described in any of the foregoing paragraphs

CONCLUSION:

The Ombudsperson has jurisdiction over the conduct of GSE Act employed Clegg

6. RELEVANT LEGISLATION:

a. (12) INTERPRETATION ACT 1987 - SECT 33

Sect.33 Regard to be had to purposes or objects of Acts and statutory rules

In the interpretation of a provision of an Act or statutory rule, a construction that would promote the purpose or object underlying the Act or statutory rule (whether or not that purpose or object is expressly stated in the Act or statutory rule or, in the case of a statutory rule, in the Act under which the rule was made) shall be preferred to a construction that would not promote that purpose or object.

b. (13) GOVERNMENT SECTOR EMPLOYMENT ACT 2013

Sect.4 Objects of Act

The objects of this Act are as follows--

(a) to develop a modern high performing government sector--

(i) that is efficient and effective in serving the Government in the delivery of services to the people of New South Wales, and

(ii) that has effective and fair employment arrangements, management and leadership,

(b) to establish the Public Service as the general service within the government sector,

(c) to provide transparent governance and employment arrangements for the Public Service, including providing for the employer functions and responsibilities of heads of Public Service agencies,

(d) to establish an ethical framework for the government sector comprising core values and principles that guide their implementation,

(e) to make provision for the objectives, functions and responsibilities of the Public Service Commissioner.

Sect.5 Persons to whom Act does not apply

(1) This Act does not apply to any of the following--

(a) a judicial officer within the meaning of the Judicial Officers Act 1986 ,

(b) an officer or employee of either House of Parliament or any officer or employee under the separate control of the President or Speaker, or under their joint control,

(c) persons employed under the Members of Parliament Staff Act 2013 ,

(d) staff of the Independent Commission Against Corruption employed under the Independent Commission Against Corruption Act 1988 ,

(e) staff of the Audit Office employed under the Government Sector Audit Act 1983 ,

(f) staff of the Judicial Commission of New South Wales employed under the Judicial Officers Act 1986 .

(2) However, provisions of this Act apply to the extent that this Act expressly so provides.

Sect.6 Objective of Part

This Part--

(a) recognises the role of the government sector in preserving the public interest, defending public value and adding professional quality and value to the commitments of the Government of the day, and

(b) establishes an ethical framework for a merit-based, apolitical and professional government sector that implements the decisions of the Government of the day.

Sect.7 Government sector core values

The core values for the government sector and the principles that guide their implementation are as follows--

(a) Consider people equally without prejudice or favour.

(b) Act professionally with honesty, consistency and impartiality.

(c) Take responsibility for situations, showing leadership and courage.

(d) Place the public interest over personal interest.

(c) Uphold the law, institutions of government and democratic principles.

(e) Provide apolitical and non-partisan advice.

(a) Provide services fairly with a focus on customer needs.

(d) Focus on quality while maximising service delivery.

(b) Take responsibility for decisions and actions.

(c) Provide transparency to enable public scrutiny.

(e) Be fiscally responsible and focus on efficient, effective and prudent use of resources.

c. **(14) CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 2013**

Sect.4 Definitions

"registrar" means the principal registrar or any other person employed in the Public Service as a registrar of the Tribunal.

CONCLUSION:

GSE Act employed Cleggs conduct is subject to those **LEGISLATED MANDATORY CONDUCT OBLIGATIONS** pursuant to GSE Act SEct.7 Government Sector Core Values

7. ISSUES:

On Aug.23,2023,GSE Act employed Clegg emailed the complainant (**SRNLPA**) advising of various restrictions imposed on the complainant (**SRNLPA**)

Those restrictions are:

A. Restrictions on the method of payment of fees

NCAT will only accept payment from you by cheque/money order, use of the Secure payment portal or you may pay at an NCAT registry or ServiceNSW.

on grounds:

- i. In the event the fee waiver is refused you do not give clear instructions that registry is authorised to process the fee using the credit card authority
- ii. On two occasions after registry processed the fee and provided you sound recording by express post you contacted your bank and advised that the transactions were unauthorised because "Documentation not supplied in timeframe"

B. Restrictions on emails

- i. I confirm again, any emails sent to email boxes other than the following will not be actioned.
- ii. Emails to personal email addresses of NCAT staff or members will be blocked.
- iii. Any emails received from you where you have used a staff member or Tribunal members' name as part of the address will be blocked and not actioned

on grounds:

Multiple emails

On 9 December 2021 you were advised by the Principal Registrar that contact restrictions had been implemented.

I confirm again, any emails sent to email boxes other than the following will not be actioned.

Emails to personal email addresses of NCAT staff or members will be blocked.

Any emails received from you where you have used a staff member or Tribunal members' name as part of the address will be blocked and not actioned.

C. Restrictions on emails & submitted documents

- i. we cannot include multiple email addresses for one case.
- ii. where any of the email addresses provided by you include
 - the name of a registry officer or
 - Tribunal Member

your application or email will not be actioned.

on grounds

Currently you provide an email address on the fee waiver form and two further and different email addresses on the corresponding application.

D. Restrictions on reviews of fee waivers (to be particularized)

Complaints about those restrictions will be particularised with substantiating evidence

0. **ISSUE 1# Failure to address issues raised by SRNLPA**
(8) Ref PG22 Brazel complaint documents Part 2.pdf
Aug.14,2022 SRNLPA sends email complaint to principal registrar Szczygielski & NCAT president armstrong

Issues raised:

- i. Formal complaint of harassment / unlawful conduct by GSE Act employed Bechini
- ii. Fears of obstruction of legislative & procedural rights
- iii. Refusal of credit car payment authorities (CCPAs)
- iv. Reviews of fee waivers by the principal registrar
- v. False statement by GSE Act employed Bechini concerning the payment of an appeal application fee
- vi. Conduct of GSE Act employed principal registrar Szczygielski
- vii. Requirement for the GSE Act principal registrar Szczygielski to review fee waivers and provide proper & adequate reasons
- viii. Referrals of GSE Act Szczygielski & Bechini to the OMBO / ICAC
- ix. A response is required within 5 working days with substantiating evidence

(9) Ref PG22 Brazel complaint documents Part 2.pdf

Aug.23,2022 GSE Act employed Cleggs email to SRNLPA

GSE Act employed Clegg stated:

Dear Mr Zonneville,

I refer to your email of 14 August 2022 in which you seek review of the decision made to refuse your fee waiver request. I have also clarified the payment options available to you and reiterate the contact restrictions previously implemented

1. GSE Act employed Clegg **does not** address:
 - i. Formal complaint of harassment / unlawful conduct by GSE Act employed Bechini
 - ii. Fears of obstruction of legislative & procedural rights
 - iv. Reviews of fee waivers by the principal registrar
 - vi. Conduct of GSE Act employed principal registrar Szczygielski
 - vii. Requirement for the GSE Act principal registrar Szczygielski to review fee waivers and provide proper & adequate reasons
 - viii. Referrals of GSE Act Szczygielski & Bechini to the OMBO / ICAC
2. GSE Act employed Clegg **partially** addresses:
 - v. False statements by GSE Act employed Bechini concerning the payment of an appeal application fee
3. GSE Act employed Clegg did not respond within the required 5 working days.
4. No reasons are provided for refusing to address those serious issues or any further explanation for GSE Act Bechinis false statements on the two separate Aug.10,2022 Notices:

As previously advised, we no longer process payments using this form
5. No reference is made to the submitted documents

A. ISSUE 2# Restrictions on the method of payment of fees

(8) Ref [PG22 Brazel complaint documents Part 2.pdf](#)

Aug.23,2022 GSE Act employed Cleggs email to **SRNLPA**

GSE Act employed Clegg stated:

Method of payment of fees

As you have been previously advised NCAT does not accept credit card authority via email.

We do accept the credit card authority by post.

Fees can also be paid at any NCAT registry or ServiceNSW or by using the Secure Payment Portal or by cheque/money order.

I note you attach a fee waiver request and a credit card authority form with your applications for service (sound recording) and your applications to initiate proceedings.

In the event the fee waiver is refused you do not give clear instructions that registry is authorised to process the fee using the credit card authority.

As a result, NCAT will only accept payment from you by cheque/money order, use of the Secure payment portal or you may pay at an NCAT registry or ServiceNSW. NCAT will not accept or process payment using the credit card authority form.

a. **(8) Ref** [Brazel complaint documents Part 1.pdf](#)

i. **PG1** **Jan.10,2022** **NOTICE** **Case number 2022/00005413**

Fee waiver refused

No reference to submitted CCPA

NO REQUEST FOR CLARIFICATION OF INSTRUCTIONS FOR CCPA

ii. **PG5** **Feb.8,2022** **NOTICE** **Case number 2022/00036436**

Fee waiver refused

NO REQUEST FOR CLARIFICATION OF INSTRUCTIONS FOR CCPA

CCPA SHREDDED without any reasons

iii. **PG5** **Feb.8,2022** **SRNLPA's email to tribunal re Feb.8,2022 Notice**

1. I require a review of the fee waiver.

According to legislation & NCAT procedures, this decision is required to be made by the Principal registrar (PR).

2. I require the grounds on which the credit card payment authority was destroyed.

NO RESPONSE

iv. **PG13** **Mar.29,2022** **NOTICE** **Case number 2022/00089446**

Fee waiver refused

No reference to submitted CCPA

NO REQUEST FOR CLARIFICATION OF INSTRUCTIONS FOR CCPA

v. **PG16** **Jul.8,2022** **NOTICE** **Case number 2021/000337143**

Fee waiver refused

No reference to submitted CCPA

NO REQUEST FOR CLARIFICATION OF INSTRUCTIONS FOR CCPA

Submitted CCPA NOT processed

vi. **PG17** **Jul.8,2022** **NOTICE** **Case number 2022/000196935**

Fee waiver refused

NO REQUEST FOR CLARIFICATION OF INSTRUCTIONS FOR CCPA

Submitted CCPA to be processed

In both v. & vi. there is **NO REQUEST FOR CLARIFICATION OF INSTRUCTIONS FOR CCPA** where each respective fee waiver has been refused.

