

To the
Office of the
Prime Minister of Australia

28 September 2023

Sent by contact form:

<https://anthonyalbanese.com.au/>

Dear Hon Anthony Albanese PM,

This urgent communication, is to prevent additional abuse inflicted upon us and our family members, by public officials abusing their authority. Since 2010, we the three Mss Lazarus have suffered judicial injustice, mental and physical harm, and inequality within the State legal system. As a result, and the inability of the State Judiciary to act independently and exercise the Rule of Law, in a Court of Law, within Lazarus judicial proceedings, we have now sought justice within the international legal system.

Annexed to this communication is our official communication with the 'International Criminal Court' dated 19 September 2019, outlining the events which constitute 'Crimes Against Humanity' as defined within the 'Rome Statute of the International Criminal Court'.

Additionally, as an appendix to this communication, is the sworn affidavit of Sandra Lazarus dated 6 June 2022 for the High Court of Australia. The attached affidavit provides details of events, abusive conduct of officials and details of continued abuse inflicted upon us.

Our parents migrated to Australia in 1988, and we received our Australian Citizenship in 1997. Regardless of holding postgraduate awards from leading tertiary institutes, we three, have been unable to gain employment due to the false and misleading information released to media outlets by a an investigative Commission more concerned with its own survival rather than, observing and practicing provisions critical to governing a democratic society, in which the Rule of Law ensure equality and justice.

Due to the mentioned abuse, we are reliant of Commonwealth support program for daily necessities and suitable living conditions. Presently, our children with special needs are being denied support in education institutes; we are being denied support to maintain adequate living conditions; and we are being denied adequate housing, by State and Federal Government Departments. This denial further reduces our ability, both emotionally and physically to continue seeking justice.

Our numerous attempts to contact the relevant government departments have yielded no results, as such, we are falling further below the measured and acceptable living standards, and if the aforementioned denial is not corrected, a number of us will soon be homeless.

This communication, informs your office of our extended suffering, and we urgently, request your office to end this abuse and allow for justice to prevail, and no additional harm is caused to us and/or family members by your Government administration and/or the administration of the state of New South Wales, both now governed by your Political Party.

We kindly request for your assistance, and will wait for your office to undertake the necessary measures to resolve and end the injustice without causing further harm to the Lazarus family.

Yours sincerely,
Mss Lazarus.

[REDACTED]

[REDACTED]

[REDACTED]

Sandra Lazarus

F [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]:

1. On 28 May 2010 the New South Wales (NSW) Independent Commission Against Corruption (ICAC) executed an ICAC issued 'Search Warrant' on my parents' residences, in relation to the ICAC investigation E10/0035, titled "Operation Charity". ICAC Officers, including "ICAC Senior Investigator Michael Kane" seized original documents, which included invoices, requisitions forms, clinical research documents outlining research work completed, document outlining research analytical data and results; electronic devices including computers; and electronic storage devices, including 'external hard drives' and 'universal serial bus' memory storage devices. Personal documents, including my 'School Certificates', and both undergraduate and postgraduate University Testamurs awarded to me, were also seized by ICAC Officers upon the execution of the ICAC issued 'Search Warrant'.

[REDACTED]

[REDACTED]

2. On 6 July 2010 (my birthday) ICAC Officers served in person, ICAC ‘Summons to Appear and Give Evidence’ for an ICAC ‘Compulsory Inquiry’ pursuant to section 30 of the *ICAC Act 1988 (NSW)*, held on 12 July 2010. As ‘persons’ of interest’ and “affected parties [persons]” my younger sisters Michelle Lazarus and Jessica Lazarus were also served with ICAC ‘Summons to Appear and Give Evidence’ for an ICAC ‘Compulsory Inquiry’ pursuant to section 30 of the *ICAC Act 1988 (NSW)*, held on 12 July 2010. We, three attended the ICAC ‘Compulsory Inquiry’ on 12 July 2010, and were questioned as witnesses and “affected parties [persons]”. The following was stated on the ICAC ‘Summons to Appear and Give Evidence’ for an ICAC ‘Compulsory Inquiry’ pursuant to section 30 of the *ICAC Act 1988 (NSW)*, held on 12 July 2010:

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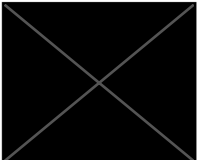
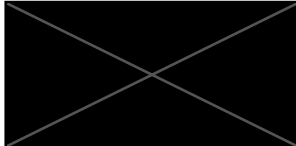
“The compulsory examination is being conducted for the purpose of an investigation of an allegation or complaint of the following nature: The Commission is investigating whether Sandra Lazarus and others fraudulently obtained money from the funds of the Royal Hospital for Women (RHW) and Royal North Shore Hospital (RNSH) by submitting false requisitions and invoices from companies in which Sandra Lazarus or her sister, Michelle Lazarus, was a shareholder when no services were provided.”

