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## THE CORRUPTION OF COMMISSIONER CAMBRIDGE

In relation to Fair Work Commission Matter: U2016/14484 - 3rd March 2017 Stephen Fitzgerald v Woolworths Ltd before Commissioner Cambridge and Appeal Matter: C2017/2237 - 28th August 2017 before the Full Bench of the Fair Work Commission. (Unfair Dismissal Remedy)

**Key to the evidence:** {AB} Appeals book (##) Page number [PN] Paragraph number {AT} Appeal transcripts. A digital PDF copy of the Appeal Book and Appeal transcripts can be viewed at: [www.hootgallery.com](http://www.hootgallery.com) "TESTING THE SYSTEM"

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On the Fair Work Commission website, you are advised that legal representation is not required.

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

At the hearing on 3rd March 2017, Woolworths were fully represented by Ian Bennett of Sparks Helmore Lawyers. His name appears 3 times in the transcripts and he billed Woolworths \$26,000 for his time. It's in the \$30,000 cost order that was taken out against me.

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

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

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

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

I did not find out that Woolworths had been denied legal representation until I read about it in the Financial Review article "Shadow lawyers" barred – 2<sup>ND</sup> November 2017 (Google it)

Sparks Helmore lawyers proceeded to corrupt the case with the full support of Commissioner Cambridge. Normally this would have been buried in the transcripts but I went to appeal and, that exposed what had been going on. I was the first person to go to appeal.

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

All the evidence points to Woolworths guilt so, the only way Commissioner Cambridge could get them off the hook was to create a jurisdictional objection which he then used to dismiss the matter. A jurisdictional objection that could not be heard at the beginning of the case, as is protocol, because it did not exist until Commissioner Cambridge created it.

**NOTE:** A jurisdictional objection is a direct assault on the authority of the Fair Work Commission and yet, the Full Bench overwhelmingly embraced that jurisdictional objection to also dismiss the appeal. So, they are supporting the undermining of their own authority in favour of the corporate and, to protect Commissioner Cambridge.

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

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

To this point in time, the Commonwealth Ombudsman has refuses to investigate the matter and you can draw your own conclusions on that one. Their reply dated 21<sup>st</sup> March 2018 is now attached.

I have sent a copy of this document to the following email addresses and published it on my website: Ombudsman.South@ombudsman.gov.au; fraud@pmc.gov.au: afreditor@afr.com.au; letters@theaustralian.com.au; ctd@canberratimes.com.au; newsdesk@smh.com.au; news@ntnews.com.au; cos@thecouriermail.com.au; newstip@adv.newsltd.com.au; mercury.cos@themercury.com.au; newsdesk@theage.com.au; letters@wanews.com.au;

With this lead-in to the Commonwealth Ombudsman: "Your response suggests that you don't intend to investigate the corruption of a Federal public servant so, I'll try to be a bit more precise. I would also like to point out that it's your job to safeguard the community in our dealings with Government agencies and, that would include the Fair Work Commission – You have an obligation. To add impetus, the matter has also been referred to the Department of the Prime Minister and Cabinet".

One may ask: "Who investigates corrupt public servants?" Or, do we just let them run amok, abuse the innocent and undermine acceptable human behaviour?

Stephen Fitzgerald  
16<sup>th</sup> March 2018

Our ref: 2018-301013

21 March 2018

Mr Stephen Fitzgerald  
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By email only: [info@hootgallery.com](mailto:info@hootgallery.com)

Dear Mr Fitzgerald

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

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

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

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

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

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

Yours sincerely

*By email*

Anne-Marie Tucker  
Senior Investigation Officer