This clearly contradicts GSE Act employed Cleggs contention that clarification instructions are "required" for the GSE Act employed registry officer to process the submitted CCPA where the fee waiver is refused

- vii. **PG19** **Aug.10,2022** **NOTICE** **Case number 2022/000196935**
 Fee waiver refused
 False statement:
 As previously advised, we no longer process payments using this form.
NO REQUEST FOR CLARIFICATION OF INSTRUCTIONS FOR CCPA
NO REQUEST to resubmit the CCPA
- vii. **PG20** **Aug.10,2022** **NOTICE** **Case number 2022/000229339**
 Fee waiver refused
 False statement:
 As previously advised, we no longer process payments using this form.
NO REQUEST FOR CLARIFICATION OF INSTRUCTIONS FOR CCPA
NO REQUEST to resubmit the CCPA
- viii. **(8) Ref** **PG23 Brazel complaint documents Part 2.pdf**
Oct.30,2021 **NOTICE** **Case number 2021/000337135**
 Fee waiver refused
 No reference to submitted CCPA
NO REQUEST FOR CLARIFICATION OF INSTRUCTIONS FOR CCPA

- b. There are further instances where the GSE Act registry officers have
 - i. refused a fee waiver
 - ii. refused the CCPA
 - iii. FAILED TO REQUEST CLARIFICATION OF INSTRUCTIONS FOR CCPA

NOTE

All of the above fee waivers & CCPAs have been refused PRIOR to GSE Act employed Cleggs Aug.23,2022 notice of restrictions

- c. **Ref** **PG22 Brazel complaint documents Part 2.pdf**
Aug.23,2022 GSE Act employed Cleggs email to the **SRNLPA**
 GSE Act employed Clegg states:
 "NCAT is "authorized" to seek a fee payable under the Civil & Administrative Tribunal Regulation"
- i.. **Ref** **PG23 Brazel complaint documents Part 1.pdf**
Nov.30,2021 Correspondence from GSE Act employed Cleggs to the **SRNLPA**
 GSE Act employed Clegg states:
 Decisions to grant or not grant a fee waiver are administrative decisions and the Registrar's decision is not an appealable decision and cannot be reviewed by the Tribunal.
 GSE Act employed Clegg construction is that a fee waiver decision is final and not appealable
- ii. **Ref** **PG33 Brazel complaint documents Part 2.pdf**
 NCAT Request for Fee Waiver FORM
 3. The fee waiver request form should be given to the Tribunal at the same time as your application.
 4. If your request for fee waiver is not approved, you will need to pay the fee.
 - i. A person has the legislative right / procedural right to apply for a fee waiver when required to pay a NCAT application fee
 - ii. The **SRNLPA** has provided both the fee waiver application & the CCPA as required
 - ii. There is **NO STATED REQUIREMENT** for "CLARIFICATION" where the fee waiver has not been approved

- iii. **Ref** [PG11 OMBO complaint Docs.pdf](#)
Sep.6,2021 EMAIL to NCAT Appeal Panel 2021_00280265-001
The tribunal was instructed:
"A fee waiver has been included as well as a credit card payment authorization (in the unfortunate event that I am unnecessarily required to pay to police NCAT misconduct (a job which the NCAT president should be fulfilling)).
- The **SRNLPA** has provided clear enough instructions for the use of the CCPA where the fee waiver is refused
- iv. **Ref** [PG12 OMBO complaint Docs.pdf](#)
Oct.1,2021 EMAIL to NCAT Appeal Panel 2021_00280265-001
The **SRNLPA** has requested further details to the Sep.6,2021 email
- v. **Further contention:**
- a. The title of the CCPA is quite explicit:
A CCPA is a **CREDIT CARD PAYMENT AUTHORITY** which gives that service provider (in this instance,NCAT) the authority to use that CCPA for payment of services
 - b. Lodgement of a **CREDIT CARD PAYMENT AUTHORITY** is an acknowledgement of payment for a specific service
- The provision of the CCPA with the fee waiver application is consistent with
- c. the procedural requirement to pay the application fee where the fee waiver has been refused
 - d. payment for that requested service without requirement for further "clarification" of that authorized payment authority
- vi. **Ref** [PG6,7 2023 04 04 OMBO Abuse of authority.pdf](#)
Apr.13,2023 Notice Case No.2022/00036436
GSE Act employed Skinner states:
Your request to waive the fee for your Request for sound recording has been refused for the following reasons:
Reasons given as special circumstances do not justify the fee being waived.
If you do not pay the fee of \$45.00 by 14 April 2023 the Registrar may reject and dismiss your application.
You can pay the fee by credit card by calling NCAT on telephone 1300 006 228.
Alternatively, you can pay at your nearest NCAT registry or Service NSW.
- Fee waiver refused
AGAIN,
NO REQUEST FOR CLARIFICATION OF INSTRUCTIONS FOR CCPA

CONCLUSION:

GSE Act employed Cleggs contention that where the **SRNLPA** has lodged a CCPA with a fee waiver as per NCAT procedures

- i. requires the **SRNLPA** to provide "clarification" for the use of the CCPA where the fee waiver has been refused
- ii. those NCAT procedures "require" the SRNLPA to provide such "clarification" where
- iii. GSE Act employed Clegg has stated that NCAT is authorized to seek a fee
- iv. GSE Act employed Clegg has refused the legislative / procedural right for that fee waiver refusal decision to be reviewed by the GSE Act employed principal registrar
- iv. there is no legislative or procedural requirement for that "clarification"
- v. GSE Act employed Clegg has not requested that "clarification" in those notices where the CCPA is refused as payment for the requested service

has no logical or reasonable basis.

It arguably has no legal basis (at least none provided by GSE Act employed Clegg)

Using the statement:

In the event the fee waiver is refused you do not give clear instructions that registry is authorised to process the fee using the credit card authority.

as grounds for the restriction:

As a result, NCAT will only accept payment from you by cheque/money order, use of the Secure payment portal or you may pay at an NCAT registry or ServiceNSW. NCAT will not accept or process payment using the credit card authority form.

lacks legitimacy.

In view of GSE Act employed Cleggs refusal to respond to the SRNLPA's reasonable & legitimate complaints:

- vi. GSE Act employed Clegg has breached those **LEGISLATED MANDATORY CONDUCT OBLIGATIONS** pursuant to GSE Act Sect.7 Government Sector Core Values
- vii. GSE Act employed Clegg has intended & has deliberately & maliciously subjected the **SRNLPA** to serious harassment & to a health & safety risk to the **SRNLPA**
- viii. GSE Act employed Clegg has perpetrated conduct which she knows is **UNLAWFUL**

d. **Ref PG22 Brazel complaint documents Part 2.pdf**

Aug.23,2022 GSE Act employed Cleggs email to the **SRNLPA**

GSE Act employed Clegg states:

On two occasions after registry processed the fee and provided you sound recording by express post you contacted your bank and advised that the transactions were unauthorised because "Documentation not supplied in timeframe".

As a result, NCAT will only accept payment from you by cheque/money order, use of the Secure payment portal or you may pay at an NCAT registry or ServiceNSW. NCAT will not accept or process payment using the credit card authority form.

(13) Ref PG21 Brazel complaint documents Part 2.pdf

UNDATED

Letter Ref.C22/192 undated letter from GSE Act employed registry officer Cathy Szczygielski who stated:

I refer to your correspondence dated Apr.30 2022 where you have questioned why you were not able to use credit from application 2022/0005413 to obtain sound recordings for applications 2022/00036436 & 2022/000287835

Unauthorized transactions

You say you noticed two unauthorized transactions on your bank account statement for sound recording fees by NCAT.I note that on Apr.9.2022 you emailed the registry and requested they use the credit card details you had supplied to process fees for the sound recordings for applications 2022/00036436 & 2022/000287835.

You were advised by the registry on Apr.20,2022 that fees totalling \$90 for the two sound recordings would be charged.

It is also noted that you only contacted registry after they had closed on Apr.20,2022 to advise them you wanted to use the credit that you had to pay for the two sound recordings.

i. GSE Act employed Clegg appears to be referencing GSE Act employed Szczygielskis undated letter Ref C22/192.

GSE Act employed Szczygielski references the **SRNLPA**s Apr.9,2022 email to state: you emailed the registry and requested they use the credit card details you had supplied to process fees for the sound recordings for applications 2022/00036436 & 2022/000287835.

a. **Ref PG27 Brazel complaint documents Part 2.pdf**

Apr.9,2022 SRNLPAs Email to registry

The **SRNLPA DOES NOT REQUEST** that the registry use the **SRNLPA**s credit card details to process fees for those two sound recordings

b. **Ref PG28 Brazel complaint documents Part 2.pdf**

Apr.20,2022 The registry states that the **SRNLPA**s credit card details will be used to process the sound recording fees

i. **IGNORING** the instructions provided by the **SRNLPA**

ii. **IGNORING** the fact that no authority was provided to use the **SRNLPA**s credit card details for those two **UNAUTHORIZED TRANSACTIONS**

ii. GSE Act employed Szczygielski further states:

It is also noted that you only contacted registry after they had closed on Apr.20,2022 to advise them you wanted to use the credit that you had to pay for the two sound recordings.

ii. GSE Act employed Szczygielski further states:

It is also noted that you only contacted registry after they had closed on Apr.20,2022 to advise them you wanted to use the credit that you had to pay for the two sound recordings.

a. **Ref PG1 OMBO complaint Docs.pdf**

Mar.6,2022 SRNLPAs Sound recording application for

NCAT File Number 2022/00036436 Zonneville v DEC

2020/000287835 Zonneville v Minister education

Hearing Event Date of hearing Hearing venue Member name Time and duration of hearing

02-03-2022 SYDNEY Suthers

28-02-2022 SYDNEY Mulvey

PAYMENT AND DELIVERY METHOD – \$110 credit with tribunal

b. **Ref PG26 Brazel complaint documents Part 2.pdf**

Apr.9,2022 SRNLPAs Email to registry

From: <ncatdec012020@pzgipa.com>

To: <ap@ncat.nsw.gov.au>

Cc: <ncatdec012020@pzgipa.com>

Sent: 9/04/2022 5:15 PM

Subject: URGENT re sound recordings NCAT Appeal Panel 2022/00036436-001 - Peter Zonneville v Secretary, Department of Education - Generic Correspondence

To whom it may concern.

1. I request that you use the current credit I have with NCAT to provide payment for the two sound recordings requested

2. I will fill in the payment refund form for the outstanding balance

A. This credit was caused by your error,not mine

B. The CAT Act requires "quick,cheap,minimal formality" principles
The above is consistent with these principles

C. I DO NOT WANT TO MAKE INTERNET PAYMENTS.

THERE ARE HIGHER RISKS ASSOCIATED WITH INTERNET TRANSACTIONS

D. I REQUIRE THESE SOUND RECORDINGS URGENTLY.

THEY HAVE BEEN UNREASONABLY DELAYED.