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3. I alone was summoned to a second ICAC ‘Compulsory Inquiry’ pursuant to section 30 of the *ICAC Act 1988 (NSW)*, held on 15 December 2010, the following was stated on the ‘Summons to Appear and Give Evidence’ for an ICAC ‘Compulsory Inquiry’ pursuant to section 30 of the *ICAC Act 1988 (NSW)*:

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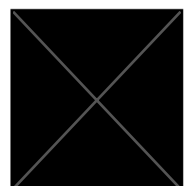
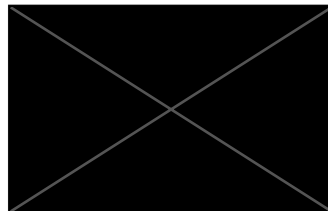
“The compulsory examination is being conducted for the purpose of an investigation of an allegation or complaint of the following nature: The Commission is investigating whether Sandra Lazarus and others fraudulently obtained money from the funds of the Royal Hospital for Women (RHW) and Royal North Shore Hospital (RNSH) by submitting false requisitions and invoices from companies in which Sandra Lazarus or her sister, Michelle Lazarus, was a shareholder when no services were provided.”



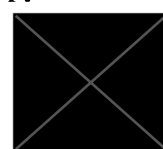
4. During the ICAC 'Compulsory Inquiry' of 15 December 2010, the ICAC 'Commissioner' made orders, for 'ICAC Officers' to accompany me to the research facility to collect additional documents in relation to clinical research conducted. These orders of the ICAC 'Commissioner' were never followed by the 'ICAC Officers'. The evidence of this order from the ICAC 'Commissioner' can be viewed on the ICAC video transcript, for the ICAC 'Compulsory Inquiry' of 15 December 2010. Of Note, following the conclusion of the ICAC 'Compulsory Inquiry' held on 15 December 2010, the ICAC 'Principle Lawyer', who was acting as ICAC 'Counsel Assisting' for the compulsory inquiry held on 15 December 2010, informed me that my qualifications were "no longer counted", and that is why I "would not be asked about my qualifications at the ICAC". As stated by the ICAC 'Principle Lawyer', I was never asked about my qualifications during the ICAC inquiries. I provided this evidence in a court of law, on numerous occasions.

5. During the period, 15 December 2010 to 17 January 2011, we (three Mss Lazarus) received no communication from 'ICAC Officers'. On 18 January 2011 in the absences of the ICAC 'Commissioner', the ICAC 'Assistant Commissioner' authorised 'Summons to Appear and Give Evidence' for an ICAC 'Public Inquiry' pursuant to section 31 of the *ICAC Act 1988 (NSW)*. The following was stated on the ICAC 'Summons to Appear and Give Evidence' for an ICAC 'Public Inquiry' pursuant to section 31 of the *ICAC Act 1988 (NSW)*, which commenced on 14 February 2011. The following was stated on the ICAC 'Summons to Appear and Give Evidence' as the "nature" of the ICAC 'Public Inquiry':

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



6. 'Summons to Appear and Give Evidence' authorised by the ICAC 'Assistant Commissioner' dated 18 January 2011, which commenced ICAC 'Public Inquiry' pursuant to section 31 of the *ICAC Act 1988 (NSW)*, on 14 February 2011, stating the three Mss Lazarus as 'persons of interest' / "Affected Parties". Of note the "nature" of the ICAC investigation remained the same for the full duration of the ICAC investigation and inquiries E10/0035 (Operation Charity).
- 10 a. Exhibit marked "AB 1" of this 'Affidavit', is a copy of the 'Summons to Appear and Give Evidence', pursuant to section 35 of the *ICAC Act 1988*, for Sandra Lazarus, dated 18 January 2011, signed by the ICAC 'Assistant Commissioner', Teresa Hamilton for ICAC 'Public Inquiry' pursuant to section 31 of the *ICAC Act 1988 (NSW)*, commencing 14 February 2011;
- b. Exhibit marked "AB 2" of this 'Affidavit', is a copy of the 'Summons to Appear and Give Evidence', pursuant to section 35 of the *ICAC Act 1988*, for Michelle Lazarus, dated 18 January 2011, signed by the ICAC 'Assistant Commissioner', Teresa Hamilton for ICAC 'Public Inquiry' pursuant to section 31 of the *ICAC Act 1988 (NSW)*, commencing 14 February 2011; and
- 20 c. Exhibit marked "AB 3" of this 'Affidavit', is a copy of the 'Summons to Appear and Give Evidence', pursuant to section 35 of the *ICAC Act 1988*, for Jessica Lazarus, dated 18 January 2011, signed by the ICAC 'Assistant Commissioner', Teresa Hamilton for ICAC 'Public Inquiry' pursuant to section 31 of the *ICAC Act 1988 (NSW)*, commencing 14 February 2011.
7. Exhibit marked "AB 4" of this 'Affidavit', is a copy of the 'Cover Page', for the ICAC 'Brief of Evidence' for the ICAC investigation and inquires, E10/0035, operation titled "Operation Charity". The 'Brief of Evidence' was prepared by ICAC Officials and marked as "Exhibit 1" during the ICAC public inquiry, the document clearly indicates that all three Mss Lazarus (Sandra Lazarus, Michelle Lazarus and Jessica Lazarus) were "Affected Parties".
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8. On 13 October 2010 'Forensic Document Examiner' Michelle Novotny corresponded via email with 'ICAC Officer' Michael Kane, a copy of the email



correspondence is exhibit marked "AB 5" of this 'Affidavit'. The email discusses the forensic document examination for documents in relation to ICAC investigation E10/0035 (Operation Charity).

9. On 11 January 2011, 'ICAC Officer' Michael Kane terminated the services of 'Forensic Document Examiner' Michelle Novotny via email, a copy of that email is exhibit marked "AB 6" of this 'Affidavit'. The 'ICAC Officer' Michael Kane provides the following, as the reason for terminating the services of 'Forensic Document Examiner' Michelle Novotny and cancelling document examination:

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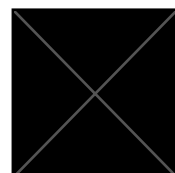
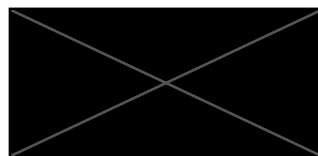
"we had a Compulsory Examination with her [Sandra Lazarus] just before Christmas where she made certain admissions as to signing several of the documents. The Commissioner of the ICAC has directed that we will not be proceeding with any forensic work at this stage due to Sandra Lazarus partial admission"

10. During the ICAC 'Public Inquiry' which started on 14 February 2011 and concluded on 24 March 2011, I was provided with contact details of forensic document examiners by my Senior Legal Advisor, upon his advice I contacted a number of forensic document examiners, hoping to engage the services of an examiner. Upon contacting Forensic Document Exchange Services Pty Ltd, Michelle Novotny a senior analyst with the company, informed me she could not provide me with analytical services, due to a conflict of interest, as the ICAC had already engaged her services.

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11. While in the witness box during the ICAC 'Public Inquiry', on 24 March 2011, I provided oral evidence as a witness in relation to forensic document examination, and raised the question of forensics analysis, and provided details of my conversation with Michelle Novotny 'Forensic Document Examiner'. Exhibit marked "AB 7" of this 'Affidavit', is a copy of the ICAC transcript for proceeding E10/0035, transcript dated 24 March 2011, page 1442T. The following was placed on record by me in regards to forensic document analysis:

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“like I said, if handwriting analysis is carried out, which I’ve actually made attempts to go find out, that needs to be carried out and tried to engage the services of a forensic analyst called Michelle Novotny who informed me that ICAC has actually approached her and therefore I can’t use her services.”

12. The ICAC ‘Principal Lawyer’, the same ‘Principal Lawyer’ mentioned earlier in this Affidavit at paragraph 4, provided a written response to questions raised in regards to the ICAC’s engagement of Michelle Novotny ‘Forensic Document Examiner’. In the letter dated 5 April 2011 the ICAC ‘Principal Lawyer’ stated the following reason for terminating the services of ‘Forensic Document Examiner’ Michelle Novotny, a copy of the letter dated 5 April 2011 from ICAC ‘Principal Lawyer’ is exhibit marked “AB 8” of this ‘Affidavit’:

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“that the Commission did approach Ms Novotny last year but did not engage her to conduct any forensic examination of signatures due to the cost of so doing.”

13. Additionally, on 15 February 2011, during the ICAC ‘Public Inquiry’ the ICAC ‘Commissioner’ stated the following when forensic document analysis questions were raised (is a copy of the ICAC transcript for proceeding E10/0035, transcript dated 15 February 2011, page 195T is exhibit marked “AB 9” of this ‘Affidavit’):

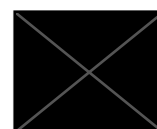
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“MR STITT: Well, Your Honour, I don’t know whether there’s going to be handwriting experts or not in this- - -

THE COMMISSIONER: No, as far as I know, no.”