THE ALLEGED CORRUPT WESTGARTH STATED THAT "DELAYS WITH RECORDING ACCESS COULD BE ADDRESSED BY REQUESTING URGENT ACCESS"

(DESPITE THE FACT THAT PERMITTING PERMISSION TO RECORD THE PROCEEDINGS WOULD BE QUICKER,CHEAPER & WITH FAR LESS FORMALITY THAN THIS PROCESS)

E. I DO NOT WANT TO DOWNLOAD SOUND RECORDINGS

I. WE HAVE EXPERIENCED BIG PROBLEMS TRYING TO DOWNLOAD LARGE FILES

II. I DO NOT WANT MY PRIVATE DETAILS TO BE ASSOCIATED WITH ANY DOWNLOADING WEBSITE /APPLICATION

I await your earliest response

Sincerely

Peter Zonneville

victim of NCAT misconduct / alleged corruptionC.

c. **Ref PG27 Brazel complaint documents Part 2.pdf**

WEDNESDAY Apr.20,2022 GSE Act employed Bechinis email to **SRNLPA**

Dear Mr Zonneville,

I refer to your request below.

We will use the credit card details provided by you and process the following two sound recordings:

2022/00036436 Peter Zonneville v DEC (PM Suthers 2/3/2022) \$45.00

2020/000287835 Peter Zonneville v Minister,DEC (SM Mulvey 28/2/2022) \$45.00

The total to be processed is \$90.00

In reference to the refund of \$110.00 I note you have advised Registry that you will complete the refund request form.

Thank you.

Regards,

Michelle Bechini | Senior Case Management Officer

- i. GSE Act Bechini refers to the SRNLPA's email of Apr.9,2022 attached to the bottom of her Apr.20,2022 email.

The SRNLPA's instructions are **CLEAR** and **DO NOT** provide GSE Act Bechini with any authority to use the **SRNLPA's** credit card details

- ii. GSE Act Bechini refers to the **SRNLPA's** \$110 credit with the tribunal.

That credit is known **PRIOR** to the **UNAUTHORIZED** processing of the **SRNLPA's** credit card details

- iii. According to NCAT registry procedures, a person's credit card details are not to be stored by the tribunal.

GSE Act Bechini **DOES NOT HAVE**

- a. a.CCPA for those requested sound recordings to provide her authority to use the **SRNLPA's** credit card details
- b. written authority or verbal authority from the **SRNLPA** to use those credit card details
- c. any authority to use the **SRNLPA's** credit card details from any other document

- d. **Ref** [PG28 Brazel complaint documents Part 2.pdf](#)

WEDNESDAY Apr.20,2022 **SRNLPA's** email to GSE Act employed Bechini

Attn Ms Bechini,

I request that you use \$90 from the credit for those requested sound recordings.

I will then fill in the refund form for the remaining balance.

Sincerely

Peter Zonneville

victim of NCAT misconduct / alleged corruption

To-date, no response has been received from GSE Act employed Bechini

GSE Act employed Bechini :

- a. **DID NOT** attempt to contact the **SRNLPA** for any **AUTHORITY** for those intended fees
- b. **DID NOT** attempt to contact the **SRNLPA** for any **CLARIFICATION** for use of the **SRNLPA's** credit card details
- c. **DID NOT** attempt to reverse those **UNAUTHORIZED TRANSACTIONS**
- d. **DID NOT STOP THOSE UNAUTHORIZED TRANSACTIONS DESPITE THE SRNLPA's INSTRUCTIONS**

- e. **Ref** [PG22 Brazel complaint documents Part 2.pdf](#)

Aug.23,2022 GSE Act employed Clegg's email to the **SRNLPA**

GSE Act employed Clegg states:

Method of payment of fees

On two occasions after registry processed the fee and

provided you sound recording by express post

you contacted your bank and advised that the transactions were unauthorised because "Documentation not supplied in timeframe".

Ref. [PG33 Brazel complaint documents Part 2.pdf](#)

Apr.30,2022 **SRNLPA's** formal complaint against GSE Act employed Bechini emailed to the tribunal (dated Apr.30,2022)

Ref. 2nd page of **NCAT FORMAL COMPLAINT FORM:**

5. **On Apr.29,2022 I found a package from NCAT had been delivered to my place of employment which appeared to contain two CDs of hearing sound recordings.**

- i. **Ref. PG33 Brazel complaint documents Part 2.pdf**
May 3,2022 Australia Post EXPRESS DELIVERY CONFIRMATION for
EXPRESS POST article posted May 2,2022

EXPRESS POST deliveries are typically **NEXT DAY** deliveries

This implies that GSE Act employed Bechini expedited the 2 hearing sound recordings on
Apr.28,2022

- ii. Chronology
- | | | |
|------------------|--------------------|--|
| WEDNESDAY | Apr.20,2022 | GSE Act employed Bechini advises SRNLPA that the
the SRNLPA s credit card details will be used |
| PG27 | | |
| WEDNESDAY | Apr.20,2022 | SRNLPA responds to GSE Act employed Bechini's
email |
| PG28 | | |
| THURSDAY | Apr.21,2022 | No response from GSE Act employed Bechini |
| FRIDAY | Apr.22,2022 | No response from GSE Act employed Bechini |
| MONDAY | Apr.25,2022 | No response from GSE Act employed Bechini |
| TUESDAY | Apr.26,2022 | No response from GSE Act employed Bechini |
| WEDNESDAY | Apr.27,2022 | No response from GSE Act employed Bechini |
| THURSDAY | Apr.28,2022 | No response from GSE Act employed Bechini
Sound recordings EXPRESS POSTED |

To-date,no response has been received from GSE Act employed Bechini
GSE Act employed Bechini :

- a. **DID NOT** attempt to contact the **SRNLPA** for any **AUTHORITY** for those intended fees
PRIOR TO THE DESPATCH OF THE HEARING SOUND RECORDINGS
- b. **DID NOT** attempt to contact the **SRNLPA** for any **CLARIFICATION** for use of
the **SRNLPA**s credit card details
PRIOR TO THE DESPATCH OF THE HEARING SOUND RECORDINGS
- c. **DID NOT** attempt to reverse those **UNAUTHORIZED TRANSACTIONS**
PRIOR TO THE DESPATCH OF THE HEARING SOUND RECORDINGS
- d. **DID NOT STOP** THOSE **UNAUTHORIZED TRANSACTIONS** DESPITE THE
SRNLPAs INSTRUCTIONS
PRIOR TO THE DESPATCH OF THE HEARING SOUND RECORDINGS
- e. **DID NOT ATTEMPT TO STOP** the despatch of those hearing sound recordings
DESPITE HAVING MORE THAN REASONABLE TIME TO DO SO

- f. **Ref. PG26 Brazel complaint documents Part 2.pdf**
Apr.9,2022 URGENT re sound recordings NCAT AP 2022/00036436-001
There is :

- i. **NO mention** of "credit card"
ii. **NO request** to use the credit card supplied by the **SRNLPA**

- i. **Ref. PG22 Brazel complaint documents Part 2.pdf**
2022 08 15 Email complaint to NCAT pres./ dp Cole / Szczygielski
a. the tribunal was notified of those complaints related to the **UNAUTHORIZED**
credit card transactions

- b. **Ref. PG25 Brazel complaint documents Part 2.pdf**
Apr.30,2022 Letter from Commonwealth Bank

The **SRNLPA**s credit card providers investigation confirms that those disputed
credit card transaction were **UNAUTHORIZED TRANSACTIONS**

- ii. evidence supporting that those transactions were **UNAUTHORIZED** were provide to the tribunal.
- iii. GSE Act employed Szczygielski & GSE Act employed Clegg **HAVE NOT**:
 - a. disputed that evidence
 - b. provided any evidence contesting the **SRNLPA**s evidnece
 - c. responded to the SRNLPA's complaints
- iv. There is no documentation to support GSE Act employed officer Szczygielskis / Cleggs (false) claim of:
 "Documentation not supplied in timeframe".
- g. **Ref. PG22 BRAZEL COMPLAINTS 2023.pdf**
 Ref. website:
<https://moneysmart.gov.au/banking/unauthorised-and-mistaken-transactions>
ASIC Unauthorised and mistaken transactions - Moneysmart.gov.au.pdf
Signs of unauthorised and mistaken transactions
 An unauthorised transaction is when someone transfers money from your account without your permission.
 - i. NCAT provides a service in the supply of hearing sound recordings
 - ii. the **SRNLPA**s purchases are protected by **AUSTRALIAN CONSUMER LAW**
 - iii. **AUSTRALIAN CONSUMER LAW** protects consumers from fraudulent activities related to credit card transactions
 - iv. under **AUSTRALIAN CONSUMER LAW** the SRNLPA has the right to challenge **ANY UNAUTHORIZED TRANSACTIONS**
 - v. under **AUSTRALIAN CONSUMER LAW** the SRNLPA has the legal & legitimate right to seek the refund of those funds when they are a result of **UNAUTHORIZED TRANSACTIONS**
- h. **TO DATE** GSE Act employed Szczygielski, GSE Act employed Clegg or any other GSE Act employed registry officer
 - i. **HAS NOT** made a request to the **SRNLPA** for payment for those hearing sound recordings
 - ii. **HAS NOT** taken any action to recover the costs for those hearing sound recordings
 - iii. **HAS NOT** requested the return of those hearing sound recordings
- i. The premise that the **SRNLPA**s outstanding credit of \$110 with the tribunal, which exceeds that amount subject of the **UNAUTHORIZED TRANSACTION** by GSE Act employed Bechini cannot be used for those hearing sound recordings appears to be yet another **FALSEHOOD** perpetrated by both GSE Act employed Szczygielski & GSE Act employed Clegg
 Ref. **NCAT Administrative review application form**
Application fee information
 Credit card payment can be made by submitting a credit card authority form with your application. Credit card surcharges apply.
 Cheque or money order payments are to be made out to 'NSW Civil and Administrative Tribunal' or 'NCAT'.
 Ref. **NCAT External appeal form**
Application fee information
 Credit card payment can be made by submitting a credit card authority form with your application. Credit card surcharges apply.
 Cheque or money order payments are to be made out to 'NSW Civil and Administrative Tribunal' or 'NCAT'.