14. During the NSW Local Court proceeding 201300076236, Forensic Document Exchange Services Pty Ltd and Michelle Novotny were subpoenaed to provide documents and any other relevant material regarding ICAC investigation E10/0035 (Operation Charity), a copy of the ‘Subpoena for Production’ for NSW Local Court proceeding 201300076236, addressed to Michelle Novotny at the office of, Forensic Document Exchange Services Pty Ltd is exhibit marker “AB 10” of this Affidavit. Upon the return of the ‘Subpoena for Production’, Michelle Novotny

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provided documents and emails which are exhibits marked “AB 5 and AB 6” of this ‘Affidavit’.

15. During the NSW Local Court proceeding 201300076236, ICAC Officer Michael Kane was a witness, and on 25 September 2014, Michael Kane provided the following oral evidence in a court of law in regards to his false statement and reason, for terminating the services of Michelle Novotny ‘Forensic Document Examiner’ in his email correspondence dated 11 January 2011 which is exhibit marked “AB 6” of this ‘Affidavit’:

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

KANE: Yes.

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

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

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

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

Do you recall that email?

KANE: Vaguely.

COUNSEL FOR LAZARUS: I’ll continue on.

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

KANE: Yes.

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

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



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

KANE: That's correct.

COUNSEL FOR LAZARUS: And maintenance forms.

KANE: That's correct.'

10 16. The oral evidence provided by 'ICAC Officer' Michael Kane in a court of law in regards to his email correspondence with Michelle Novotny 'Forensic Document Examiner' on 11 January 2011 (exhibit marked "AB 6" of this 'Affidavit'), and the reason he provided for terminating her services is contrary to his oral evidence and contrary to the reason provided by the ICAC 'Principle Lawyer' in the letter dated 5 April 2011, which is exhibit marked "AB 8" of this 'Affidavit'. Michael Kane, according to his oral evidence in a court of law, knowingly provided false evidence which hindered the course of the ICAC investigation. I NEVER provided evidence during the ICAC investigation and/or inquires, as stated in the 'ICAC Officer' Michael Kane's email correspondence dated 11 January 2011. The NSW Local Court proceeding 201300076236 transcript for 25 September 2014 is exhibit
20 marked "AB 11" of this 'Affidavit'.

17. The ICAC public inquiry concluded on 24 March 2011, and a copy of the ICAC report titled "Operation Charity", dated August 2011 was provide to the Michelle Lazarus, Jessica Lazarus and me. Following the release of this report, there was NO communication from the 'ICAC Officers' until 1 March 2013, when 'ICAC Officer' Michael Kane attended upon Michelle Lazarus and I in person to serve the NSW Local Court 'Court Attendance Notices', stating Michael Kane as the "Prosecutor" and the ICAC as the "Prosecuting Organisation", issue date of 1 March 2014 to attend NSW Local Court proceedings on 9 April 2014. NSW Local
30 Court 'Court Attendance Notices' where issued pursuant to Chapter 3, Part 2 and section 14 *Criminal Procedure Act 1986 (NSW)*, stating the 'ICAC Officer' Michael Kane as "Prosecutor", and bestowing upon him the authority to commence criminal judicial proceeding in a court of law as a public officer. NSW Local Court 'Court Attendance Notices' issue date 1 March 2014, commencing NSW Local



Court proceeding 2013/00098654 in relation to Michelle Lazarus is, exhibit marked “AB 12” of this ‘Affidavit’, and NSW Local Court ‘Court Attendance Notices’ issue date 1 March 2014, commencing NSW Local Court proceeding 2013/00076236 in relation to me is, exhibit marked “AB 13” of this ‘Affidavit’.