Ref. **NCAT Credit card payment authority (used also for sound recording payment)**
Biller: [NCAT NSW Civil and Administrative Tribunal](#)

**These payments all end up in the same account.
This reasonably & logically explains why the NCAT registry
HAS NOT**

- i. made a request to the **SRNLPA** for payment for those hearing sound recordings
- ii. taken any action to recover the costs for those hearing sound recordings
- iii. requested the return of those hearing sound recordings
- iv. made any other demands or threats against the **SRNLPA**

CONCLUSION:

GSE Act employed Cleggs grounds for refusing the **SRNLPA**s legitimate CCPAs is clearly based on multiple **FALSEHOODS**

- A. The grounds requiring “clarification” for the use of the CCPAs when the fee waiver is refused has been shown to be inconsistent & irrelevant
- B. The grounds used against the SRNLPA because of the two **UNAUTHORIZED TRANSACTIONS** is completely factually flawed

Further:

- C. GSE Act employed Clegg has refused to respond to the SRNLPA's correspondence submitted with evidence to support the errors in GSE Act employed Szczygielskis & GSE Act employed Cleggs statements & contentions
- D. GSE Act employed Clegg has **HAS NOT** sought any resolution of the **FALSEHOODS**
- E. The refusal of the **SRNLPA**s legitimate CCPAs is a denial of the **SRNLPA**s legislative & procedural rights

Further:

- F. GSE Act employed Cleggs conduct compromises the **SRNLPA**s matters before the tribunal (hearing sound recording evidence is **UNLAWFULLY** denied)
- G. GSE Act employed Cleggs conduct does not promote the CAT Act objective:
“just,quick,cheap” resolution of issues with “minimal formalities”
- H. GSE Act employed Cleggs conduct is incompatible with those **LEGISLATED MANDATORY CONDUCT OBLIGATIONS** pursuant to GSE Act Government Sector Core Values
- I. GSE Act employed Cleggs conduct brings the tribunal / DoJ into disrepute
- J. GSE Act employed Cleggs conduct is a **serious public trust / public interest issue**:
GSE Act employed officers deliberately constructing & using **FALSEHOODS** to deny a member of the public legislative & procedural rights

It is the **SRNLPA**s allegations that he is being seriously harassed by deliberate & malicious **UNLAWFUL & SPITEFUL** conduct by GSE Act employed Clegg and her GSE Act employed colleagues

It is reasonable to form the opinion that the **SRNLPA** is being seriously harassed by deliberate & malicious **UNLAWFUL & SPITEFUL** conduct by GSE Act employed Clegg and her GSE Act employed colleagues from the evidence submitted in this complaint

B. ISSUE 3# Restrictions on email addresses

Ref [PG22 Brazel complaint documents Part 2.pdf](#)

Aug.23,2022 GSE Act employed Cleggs email to the **SRNLPA**

GSE Act employed Clegg states:

I have also clarified the payment options available to you and **reiterate the contact restrictions previously implemented.**

Multiple emails

- ii. On 9 December 2021 you were advised by the Principal Registrar that contact restrictions had been implemented.

I confirm again, any emails sent to email boxes other than the following will not be actioned.

Emails to **personal email addresses** of NCAT staff **or members** will be blocked.

- iii. Any emails received from you where you have used a staff member or Tribunal members' name as part of the address will be blocked and not actioned.

As stated above, where any of the email addresses provided by you include the name of a registry officer or Tribunal Member **your application or email will not be actioned**

Ref [PG4 OMBO complaint Docs.pdf](#)

Dec.9,2021 letter from GSE Act employed Szczygielski where she states:

- i. ...,if you had a complaint,complete the complaint form, available on NCATs website...
Complaint forms are to be sent to the NCATenquiries@ncat.nsw.gov.au mail box.
- ii. I write to advise you that from today the following contact restrictions will be implemented.
These restrictions do not constrian your ability to raise issues...
- iii. I also advise that emails received from you where you have used a staff members name as part of your email address will be blocked from all NCAT mail boxes,including those listed in 1-3 above,and not actioned
- iv. I again draw your attention to NCAT Policy 6 Communicating with Members and in particular parts 11 to 13 which explains why parties should not contact or attempt to contact Members without the other parties being aware of that communication

(13) Ref [PG21 Brazel complaint documents Part 2.pdf](#)

UNDATED

Letter Ref.C22/192 undated letter from GSE Act employed registry officer Cathy Szczygielski

- a. GSE Act employed Clegg **HAS NOT REITERATED** the “**contact restrictions previously implemented**”

There are significant differences between the restrictions

- i. imposed by GSE Act employed Clegg on **Aug 23,2022**
 - ii. imposed by GSE Act employed Szczygielski on **Dec.9,2021**
- b. GSE Act employed Szczygielskis undated letter ref **C22/193** does not appear to impose any restrictions on the **SRNLPA**s emails (or CCPAs)
 - c. GSE Act employed Szczygielskis **Dec.9,2021** restrictions specified:
SRNLPA emails which include **staff member names** as part of the email address will be blocked from NCAT mail boxes
 - d. GSE Act employed Szczygielski does not give any grounds for the requirement to impose those restrictions
 - i. GSE Act employed Cleggs restrictions substantially expand those restrictions to include:
 - ii. **SRNLPA** emails which include **staff member names AND members names** as part of the email address will be blocked from NCAT mail boxes

- iii. **SRNLPA** emails to personal emails of **staff AND members** will be blocked from NCAT mail boxes
- iv. the **SRNLPA** use of any emails which include **staff member names AND members names** as part of the email address will result in applications / emails not being actioned.

GSE Act employed Clegg has not provided any grounds for those restrictions.

No reasons are provided for a significant escalation in restrictions imposed on the **SRNLPA**

- e. There is **NO EVIDENCE** submitted by GSE Act employed Clegg that the SRNLPA has **EVER** sent emails to the "**personal email addresses of NCAT staff or members**"

This statement is a further **FALSEHOOD** by GSE Act employed Clegg and has been raised in the **SRNLPA**s complaints which GSE Act Clegg has refused to respond to

- f. Neither :
 - i. GSE Act employed Clegg or
 - ii. GSE Act employed principal registrar Szczygielski
 have responded to the **SRNLPA**s Aug 27,2022 email in response to GSE Act Cleggs Aug.23,2022 email.
 Neither of those GSE Act employed officers attempted to rectify or retract those **FALSEHOOD**s
- g. There does not appear to be any legislative or procedural basis stated for the blocking the **SRNLPA**s email addresses which contain a staff members name in the address.
 Neither :
 - i. GSE Act employed Clegg or
 - ii. GSE Act employed principal registrar Szczygielski
 have provide any grounds for this specific restriction or refernced any formal or other complaints from GSE ACT employed officers such as GSE Act Bechini or GSE Act Clegg
- h. The use of staff member names in the SRNLPA's email addresses greatly assists in the adminstration of complaints (& some correspondence).
 For example,GSE Act Bechini & GSE Act employed Skinner have exercised adminstrative functions related to multiple of the SRNLPA's cases (ref.A.a. & attached dopcuments).
 Any queries & complaints are better managed & referenced by using:
complaintbechini@pzgipa.com
complaintskinner@pzgipa.com
 rather than using confusing case file references.

Those officers have the ability to contact the **SRNLPA** to raise any complaints they may have in the use of those designated email addresses.

To date,no GSE Act employed officer has made such contact or complaints

- i. **Ref PG6 OMBO complaint Docs.pdf**
2023 02 15 OLSC email to SRNLPA
 The Legal Services Commissioner and his officers raised no issues of health & safety for the **SRNLPA**s use of:
complaintdinnen@pzgipa.com
complaintskinner@pzgipa.com
complaintclegg@pzgipa.com
 for complaints lodged with the OLSC

- i. **Ref PG17 Brazel complaint documents Part 1.pdf**
Jul.8,2022 NOTICE Case number 2022/000196935
NOTICE emailed to the SRNLPA's nominated email address GRIFFIN@PZGIPA.COM
- i. The tribunal accepted the **SRNLPA's** nominated email address **GRIFFIN@PZGIPA.COM**
- ii. The **SRNLPA's** nominated email address **GRIFFIN@PZGIPA.COM** did not breach those restrictions implemented by GSE Act employed Szczygielski in her **Dec.9,2021** letter
- g. **Ref PG7 OMBO complaint Docs.pdf**
2023 04 INBOX GRIFFINPZGIPACOM.pdf
This document is a series of screenshots of the **SRNLPA's** nominated email address **GRIFFIN@PZGIPA.COM** INBOX for proceedings 2022/000196935
- i. In 2022/000196935 the tribunal has sent multiple :
a. notices
b. orders
c. generic correspondence
emails to the **SRNLPA's** nominated email address **GRIFFIN@PZGIPA.COM**
- ii. In 2022/000196935 the respondent has sent:
a. submissions
b. correspondence
emails to the **SRNLPA's** nominated email address **GRIFFIN@PZGIPA.COM**
- iii. Emails from **ap@ncat.nsw.gov.au / Mattes** to **GRIFFIN@PZGIPA.COM**
Prior to Aug 23,2023 = 7 Post Aug.23,2023 = 12 + 32 = 44
TOTAL 51 EMAILS as of Apr.2,2023
- iv. GSE Act employed Cleggs **NEW** imposed restriction related to the tribunal acceptance of the **SRNLPA's** nominated email address **GRIFFIN@PZGIPA.COM** & refusal to respond to the **SRNLPA's** valid contentions **HAS** and **CONTINUES** to result in significant & real confusion as to what
a. documents and b., submissions and
c. applications and d. correspondence
associated with the **SRNLPA's** nominated email address **GRIFFIN@PZGIPA** the registry has refused and is refusing to accept.
Consequently these issues
e. significantly disadvantages the **SRNLPA** in the unnecessary & unwanted use of meager resources to contest **BOTH** the respondent **AND** those GSE Act employed registry officers
f. wastes the valuable time of the tribunal, the **SRNLPA** & the respondent
g. impedes the progression of the substantive matter
- h. **Jan.19,2023** hearing for proceedings 2021/000140934.
m.Griffin presided over the **SRNLPA's** hearing and had the opportunity to make a complaint about the **SRNLPA's** use of the nominated email address **GRIFFIN@PZGIPA.COM**
- i. m.Griffin **DID NOT** make any oral complaints to the **SRNLPA**
- ii. m.Griffin **DID NOT** advise that there was any formal complaint made against the use of the **SRNLPA's** nominated email address **GRIFFIN@PZGIPA.COM** for any proceedings

CONCLUSION:

1. The correct & preferred email address used by the SRNLPA continues to be the **SRNLPA**s nominated & current email address **GRIFFIN@PZGIPA.COM** as there has been
 - a. **NO ORDER** by the tribunal to direct the use of an alternative email address for the **SRNLPA** to use
 - b. **NO GROUNDS** provided for the **SRNLPA**s nominated email address **GRIFFIN@PZGIPA.COM** which would reasonably require that email address to be restricted
2. In the event that GSE Act Clegg cites serious health & safety concerns for this restriction, this would appear to constitute a further **FALSEHOOD**
 - a. GSE Act employed Szczygielski had no such concerns stated in her letters
 - b. Such a contention would implicate both the NCAT registry & the Crown Solicitors Office in negligence concerning "health & safety" of tribunal members.
3. There is most likely **NO** formal complaints lodged by any members raising such health & safety concerns.
4. Similarly, the use of member names in the **SRNLPA**s email addresses greatly assists in the administration of complaints (& some correspondence).
GRIFFIN@PZGIPA.COM
rather than using confusing case file references.
5. Those emails are only used between the **SRNLPA** & the tribunal or agency oversight bodies. They cannot be misrepresented as email addresses from tribunal members.
PZGIPA.COM is the **SRNLPA**s personal registered domain
6. **Ref** [PG7 OMBO complaint Docs.pdf](#)
2023 02 15 OLSC email to SRNLPA
The Legal Services Commissioner and his officers raised no issues of health & safety for the **SRNLPA**s use of:
complaintdinnen@pzgipa.com
complaintskinner@pzgipa.com
complaintclegg@pzgipa.com
for complaints lodged with the OLSC