18. During the parliamentary introductory speech for the ‘ICAC Bill’, on 26 May 1988, which is, exhibit marked “AB 14” of this ‘Affidavit’, the then ‘Member of Parliament’, stated the following in regards to the ICAC as a commission and the ICAC personnel/officers, and their capacity to commence judicial proceedings as a “prosecutor(s)” and/or “prosecuting organisation”:

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“The proposed Independent Commission Against Corruption will not have power to conduct prosecutions for criminal offences or disciplinary offences, or to take action to dismiss public officials. Where the commission reaches the conclusion that corrupt conduct has occurred, it will forward its conclusion and evidence to the Director of Public Prosecutions, department head, a Minister or whoever is the appropriate person to consider action. In doing so the commission can make recommendations. The person to whom the matter is referred is not required to follow the recommendation. However, the commission can require a report back on what action was taken. Where the commission considers that due and proper action was not taken, the commission's sanction is to report to Parliament. It is important to note that the independent commission will not be engaging in the prosecutorial role. The Director of Public Prosecutions will retain his independence in deciding whether a prosecution should be instituted - The proposed Independent Commission Against Corruption will not have power to conduct prosecutions for criminal offences or disciplinary offences, or to take action to dismiss public officials It is important to note that the independent commission will not be engaging in the prosecutorial role. The Director of Public Prosecutions will retain his independence in deciding whether a prosecution should be instituted.”

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19. The legal presentation in relation to the validity of the NSW Local Court ‘Court Attendance Notices’ which commenced NSW Local Court proceedings



2013/00098654 and 2013/00076236, and the ICAC capacity and authority to commence criminal judicial proceedings in a court of law was presented in the written submission by our then legal representatives, dated 23 June 2016, which is exhibit marked “AB 15” of this ‘Affidavit’.

10 20. On 12 November 2015 the NSW Parliament introduced an amendment ‘Bill’, which altered the *Criminal Procedure Act 1986 (NSW)*, and provided the ICAC as a commission and the ICAC personnel/officers with the authority to commence criminal and civil judicial proceedings in a court of law as the “prosecuting organisation” and as “prosecutor(s)”, section 14A of the *Criminal Procedure Act 1986 (NSW)* provides that authority. However, this authority is not retroactive in its operation. A copy of the NSW parliamentary introductory speech, dated 12 November 2015, for the ‘Courts and Other Justice Portfolio Legislation Amendment Bill 2015’, the amendment to the *Criminal Procedure Act 1986 (NSW)* section 14A, is exhibit marked “AB 16” of this ‘Affidavit’.

20 21. Prior to the introduction of section 14A to the *Criminal Procedure Act 1986 (NSW)* the then ICAC ‘Inspector’, a former NSW Supreme Court Judge provided cautionary advice to the NSW Parliament, in regards to the prosecutorial authority bestowed upon the ICAC as a commission and the ICAC personnel/officers. His written communication dated 13 September 2016, in which the cautionary advice appears, is exhibit marked “AB 17” of this ‘Affidavit’, the then ICAC ‘Inspector’ stated:

“highlights the tension which can exist between an investigatory body, such as the ICAC which has a vested interest in seeing the matter run its full course through to a successful prosecution”.

30 22. Based on the information aforementioned it is alleged that, personal motivation and “vested interest” caused the ‘ICAC Officer’ Michael Kane to hinder the course of the ICAC investigation, and without jurisdiction he commenced NSW Local court criminal proceedings as a prosecutor, in order to forward his profile as an ‘ICAC Officer’. The validity of the NSW Local Court ‘Court Attendance Notices’ which commenced NSW Local Court proceedings 2013/00098654 and 2013/00076236 is



a question of law, to be determined through this application. However, if the mentioned legal presentation regarding the validity NSW Local Court ‘Court Attendance Notices’ is correct, then the NSW Local Court ‘Court Attendance Notices’ which commenced NSW Local Court proceedings 2013/00098654 and 2013/00076236 are invalid, and as such the NSW Local Court proceedings 2013/00098654 and 2013/00076236 are unlawful.

23. Further, to this, it was mentioned on numerous occasions, that the NSW Department of Public Prosecution (NSW DPP) cannot take authority of existing criminal judicial proceedings which are commenced in a court of law without jurisdiction. It was also raised in a court of law, that the NSW DPP, issue new ‘Court Attendance Notices’ stating the NSW DPP as the prosecutor, before continuing with the judicial proceedings. However, this amendment was NEVER implemented and the prosecutor remained as the ‘ICAC Officer’ Michael Kane and the “prosecuting organisation”, the ICAC, until the interim conclusions of the proceedings, on 23 May 2014 and 27 April 2015. On 21 October 2013, our then legal representative stated the following during NSW Local Court proceedings 2013/00098654 and 2013/00076236, in regards to the amendment of the NSW Local Court ‘Court Attendance Notices’ and the ICAC Officer’s jurisdiction to commence criminal judicial proceedings in a court of law:

“NAGLE: Were given. That's right. So it's the whole transcript is objected to except for that part based upon it's incorrectness, but I think we'd really resolved that at an earlier time.

So para 5 gives us that. Now this becomes the interesting part. On 1 October I did give my friend Mr Poulos an agreement that if he wishes to change the CAN and who is the prosecuting authority, not the people who are conducting the prosecution but the prosecuting authority into their name. They haven't done that your Honour and therefore I submit that the ICAC - and I'll come to that later - does not have the power to institute a prosecution against anyone. The only body, the ICAC Act says has that power, is the power of the Director of Public Prosecutions and in that case, the whole CAN and everything that supports the date, in my opinion should be struck out.”



24. A copy of the NSW Local Court Transcript for proceeding 201300098654, *ICAC v Lazarus*, dated 21 October 2013 is, exhibit marked “AB 18” of this ‘Affidavit’. The non-prosecutorial role of the ICAC commission and its personnel was reaffirmed by the NSW Local Court judgement of *DPP v Ian McDonald and DPP v John Maitland*, the presiding Magistrate clearly determined that the ‘NSW Local Court ‘Court Attendance Notices’ which stated an ICAC Officer as a “Prosecutor” and the ICAC as the “Prosecuting Organisation” were “invalid”, and if the judicial proceeding were to continue, newly issued ‘NSW Local Court ‘Court Attendance Notices’ stating valid authorities as prosecutors will be required. Further, in the High Court’s decision of *Balog v ICAC (1990) 169 CLR 625*, it was clarified and confirmed that ICAC commission and its personnel do not have the power and/or authority to prosecute, rather, in compliance with the provisions of the *ICAC Act 1988 (NSW)* investigations and recommendations from the ICAC are to be submitted to “relevant authorities” such as the Department of Public Prosecution, for appropriate action, including prosecution if considered appropriate. Additionally, during the NSW parliamentary speech for the ICAC (Amendment) Bill 1990 Legislative Assembly (page 10201), the then Attorney General stated the following,

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“it is not for the commission [ICAC] to determine criminality. Nor is it the commission’s [ICAC’s] role to conduct prosecutions for criminal or disciplinary offences. The Director of Public Prosecution and other authorities are charged with that responsibility and the commission [ICAC] should not be able to pre-empt the decisions of those authorities to prosecute or not to prosecute”.

25. Additionally, during the parliamentary introductory speech for the ‘ICAC Bill’, on 26 May 1988, which is exhibit marked “AB 14” of this ‘Affidavit’, the then ‘Member of Parliament’, stated the following in regards to the ICAC as a commission and its jurisdiction to investigate public and private officials:

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“Ministers, members of Parliament, the judiciary and the Governor, will all fall within the jurisdiction of the ICAC - The only matters that the



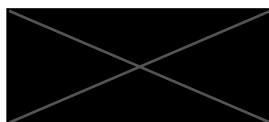
commission must investigate are matters referred to it by resolution of both Houses of this Parliament - The third fundamental point I want to make is that the independent commission will not be a crime commission. Its charter is not to investigate crime generally - It is nonsense, therefore, for anyone to suggest that the establishment of the independent commission will in some way derogate from the law enforcement role of the police or bodies such as the National Crime Authority. On the contrary, the legislation makes it clear that the focus of the commission is public corruption and that the commission is to co-operate with law enforcement agencies in pursuing corruption - the parliamentary committee it will be closely involved in operational matters, and will have the necessary forensic expertise to provide the commissioner with advice on operations - Corrupt conduct has been carefully defined. As I said earlier corrupt conduct will focus on conduct of public officials. It will also include conduct of persons who are not, themselves public officials but whose activities impact on honest public administration. The most obvious example would be an attempt by a private person to bribe a public official - The term public official has been very widely defined to include members of Parliament, the Governor, judges, Ministers, all holders of public offices, and all employees of departments and authorities. Local government members and employees are also included. In short, the definition in the legislation has been framed to include everyone who is conceivably in a position of public trust. There are no exceptions and there are no exemptions - commissioner may have regard to whether the complaint is trivial, vexatious or not in good faith”.

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26. Accounting for his attendance in the NSW Parliament on 26 May 1988, our then legal representative stated the following on 21 October 2014 during NSW Local Court proceedings 2013/00098654 and 2013/00076236 in regards to the ICAC’s jurisdiction to investigate my Sisters and I, based on the “nature” of the investigation and inquiries, as outlined in the ‘Summons to Appear and Give Evidence’, pursuant to section 35 of the *ICAC Act 1988*, dated 18 January 2011. ‘Summons to Appear and Give Evidence’ issued to my Sisters and me, are exhibit marked “AB 1, AB 2 and AB 3” of this ‘Affidavit’. The described “nature” of the

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ICAC investigation and inquiries remained unchanged, for all ICAC 'Compulsory Inquires' and 'Public Inquiry' as mentioned at paragraphs 2 to 6 of this 'Affidavit':

"NAGLE: That's basically the law here too.