In view of GSE Act employed Cleggs refusal to respond to the **SRNLPA**s reasonable & legitimate complaints:

- vi. GSE Act employed Clegg has breached those **LEGISLATED MANDATORY CONDUCT OBLIGATIONS** pursuant to GSE Act Sect.7 Government Sector Core Values
- vii. GSE Act employed Clegg has intended & has deliberately & maliciously subjected the **SRNLPA** to serious harassment & to a health & safety risk to the **SRNLPA**
- viii. GSE Act employed Clegg has perpetrated conduct which she knows is **UNLAWFUL**

C. ISSUE 4# Restrictions on email addresses & submitted documents

- ABUSE OF AUTHORITY

- MISCONDUCT IN PUBLIC OFFICE

Civil and Administrative Tribunal Regulation 2022

Sect.6 Circumstances where no fee or reduced fee is payable

(1) Fees are not payable for the following—

(5) If the principal registrar considers that there are special reasons for doing so, the principal registrar may—

(a) direct that a fee be waived wholly or in part, and that a part of the fee waived that has been paid be refunded, and

(b) postpone the time for payment of the whole or a part of a fee, subject to conditions the principal registrar thinks fit.

Ref [PG33 Brazel complaint documents Part 2.pdf](#)

NCAT Request for fee waiver form

2. REASON FOR APPLYING FOR A FEE WAIVER

The Principal Registrar may waive a fee in full, or reduce the amount you have to pay, if satisfied there are special circumstances. Please indicate which of the following circumstances you are applying for a fee waiver:

GOVERNMENT SECTOR EMPLOYMENT ACT 2013

Sect.7 Government sector core values

The core values for the government sector and the principles that guide their implementation are as follows—

(a) Consider people equally without prejudice or favour.

(b) Act professionally with honesty, consistency and impartiality.

(c) Take responsibility for situations, showing leadership and courage.

(d) Place the public interest over personal interest.

(c) Uphold the law, institutions of government and democratic principles.

(e) Provide apolitical and non-partisan advice.

(a) Provide services fairly with a focus on customer needs.

(d) Focus on quality while maximising service delivery.

(b) Take responsibility for decisions and actions.

(c) Provide transparency to enable public scrutiny.

(e) Be fiscally responsible and focus on efficient, effective and prudent use of resources.

a. Ref [PG23 Brazel complaint documents Part 1.pdf](#)

Nov.30,2021 Correspondence from GSE Act employed Cleggs to the **SRNLPA**

GSE Act employed Clegg states:

Decisions to grant or not grant a fee waiver are administrative decisions and the Registrar's decision is not an appealable decision and cannot be reviewed by the Tribunal.

GSE Act employed Clegg construction is that a fee waiver decision is final and not appealable.

Ref [PG22 Brazel complaint documents Part 2.pdf](#)

Aug.14,2022 **SRNLPA**s email complaint to principal registrar Szczygielski & NCAT president

The **SRNLPA** stated:

4. CATR 6 clearly provides a mechanism for the fee waiver to be reviewed & decided by the principal registrar (doc.e)

5. The NCAT fee waiver application forms clearly provides a mechanism for the fee waiver to be reviewed & decided by the principal registrar when a fee waiver is refused by an officer other than the principal registrar. (doc.d)

6. Bechini is fully aware that I have the right to have her fee waiver refusal decision reviewed by the principal registrar and that it is a procedural right for applicants

- i. The **SRNLPA** sought the GSE Act employed principal registrar to review the fee waiver decision
- ii. GSE Act employed Clegg has not provided any grounds why she was required to undertake the fee waiver decision review instead of the GSE Act employed principal registrar
- iii. GSE Act employed Clegg appears to have imposed the **UNLAWFUL(?)** restriction that the **SRNLPA** does not have either the legislative or procedural right to have the the fee waiver decision reviewed by the principal registrar despite the GSE Act **LEGISLATED MANDATORY CONDUCT OBLIGATION** pursuant to GSE Act Sect.7
(c) Uphold the law, institutions of government and democratic principles.
- iv. GSE Act employed Clegg has outright refused to provide the **SRNLPA** with the applied for official tribunal hearing sound recordings for:
 - i. CASE: 2021/000140934 **Sound recording will not be provided**
 - ii. CASE: 2022/000196935 **Sound recording will not be provided**
 - (iii. CASE: 2022/000229339 Fee waiver for Notice of Appeal refused Application rejected)

WITHOUT regard to the legislative / procedural right of review by the principal registrar

- b. **Ref** [PG14 OMBO complaint Docs.pdf](#)
2022 08 27 **SRNLPA**s email complaint to tribunal including GSE Act employed Szczyielski

Attached documents:

2022 08 23 Clegg response COMPLAINT alleged harassment _ unlawful conduct by Michele Bechini.pdf (~151 KB)
 NCAT Complaint form CLEGG 2022 08 27.pdf (~79 KB)
 Response to Reg Clegg NCAT email 23 08 2022.pdf (~70 KB)
 DocSRASM SOUND RECORDING APPLICATION 2022 03 06 Mulvey Suthers.pdf (~147 KB)
 DocSRASM0 2022 03 31 Bechini letter.pdf (~63 KB)
 DocSRASM1 2022 04 04 Email re \$110 credit.pdf (~111 KB)
 DocSRASM2 2022 04 09 Email re \$110 credit.pdf (~105 KB)
 DocSRASM3 2022 04 20 Bechini response.pdf (~126 KB)
 DocSRASM4 2022 04 20 Email to Bechini.pdf (~105 KB)
 Aust Post delivered 24 08 2022 0201006274346006050994.pdf (~141 KB)
 Confirmation of documents 2022 08 23.pdf (~74 KB)

- Ref** [PG18 OMBO complaint Docs.pdf](#)
2022 08 27 NCAT Complaint form CLEGG 2022 08 27

Ref [NCAT Policy 1 \(November 2017\) COMPLAINTS](#)

Complaint outcomes

14. NCAT will consider and investigate the issues raised in a complaint and may respond by:

- (a) explaining any action taken;
- (b) giving information about procedures and processes;
- (c) suggesting a solution;
- (d) providing an explanation, where appropriate;
- (e) providing an apology, where appropriate;
- (f) providing information on external organisations who may assist; or
- (g) review and if appropriate changing NCAT processes or procedures.

15. Where possible, NCAT will acknowledge written complaints within three (3) working days and respond within 21-28 days of receipt.

- i. The **SRNLPA** submitted a formal complaint against GSE Act employed Clegg
- ii. As demonstrated by :
 - a. GSE Act employed Cleggs Aug.23,2022 imposed restrictions based on **FALSEHOODs**
 - b. GSE Act employed Cleggs refusal to respond to the SRNLPA's legitimate & serious complaints concerning those imposed restrictions

GSE Act employed Clegg has demonstrated that she is not subject to those **LEGISLATED MANDATORY CONDUCT OBLIGATIONS** pursuant to GSE Act Sect.7

- iii. GSE Act employed Cleggs Aug.23,2022 imposed restrictions demonstrate that she has authority over all correspondence which is submitted to the tribunal (at least all correspondence related to the **SRNLPA**s matters)
- iv. There is a **SERIOUS CONFLICT OF INTEREST** in requiring ALL FORMAL COMPLAINTS sent to the tribunal being under GSE Act employed Cleggs authority.

ESPECIALLY when

- a. GSE Act Clegg has demonstrated that she can either construct or use constructed **FALSEHOOD**s to **UNLAWFULLY** deny a member of the public (the **SRNLPA**) legislative & procedural rights
- b. that formal complaint is against GSE Act employed Clegg
- v. To date there has been no response to the **SRNLPA**s formal complaint against GSE Act employed Clegg as required under the NCAT Complaints Policy

c. **Ref** [PG7 TO 10 OMBO complaint Docs.pdf](#)
2023 04 INBOX GRIFFINPZGIPACOM.pdf

This document is a series of screenshots of the **SRNLPA**s nominated email address GRIFFIN@PZGIPA.COM INBOX for proceedings 2022/000196935

- i. In 2022/000196935 the tribunal has sent multiple :
 - a. notices
 - b. orders
 - c. generic correspondence
 emails to the **SRNLPA**s nominated email address GRIFFIN@PZGIPA.COM

- ii. In 2022/000196935 the respondent has sent:
 - a. submissions
 - b. correspondence
 emails to the **SRNLPA**s nominated email address GRIFFIN@PZGIPA.COM

- iii. Emails from ap@ncat.nsw.gov.au / **Mattes** to GRIFFIN@PZGIPA.COM
Prior to Aug 23,2023 = 7 Post Aug.23,2023 = 12 + 32 = 44
TOTAL 51 EMAILS as of Apr.2,2023

iv. **Ref** [PG1 2023 02 14 OMBO DOCS Abuse of authority.pdf](#)
2023 02 12 **SRNLPA**s email to tribunal exercising legislative rights under:
Civil & Administrative Tribunal Act
Sect.62 Tribunal to give notice of decision and provide written reasons on request

- a. This emailed application is :
 - i. **NOT** associated with the **SRNLPA**s GRIFFIN@PZGIPA.COM email address
 - ii. **NOT** associated with an email address containing either:
 - a. the name of a staff member
 - b. the name of a member
- b. To date GSE Act employed Clegg or her GSE Act employed colleagues **HAVE NOT** acknowledged receipt of this EMAILED legislative right

v. **Ref** [PG3,4 2023 02 14 OMBO DOCS Abuse of authority.pdf](#)
2023 02 14 **Aust Post confirmation of delivery**
Ref **Confirmation of documents received form (Item 2)**

- a. GSE Act employed officers did not return the above form to advise that there were any documents missing from the list

b. **Ref NCAT Policy 1 (November 2017) COMPLAINTS**

Complaint outcomes

14. NCAT will consider and investigate the issues raised in a complaint and may respond by:

- (a) explaining any action taken;
- (b) giving information about procedures and processes;
- (c) suggesting a solution;
- (d) providing an explanation, where appropriate;
- (e) providing an apology, where appropriate;
- (f) providing information on external organisations who may assist; or
- (g) review and if appropriate changing NCAT processes or procedures.