HIS HONOUR: Right.

10 NAGLE: And the conflict is whether or not the ICAC can look at private matters which are not related to public corruption. That's where the conflict is and what I want to bring to your Honour's attention. There's also the fact, another issue that I'll be bringing later, that the whole inquiry your Honour should never have taken place because there was ultra vires powers of the ICAC. This is simply an allegation against Sandra Lazarus and Michelle Lazarus, that they rendered to two hospitals invoices for work that they said that they did and which is now being said that they didn't do. That's the real basis thing and whether—

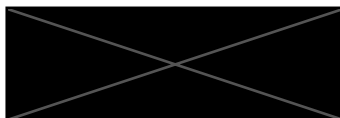
HIS HONOUR: Public hospitals?

20 NAGLE: Public hospitals. So public hospitals fine, there was also private hospitals, Strathfield Hospital and St Vincent's Hospital but the same allegations are not set out for St Vincent's or Strathfield because the work was done, we say. But in regard to the Royal Hospital for Women and Royal North Shore Hospital, they were two public hospitals, so that's admitted, so we don't have to worry so much about that.

The question then is there any corrupt conduct between Michelle Lazarus and Sandra Lazarus and the hospitals. If there is no corrupt conduct within definitions of ss 7, 8 and 9 of the ICAC Act, there should never have been an inquiry. The matter should've been given to the police.

HIS HONOUR: Presumably there only has to be a suspicion of it before you get - in jurisdiction to investigate you don't have to have evidence or proof of it when you're commencing an investigation.

30 NAGLE: That's right, the investigation would've been fine, but also if I take you through to the second reading speech which is a very good analysis of what the Act does. Your Honour will see that the Act says if it is a criminal matter it should be referred on to the police, and Nick Greiner as Premier said this was not replacing the Police Force, the Police Force had the



obligation to check criminality and the charges against Sandra Lazarus are under the New South Wales Crimes Act, and that's what I say.

Now the ICAC could've conducted a public inquiry as such, they could've asked and said, well, this went on for two years what were the deficiencies in those two hospitals that they never picked up these allegations of these frauds? That would've been a proper inquiry and it would've been within the ICAC, but to investigate the alleged criminality of these two women was not in my submission within the power of the ICAC Act, and as I said, Nick Greiner was the architect of the ICAC Act so he's the man who explains it, so if I can take your Honour to 673, point 8, one sentence. It's the fifth paragraph down, "The strategies will implement, embrace a whole range of variants all aimed at restoring the integrity and the accountability of public administration".

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So that's the thrust of the ICAC Act in 1988 and I may add, just as a bit of an obiter, that I was in the chamber on that night. Now 674 your Honour, the next paragraph:

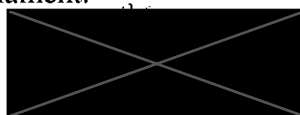
The second thing I want to make absolutely clear is that the establishment of the ICAC is not a political stunt, the Commission will not be set up to pillory our political opponents or to engage in political witch hunts. It has an extensive jurisdiction that applies across the entire ambit of the public sector. No one has been exempted. Ministers, members of Parliament, the judiciary and the Governor, will all fall within the jurisdiction of the ICAC. The independent commission will have jurisdiction to investigate corrupt conduct occurring before the commencement of the legislation. However, in deciding whether or not to investigate a matter the Commission will take into account whether the conduct occurred at too remote a time to justify investigation. Obviously there will be no point in committing valuable resources to investigate matters that are too old to be effectively pursued."

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So that sets out the ambit of the ICAC, investigate public corruption. Then in the next paragraph which is the third sentence:

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"The commission will have an independent discretion, and will decide what should be investigated and how it should be investigated. That is the whole point of having a commission independent of the Executive Government and responsible only to Parliament.



The fundamental point I want to make is that the independent commission will not be a crime commission. Its charter is not to investigate crime generally. The commission has a very specific purpose which is to prevent corruption and enhance integrity in the public sector. That is made clear in this legislation, and it was made clear in the statements I made prior to the election. It is nonsense, therefore, for anyone to suggest that the establishment of the independent commission will in some way derogate from the law enforcement role of the police or bodies such as the National Crime Authority. On the contrary, the legislation makes it clear that the focus of the Commission is public corruption and that the Commission is to cooperate with law enforcement agencies in pursuing corruption.