15. Where possible, NCAT will acknowledge written complaints within three (3) working days and respond within 21-28 days of receipt.

- i. Those document received included:
FORMAL COMPLAINT FORMS:
 - a. COMPLAINT AGAINST BECHINI
 - b. COMPLAINT AGAINST CLEGG
 - c. COMPLAINT AGAINST SKINNER
 - d. COMPLAINT AGAINST SZCZYGIELSKI
- ii. To date GSE Act employed Clegg or her GSE Act employed colleagues **HAVE NOT** acknowledged receipt of these formal complaints which breaches NCAT Complaints Policy

There is a serious conflict of interest in GSE Act registry officers having control over the publics submitted documents especially when those documents constitute formal complaints against one or more of those GSE Act employed officers.

c. **Ref PG7 to 24 2023 02 14 OMBO DOCS Abuse of authority.pdf**
2023 02 04 Letter of complaint to GSE Act employed Brazel (Item 1)
Ref. Pg4 to 6 Confirmation of documents received form

- i. GSE Act employed Brazel has not confirmed receipt of this correspondence
- ii. GSE Act employed Brazel has not responded to this correspondence
- iii. GSE Act employed registry officers have not indicated that this correspondence

GSE Act employed Clegg has constructed or used **FALSEHOODs** to impose her **UNLAWFUL** restrictions and refused to provide legitimate grounds for those **UNLAWFUL** restrictions or even respond to the SRNLPAs complaints concerning those **FALSEHOODs**.

There is a serious & considerable public trust / public interest issue in the GSE Act employed Cleggs conflict of interest in dealing with formal complaints against her & her fellow GSE ACT employed officers.

There is a serious & considerable public trust / public interest issue in the failure of any internal oversight concerning GSE Act employed Cleggs **UNLAWFUL** conduct.

d. **Ref PG4 2023 02 14 OMBO DOCS Abuse of authority.pdf**
Confirmation of documents received form

Those documents received by the tribunal also include:

- i. Legitimate & required applications & submissions to the tribunal
- ii. Legitimate & required hearing sound recording requests
- iii. Legitimate fee waiver applications & CCPAs

GSE Act employed Cleggs **UNLAWFUL** restrictions based of substantiated **FALSEHOODs** are a serious & considerable public trust / public interest issue.

GSE Act employed Clegg is deliberately & maliciously breaching her **LEGISLATED MANDATORY CONDUCT OBLIGATIONS** pursuant to GSE Act Sect.7

- d. **Ref** **2023 02 17 OMBO DOCS Abuse of authority.pdf**
Pg1-2 **Aust Post confirmation of despatch / delivery**
Pg3 **Confirmation of documents received form**
- i. GSE Act employed Clegg or her GSE Act employed fellow officers did not return the above form to advise that there were any documents missing from the list
- ii. Those documents received by the tribunal also include the exercising of the legislative right afforded under:
Civil & Administrative Tribunal Act
Sect.62 Tribunal to give notice of decision and provide written reasons on request
a. CAT Act Sect.62 Written reasons - GRIFFIN (hard copy of C.c.iv.)
b. CAT Act Sect.62 Written reasons - Suthers
- iii. To date GSE Act employed Clegg or her GSE Act employed colleagues **HAVE NOT** acknowledged receipt of these legislative right requests

- e. **Ref** **2023 02 27 OMBO DOCS Abuse of authority.pdf**
Pg3 **Confirmation of documents received form**
- i. GSE Act employed Clegg or GSE Act employed Skinner did not return the above form to advise that there were any documents missing from the list
- ii. GSE Act employed Cleggs GSE Act employed fellow officer Skinner has stated in each of the four notices:
In these documents you have included an email address which includes a tribunal member name.
You have been previously advised that no action will be taken on any correspondence that includes a name of a tribunal member in the email address.
- You have also been advised that NCAT will only accept payment from you by cheque / money order, use of the secure payment portal or you may pay at a NCAT registry. NCAT will not accept or process payment using the credit card payment form
- iii. **Ref Pg4** **Application to refer GSE Act officers to oversight agencies**
 Perverting the course of justice
GSE Act employed Skinner & GSE Act employed Clegg are two of the four GSE Act employed officers mentioned in this application.

GSE Act employed Clegg has constructed or used **FALSEHOODs** to impose her **UNLAWFUL** restrictions and refused to provide legitimate grounds for those **UNLAWFUL** restrictions or even respond to the SRNLPA's complaints concerning those **FALSEHOODs**.

There is a serious & considerable public trust / public interest issue in the GSE Act employed Cleggs conflict of interest in dealing with formal complaints against her & her fellow GSE Act employed officers.

There is a serious & considerable public trust / public interest issue in the failure of any internal oversight concerning GSE Act employed Cleggs **UNLAWFUL** conduct.

f. **Ref 2023 04 04 OMBO Abuse of authority.pdf**
Pg1 Confirmation of documents received form

i. GSE Act employed Clegg or GSE Act employed Skinner did not return the above form to advise that there were any documents missing from the list

ii. **Ref PG6 2023 04 04 OMBO Abuse of authority.pdf**

Apr.13,2023 Notice Case No.2022/00036436

GSE Act employed Skinner states:

Your request to waive the fee for your Request for sound recording has been refused for the following reasons:

Reasons given as special circumstances do not justify the fee being waived.

If you do not pay the fee of \$45.00 by 14 April 2023 the Registrar may reject and dismiss your application.

You can pay the fee by credit card by calling NCAT on telephone 1300 006 228.

Alternatively, you can pay at your nearest NCAT registry or Service NSW.

a. **Ref PG16 2023 04 04 OMBO Abuse of authority.pdf**

Request for sound recording No.2022/00036436

FEE WAIVER / FEE REDUCTION TO BE DETERMINED OR REVIEWED BY THE PRINCIPAL REGISTRAR PURSUANT TO CIVIL & ADMINISTRATIVE TRIBUNAL REGULATION SECT.6.5.

i. GSE Act employed Skinner makes no reference to the above legislative right

ii. GSE Act employed Skinner has refused the SRNLPA the legislative right to have the fee waiver decision made or reviewed by the GSE Act employed principal registrar

b. **Ref PG5 2023 04 04 OMBO Abuse of authority.pdf**
2023 04 04 @ 7.25am Aust Post confirmation of delivery

i. GSE Act employed Skinner states:

If you do not pay the fee of \$45.00 by 14 April 2023 the Registrar may reject and dismiss your application.

You can pay the fee by credit card by calling NCAT on telephone 1300 006 228.

ii. GSE Act employed Skinners notice is dated April 13,2023.

iii. GSE Act employed Skinners deadline is Apr.14,2023

This is a further unreasonable restriction imposed on the SRNLPA

GSE Act employed Skinner had more than adequate time from receipt of those documents to make such restrictions PRIOR to a single day

iv. GSE Act employed Skinners states:

You can pay the fee by credit card by calling NCAT on telephone 1300 006 228.

This contradicts the **UNLAWFUL** restriction imposed by GSE Act employed Clegg to refuse the **SRNLPA**s CCPA

a. the credit card information provided over the phone would include the same information as provided on the **SRNLPA**s CCPA

b. Any credit card service provider will confirm that payment by credit card over the phone has a greater chance of being challenged as an **UNAUTHORIZED TRANSACTION**

c. Any credit card service provider will confirm that payment by credit card where a signature is provided provides greater seller protections

GSE Act employed Skinners "permission" for the **SRNLPA** to use a credit card over the phone where the NCAT registry already holds that credit card information in the form of a legitimateCCPA clearly demonstrates the deliberate & malicious purpose of those petty, vindictive & irrelevant **UNLAWFUL** restrictions imposed by GSE Act employed Clegg against the **SRNLPA**

g. **Ref PG8 2023 04 04 OMBO Abuse of authority.pdf**
2023 04 13 Notice Case No. 2021/000140934

GSE Act employed Skinner has stated

I refer to your correspondence received on Apr.5,2023

The following documents are returned to you as they contain the name of a tribunal member in an email address,as you have been informed,any documents containing this detail will not be actioned

Bundle 5 Containing request for sound recording,request for fee waiver.General application form - fee waiver,which while does not contain a tribunal member name,is part of this bundle. In addition the registry does not accept credit card authority forms from you.

This is a further clear demonstration of the deliberate & malicious purpose of those UNLAWFUL restrictions which are based on FALSEHOODs imposed by GSE Act employed Clegg on the SRNLPA

- i. **GSE Act employed Cleggs UNLAWFUL restrictions extends to any documentation containing:**
the name of a tribunal member in an email address
- ii. **This includes ANY SUBMISSION made by the SRNLPA in NCAT proceedings 2022/000196935.**
- iii. **This UNLAWFULLY prevents the SRNLPA from posting in submissions for those proceedings**
NCAT does not permit electronic lodgement of submissions

IN CONTRADICTION TO NCAT GSE ACT EMPLOYED OFFICERS USE OF THE SRNLPAS NOMINATED EMAIL ADDRESS GRIFFIN@PZGIPA.COM

Ref: PG7 TO 10 OMBO complaint Docs.pdf

2023 04 INBOX GRIFFINPZGIPACOM.pdf

Emails from **ap@ncat.nsw.gov.au / Mattes** to **GRIFFIN@PZGIPA.COM**

Prior to Aug 23,2023

= 7

Post Aug.23,2023 = 12 + 32 = 44

TOTAL 51 EMAILS as of Apr.2,2023

C. ISSUE 5# Restrictions on submitted documents

- ABUSE OF AUTHORITY

- MISCONDUCT IN PUBLIC OFFICE

Ref. **INTERPRETATION ACT 1987** (I Act)

Sect.33 Regard to be had to purposes or objects of Acts and statutory rules

In the interpretation of a provision of an Act or statutory rule, a construction that would promote the purpose or object underlying the Act or statutory rule (whether or not that purpose or object is expressly stated in the Act or statutory rule or, in the case of a statutory rule, in the Act under which the rule was made) shall be preferred to a construction that would not promote that purpose or object

CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 2013 (CAT Act)

Sect.3 Objects of Act

The objects of this Act are:

- (c) to ensure that the Tribunal is accessible and responsive to the needs of all of its users, and
- (d) to enable the Tribunal to resolve the real issues in proceedings justly, quickly, cheaply and with as little formality as possible, and
- (e) to ensure that the decisions of the Tribunal are timely, fair, consistent and of a high quality, and
- (f) to ensure that the Tribunal is accountable and has processes that are open and transparent, and
- (g) to promote public confidence in tribunal decision-making in the State and in the conduct of tribunal members.

ADMINISTRATIVE DECISIONS REVIEW ACT 1997 (ADR Act)

Sect.3 Objects of Act

The objects of this Act are as follows:

- (a) to provide a preliminary process for the internal review of administratively reviewable decisions before the administrative review of such decisions by the Tribunal under this Act,
- (b) to require administrators making administratively reviewable decisions to notify persons of decisions affecting them and of any review rights they might have and to provide reasons for decisions of administrators on request,
- (c) to foster an atmosphere in which administrative review by the Tribunal is viewed positively as a means of enhancing the delivery of services and programs,
- (d) to promote and effect compliance by administrators with legislation enacted by Parliament for the benefit of the citizens of New South Wales.

GOVERNMENT SECTOR EMPLOYMENT ACT 2013 (GSE Act)

Sect.4 Objects of Act

The objects of this Act are as follows--

- (a) to develop a modern high performing government sector--
 - (i) that is efficient and effective in serving the Government in the delivery of services to the people of New South Wales, and
 - (ii) that has effective and fair employment arrangements, management and leadership,
- (b) to establish the Public Service as the general service within the government sector,
- (c) to provide transparent governance and employment arrangements for the Public Service, including providing for the employer functions and responsibilities of heads of Public Service agencies,
- (d) to establish an ethical framework for the government sector comprising core values and principles that guide their implementation,
- (e) to make provision for the objectives, functions and responsibilities of the Public Service Commissioner.

GOVERNMENT SECTOR EMPLOYMENT ACT 2013

Sect.7 Government sector core values

The core values for the government sector and the principles that guide their implementation are as follows--

- (a) Consider people equally without prejudice or favour.
- (b) Act professionally with honesty, consistency and impartiality.
- (c) Take responsibility for situations, showing leadership and courage.
- (d) Place the public interest over personal interest.
- (c) Uphold the law, institutions of government and democratic principles.
- (e) Provide apolitical and non-partisan advice.
- (a) Provide services fairly with a focus on customer needs.
- (d) Focus on quality while maximising service delivery.
- (b) Take responsibility for decisions and actions.
- (c) Provide transparency to enable public scrutiny.
- (e) Be fiscally responsible and focus on efficient, effective and prudent use of resources.

- a. What is the simple meaning of shall?
used to say that something **certainly will or must happen**, or that you are determined that something will happen
- i. The Interpretation Act imposes the statutory obligation on the tribunal & GSE Act employed officers to promote the object of legislative Acts including:
CAT Act ; ADR Act ; GSE Act
 - ii. There are **NO EXEMPTIONS** afforded to GSE Act employed officers to this **LEGISLATED OBLIGATION**
- b. **Ref PG25 OMBO complaint Docs.pdf**
2022 07 02 SRNLPA's Notice of Appeal application

2. APPELLANT

Contact details Daytime telephone XXXX XXX XX8 Mobile

Email GRIFFIN@PZGIPA.COM ; DECGIPA042020APPEAL@PZGIPA.COM ;

**** PLEASE SEND ALL CORRESPONDENCE TO THE ABOVE EMAIL ADDRESSES ****

X Tick if you want to receive correspondence to the above email address

Note: You may have to ask for the Tribunal's permission to have a representative.

**** PLEASE SEND ALL CORRESPONDENCE TO THE ABOVE EMAIL ADDRESSES ****

- i. The NCAT registry was provided with 2 separate email addresses to use for these proceedings
- ii. The NCAT registry exercised a discretion to chose to use only one of the nominated email addressses
- iii. The NCAT registry specifically chose GRIFFIN@PZGIPA.COM
- iv. **NO ISSUES WERE RAISED WHEN THIS EMAIL ADDRESS WAS CHOSEN AT THE DISCRETION OF THE NCAT REGISTRY**

- c. On the **SRNLPA's Notice of Appeal application** the **SRNLPA** chose the option to :
- to receive correspondence to the above email address
- i. If the above is a **CONTRACT** into which the tribunal enters into requiring **ALL** GSE Act employed registry officers to be required to use the **SRNLPA's** nominated email address for **ALL CORRESPONDENCE**
then GSE Act employed Cleggs **UNLAWFUL** restrictions breaches the good faith of that **CONTRACT**
 - ii. If the above is a **CONTRACT** into which the tribunal enters into then good faith principles & I Act obligations imply that the tribunal will **RECEIVE** correspondence from the SRNLPA from that nominated email address for **ALL CORRESPONDENCE**
then GSE Act employed Cleggs **UNLAWFUL** restrictions breaches the good faith of that **CONTRACT**
 - iii. If the above is a **DISCRETION** exercised by the tribunal then **ALL** GSE Act employed registry officers should be required to use the **SRNLPA's** nominated email address for **ALL CORRESPONDENCE**
then GSE Act employed Cleggs **UNLAWFUL** restrictions breaches the good faith & I Act obligations of that **DISCRETION**
 - iv. If the above is a **DISCRETION** exercised by the tribunal then then good faith principles & I Act obligations imply that the tribunal will **Should RECEIVE** correspondence from the **SRNLPA** from that nominated email address for **ALL CORRESPONDENCE**
then GSE Act employed Cleggs **UNLAWFUL** restrictions breaches the good faith & I Act obligations of that **DISCRETION**

Pursuant to those **LEGISLATED MANDATORY CONDUCT OBLIGATIONS** of GSE Act Sect.7 Government Sector Core Values, GSE Act employed Cleggs is required to provide reasonable & lawful grounds to breach that **CONTRACT / DISCRETION**

- d. There is more than reasonable evidence provided where GSE Act employed Cleggs imposed restrictions are based on substantiated **FALSEHOODs**

GSE Act employed Clegg:

- a. has been informed of those **FALSEHOODs**
- b. has been provided evidence substantiating those **FALSEHOODs**
- c. has refused to provide any reasonable or legitimate grounds to require those **UNLAWFUL** restrictions
- d. has refused to provide any reasonable or legitimate public interest to require those **UNLAWFUL** restrictions
- e. has refused to engage to resolve these issues despite numerous attempts by the SRNLPA to resolve them
- f. has refused to provide any reasonable or legitimate grounds to require those

This is evidence that GSE Act employed Cleggs UNLAWFUL restrictions are not simple errors or accidents.

This is evidence of deliberate & malicious UNLAWFUL conduct specifically intended to seriously harass, intimidate & bully the SRNLPA and to cause a serious detriment by wasting the SRNLPA's resources, deny legislative & procedural rights

e. **Ref PG22 Brazel complaint documents Part 2.pdf**

Aug.23,2022 GSE Act employed Cleggs email to the **SRNLPA**

GSE Act employed Clegg states:

I have also clarified the payment options available to you and **reiterate the contact restrictions previously implemented.**

Multiple emails

- ii. On 9 December 2021 you were advised by the Principal Registrar that contact restrictions had been implemented.

I confirm again, any emails sent to email boxes other than the following will not be actioned.

Emails to **personal email addresses** of NCAT staff **or members** will be blocked.

- iii. Any emails received from you where you have used a staff member or Tribunal members' name as part of the address will be blocked and not actioned.

As stated above, where any of the email addresses provided by you include the name of a registry officer or Tribunal Member **your application or email will not be actioned**

- i. In reference to the preceeding c. to d.

If accepting the **SRNLPA**s nominated email address is a discretion that can be reasonably & legitimately refused

a. those **LEGISLATED MANDATORY CONDUCT OBLIGATIONS** of GSE Act Sect.7 Government Sector Core Values impose the mandatory obligation for GSE Act employed Clegg to provide reasonable & adequate grounds for that decision

b. those **LEGISLATED MANDATORY CONDUCT OBLIGATIONS** of GSE Act Sect.7 Government Sector Core Values impose the mandatory obligation for GSE Act employed Clegg to also provide reasonable & adequate grounds for the change necessary for the new restriction

- ii. GSE Act employed Clegg is a GSE Act employed deputy registrar.

There is a question which arises:

a. Does GSE Act employed Clegg have the authority to impose those restrictions?

b. Is GSE Act employed Clegg required to seek the authority from a superior to have the authority to impose those restrictions?

c. Did GSE Act employed Clegg seek & obtain the authority from a superior to impose those restrictions?

d. Did GSE Act employed Clegg provide reasonable & adequate reasons to impose those restrictions when seeking that authority from a GSE Act employed superior?

- f. further questions arise concerning GSE Act employed Cleggs conduct if the If accepting the **SRNLPA**s nominated email address is a discretion that can be reasonably
- i. **WHAT EFFECT DOES THE INCLUSION OF THAT NOMINATED EMAIL ADDRESS HAVE ON THE EXERCISING OF BOTH LEGISLATIVE AND PROCEDURAL RIGHTS ON SUBMITTED DOCUMENTS?**
- Then there is no obligation that the GSE Act employed officers are required to send correspondence to the **SRNLPA**s nominated email address if it contains the name of a staff member or tribunal member name
 - Then there is no obligation that the GSE Act employed officers are required to receive correspondence from the **SRNLPA**s nominated email address if it contains the name of a staff member or tribunal member name

There is logical reason how the **SRNLPA**s nominated email address compromises those submitted documents

There is no stated reason from GSE Act employed Clegg how or why the **SRNLPA**s nominated email address compromises those submitted documents or causes any issues with the tribunal.

- ii. **DOES THE INCLUSION OF THAT NOMINATED EMAIL ADDRESS HAVE THE REASONABLE & LEGITIMATE GROUNDS TO DENY A MEMBER OF THE PUBLIC THEIR LEGISLATIVE AND PROCEDURAL RIGHTS ON SUBMITTED DOCUMENTS?**

There is logical reason how the **SRNLPA**s nominated email address provides any legitimate grounds to deny a member of the public their legislative rights.

There is logical reason how the **SRNLPA**s nominated email address provides any legitimate grounds to deny a member of the public their procedural rights.

There is no stated reason from GSE Act employed Clegg how or why the **SRNLPA**s nominated email address provides any reasonable & legitimate grounds to deny those legislative & procedural rights

- iii. **IS THIS CONSISTENT WITH THOSE LEGISLATED MANDATORY CONDUCT OBLIGATIONS of GSE Act Sect.7 Government Sector Core Values?**

Sect.7 Government sector core values

The core values for the government sector and the principles that guide their implementation are as follows--

- | | |
|---|-----------------------|
| (a) Consider people equally without prejudice or favour. | NOT CONSISTENT |
| (b) Act professionally with honesty, consistency and impartiality. | NOT CONSISTENT |
| (c) Take responsibility for situations, showing leadership and courage. | (debatable) |
| (d) Place the public interest over personal interest. | NOT CONSISTENT |
| (c) Uphold the law, institutions of government and democratic principles. | NOT CONSISTENT |
| (e) Provide apolitical and non-partisan advice. | (debatable) |
| (a) Provide services fairly with a focus on customer needs. | NOT CONSISTENT |
| (d) Focus on quality while maximising service delivery. | NOT CONSISTENT |
| (b) Take responsibility for decisions and actions. | NOT CONSISTENT |
| (c) Provide transparency to enable public scrutiny. | NOT CONSISTENT |
| (e) Be fiscally responsible and focus on efficient, effective and prudent use of resources. | NOT CONSISTENT |

GSE Act employed Cleggs conduct is clearly **NOT CONSISTENT** with those **LEGISLATED MANDATORY CONDUCT OBLIGATIONS** pursuant to GSE Act Sect.7 Government Sector Core Values

iv. IS THIS CONSISTENT WITH THE IACT OBJECTIVE?

INTERPRETATION ACT 1987 (I Act)

Sect.33 Regard to be had to purposes or objects of Acts and statutory rules

In the interpretation of a provision of an Act or statutory rule, a construction that would promote the purpose or object underlying the Act or statutory rule (whether or not that purpose or object is expressly stated in the Act or statutory rule or, in the case of a statutory rule, in the Act under which the rule was made) shall be preferred to a construction that would not promote that purpose or object

GSE Act employed Cleggs conduct is clearly **NOT CONSISTENT** with those **LEGISLATED MANDATORY CONDUCT OBLIGATIONS** pursuant to GSE Act Sect.7 Government Sector Core Values and therefore **NOT CONSISTENT** with the I Act

v. IS THIS CONSISTENT WITH THE CAT ACT OBJECTIVE?

CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 2013 (CAT Act)

Sect.3 Objects of Act

The objects of this Act are:

- (c) to ensure that the Tribunal is accessible and responsive to the needs of all of its users, and
- (d) to enable the Tribunal to resolve the real issues in proceedings justly, quickly, cheaply and with as little formality as possible, and
- (e) to ensure that the decisions of the Tribunal are timely, fair, consistent and of a high quality, and
- (f) to ensure that the Tribunal is accountable and has processes that are open and transparent, and
- (g) to promote public confidence in tribunal decision-making in the State and in the conduct of tribunal members.

GSE Act employed Cleggs **UNLAWFUL** conduct has deliberately & maliciously

- a. denied the SRNLPA legislative rights
- b. denied the SRNLPA procedural rights

and **SIGNIFICANTLY DISRUPTED** the SRNLPA's multiple proceedings

GSE Act employed Cleggs restrictions are deliberate & malicious and are clearly petty, vindictive, vexatious, improper, irrelevant & **UNLAWFUL**

GSE Act employed Clegg conduct against the **SRNLPA** is clearly **NOT CONSISTENT** with those **LEGISLATED MANDATORY CONDUCT OBLIGATIONS** pursuant to GSE Act Sect.7 Government Sector Core Values and therefore **NOT CONSISTENT** with the CAT Act

vi. IS THIS CONSISTENT WITH THE ADR ACT OBJECTIVE?

ADMINISTRATIVE DECISIONS REVIEW ACT 1997 (ADR Act)

Sect.3 Objects of Act

The objects of this Act are as follows:

- (a) to provide a preliminary process for the internal review of administratively reviewable decisions before the administrative review of such decisions by the Tribunal under this Act,
- (b) to require administrators making administratively reviewable decisions to notify persons of decisions affecting them and of any review rights they might have and to provide reasons for decisions of administrators on request,
- (c) to foster an atmosphere in which administrative review by the Tribunal is viewed positively as a means of enhancing the delivery of services and programs,
- (d) to promote and effect compliance by administrators with legislation enacted by Parliament for the benefit of the citizens of New South Wales.

GSE Act employed Clegg conduct against the **SRNLPA** is clearly **NOT CONSISTENT** with those **LEGISLATED MANDATORY CONDUCT OBLIGATIONS** pursuant to GSE Act Sect.7 Government Sector Core Values and therefore **NOT CONSISTENT** with the ADR Act.

GSE Act employed Cleggs conduct demonstrates a clear deliberate & malicious contempt for compliance with legislation for the benefit of citizens of NSW

g. **C. ISSUE 6#**

GSE Act employed Cleggs conduct demonstrating clear elements of CORRUPT CONDUCT

- ABUSE OF AUTHORITY

- MISCONDUCT IN PUBLIC OFFICE

INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 1988

Sect.7 Corrupt conduct

(1) For the purposes of this Act, corrupt conduct is any conduct which falls within the description of corrupt conduct in section 8, but which is not excluded by section 9.

(2) Conduct comprising a conspiracy or attempt to commit or engage in conduct that would be corrupt conduct under section 8 shall itself be regarded as corrupt conduct under section 8.

(3) Conduct comprising such a conspiracy or attempt is not excluded by section 9 if, had the conspiracy or attempt been brought to fruition in further conduct, the further conduct could constitute or involve an offence or grounds referred to in that section.

Sect.8 General nature of corrupt conduct

(1) Corrupt conduct is--

(a) any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or

(b) any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or

(c) any conduct of a public official or former public official that constitutes or involves a breach of public trust, or

(2) Corrupt conduct is also any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or any public authority and which could involve any of the following matters--

(a) official misconduct (including breach of trust, fraud in office, nonfeasance, misfeasance, malfeasance, oppression, extortion or imposition),

(g) perverting the course of justice,

(2A) Corrupt conduct is also any conduct of any person (whether or not a public official) that impairs, or that could impair, public confidence in public administration and which could involve any of the following matters--

(6) The specific mention of a kind of conduct in a provision of this section shall not be regarded as limiting or expanding the scope of any other provision of this section.

Sect.9 Limitation on nature of corrupt conduct

(1) Despite section 8, conduct does not amount to corrupt conduct unless it could constitute or involve--

(a) a criminal offence, or

(b) a disciplinary offence, or

(c) reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official, or

(2) It does not matter that proceedings or action for such an offence can no longer be brought or continued, or that action for such dismissal, dispensing or other termination can no longer be taken.

(3) For the purposes of this section--

"applicable code of conduct" means, in relation to--

"criminal offence" means a criminal offence under the law of the State or under any other law relevant to the conduct in question.

"disciplinary offence" includes any misconduct, irregularity, neglect of duty, breach of discipline or other matter that constitutes or may constitute grounds for disciplinary action under any law.

a. **GSE Act employed Cleggs UNLAWFUL conduct clearly satisfies:**

i. ICAC Act Sect. 8.1.a

ii. ICAC Act Sect. 8.1.b

iii. ICAC Act Sect. 8.1.c

iv. ICAC Act Sect. 8.2.a

v. ICAC Act Sect. 8.2.g

vi. ICAC Act Sect. 8.2A

vii. ICAC Act Sect. 9.1.b

viii. ICAC Act Sect. 9.1.c

b. ICAC Act Sect. 9.3 is supported by the following legislation

GOVERNMENT SECTOR EMPLOYMENT ACT 2013

Sect.47 Termination of employment

(1) The head of a Public Service agency may, by instrument in writing, terminate the employment of a Public Service non-executive employee of the agency on any of the following grounds if the employment is ongoing employment—

- (a) the employee has failed to meet a condition of engagement as an employee under section 54,
- (b) the employee lacks, or has lost, an essential qualification for performing the duties of the role assigned to the employee,
- (c) the performance of the employee is determined under section 68 to be unsatisfactory,
- (d) the employee is unable to perform the duties of the role assigned to the employee because of physical or mental incapacity,
- (e) the employee is retired on medical grounds under section 56,
- (f) the employee has refused to perform the duties of the role assigned to the employee,
- (g) the employee has abandoned his or her employment,
- (h) a finding of misconduct has been made against the employee under section 69,
- (j) the employee is determined in accordance with the regulations and the government sector employment rules to be excess to the requirements of the relevant part of the agency in which he or she is employed,
- (k) on any other ground prescribed by the regulations.

The instrument is to set out the ground or grounds on which the employment is terminated.

(2) The head of a Public Service agency may, by instrument in writing, terminate the employment of a Public Service non-executive employee of the agency at any time if the employment is not ongoing employment.

Sect.69 Misconduct--Public Service and other prescribed government sector employees

(1) In this section—

"government sector agency" means—

- (a) a Public Service agency, and
- (a1) that part of the NSW Police Force comprising administrative employees under the Police Act 1990 , and
- (b) any other government sector agency prescribed by the regulations for the purposes of this section.

"misconduct" extends to the following—

- (a) a contravention of this Act or an instrument made under this Act,
- (b) taking any detrimental action (within the meaning of the Public Interest Disclosures Act 1994) against a person that is substantially in reprisal for the person making a public interest disclosure within the meaning of that Act,
- (c) taking any action against another employee of a government sector agency that is substantially in reprisal for a disclosure made by that employee of the alleged misconduct of the employee taking that action,
- (d) a conviction or finding of guilt for a serious offence.

The subject matter of any misconduct by an employee may relate to an incident or conduct that happened while the employee was not on duty or before his or her employment.

"serious offence" means an offence punishable by imprisonment for life or for 12 months or more (including an offence committed outside New South Wales that would be an offence so punishable if committed in New South Wales).

(2) The person who exercises employer functions in relation to an employee of a government sector agency is responsible for dealing with any misconduct by that employee in accordance with this section.

(3) The government sector employment rules may deal with the following—

- (a) misconduct by employees of government sector agencies,
- (b) the procedural requirements for dealing with allegations of misconduct by employees of government sector agencies (consistently with procedural fairness).

(4) If, in accordance with those rules, there is a finding of misconduct by an employee of a government sector agency, the person who exercises employer functions in relation to the employee may take any of the following actions—

- (a) terminate the employment of the employee (without giving the employee an opportunity to resign),
- (b) terminate the employment of the employee (after giving the employee an opportunity to resign),
- (c) impose a fine on the employee (which may be deducted from the remuneration payable to the employee),
- (d) reduce the remuneration payable to the employee,
- (e) reduce the classification or grade of the employee,
- (f) assign the employee to a different role,
- (g) caution or reprimand the employee.

(5) Proceedings and actions under this section may be taken or continued despite the employee resigning or otherwise ceasing to be an employee of the agency concerned. Any such action may be expressed to be a termination of employment even if the person has ceased to be an employee.

(6) This section does not apply to that part of the NSW Police Force comprising police officers or to any employees of a government sector agency excluded from this section by the regulations.

Note : See also section 82(2) for inquiries into conduct of heads of agencies.