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Honourable members will note that the bill makes specific provision to allow the Commission to refer to matters to other investigatory agencies to be dealt with. Obviously that will be the most sensible way to deal with the majority of matters that will come to the attention of the Commission.”

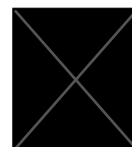
27. A copy of the NSW Local Court Transcript for proceeding 201300098654, *ICAC v Lazarus*, dated 21 October 2013 is, exhibit marked “AB 19” of this ‘Affidavit’. This oral and documentary evidence in regards to the validity of the NSW Local Court ‘Court Attendance Notices’ and the ICAC’s jurisdiction to investigate my Sisters and I was before the presiding ‘Judicial Officer’, in judicial proceeding in a court of law. For a period of time, during the NSW Local Court proceedings 2013/00098654 and 2013/00076236, the same ‘Judicial Officer’ presided over both judicial proceedings, until he announced his new judicial appointment, and provided this as the reason why, he would now, from this point onwards only preside over the NSW Local Court proceedings 2013/00098654, related to Michelle Lazarus.

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28. This evidence was before the presiding ‘Judicial Officer’, and in his judgment of dated 23 May 2014 he stated the following in regards to ICAC’s jurisdiction to investigate my Sisters and I:

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“it is difficult to see how fraud of that nature could be within the investigation jurisdiction of the ICAC”.



29. However, with full knowledge of ICAC's lack of jurisdiction to investigate, the presiding 'Judicial Officer' dismissed the evidence before him, this caused my Sister Michelle Lazarus and I additional, chronic, severe mental pain and suffering. Of note, all this judicial abuse and suffering could have come to an end on 23 May 2014, if the presiding 'Judicial Officer' conducted himself in an independent manner and upheld his judicial oath, and upheld the jurisdictional error he noted in his judgment.

10 30. Following the High Court's decision in the proceeding of *ICAC v Cunneen [2015] HCA 14* a parliamentary report was compiled to assess the ICAC investigative jurisdiction, the report was completed by the former High Court Judge Murray Gleeson AC and Senior Counsel Bruce McClintock SC, report dated 30 July 2015, the report stated that following in relation to the ICAC investigation E10/0035 (ICAC Operation Charity), a copy of the 'Independent Panel – Review of the Jurisdiction of the Independent Commission Against Corruption Report', published by the NSW Department of Premier and Cabinet, dated 30 July 2015 is, exhibit marked "AB 20" of this 'Affidavit',

20 "Operation Charity (report 31 August 2011) concerned an investigation into alleged fraud on two Sydney hospitals. Two persons were alleged to have submitted requisitions and invoices and thereby misled public officials associated with the hospitals and the management of hospital funds. No impropriety on the part of any public official appears to have been in contemplation as a possibility in the inquiry. (If there had been, that would have been a basis for jurisdiction to investigate). There were findings of corrupt conduct based on section 8(2) and, apparently, on reasoning of a kind that could not now stand with Cunneen."

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31. Michelle Lazarus attended the ICAC 'Compulsory Inquiry' pursuant to section 30 of the *ICAC Act 1988 (NSW)*, held on 12 July 2010, during this inquiry Michelle Lazarus was a first time mother still breastfeeding her child. Of note, Michelle Lazarus was forced to stop breastfeeding her child due to the abuse caused by



‘ICAC Officers’, this too was evidence before the court in NSW Local Court proceeding 201300098654. During the ICAC ‘Public Inquiry’ pursuant to section 31 of the *ICAC Act 1988 (NSW)*, which commenced 14 February 2011, Michelle Lazarus was pregnant with her second child. NSW Local Court proceeding 201300098654, related to Michelle Lazarus who was charged, pursuant to section 87 of the *ICAC Act 1988 (NSW)*. During this proceeding, it was raised that, Michelle Lazarus’ answers to questions asked during the ICAC investigation and inquiries, were based on the information presented to her by the ICAC ‘Commissioner’ and ICAC ‘Counsel Assisting’, information which was false, misleading and inaccurate.

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32. In the presiding ‘Judicial Officer’s’ judgment dated 23 May 2014 for NSW Local Court proceeding 201300098654, he stated the following in regards to the ICAC ‘Commissioner’ and ICAC ‘Counsel Assisting’ presenting, false, misleading and inaccurate information to Michelle Lazarus, information, which she based her answers on:

“ [ICAC] Counsel Assisting put things to the defendant [Michelle Lazarus] that were not accurate , he was clearly mistaken – the [ICAC] Commissioner too, one occasion, appear to have been confused”.

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33. By his own admission, the presiding ‘Judicial Officer’ acknowledged in his judgment in a court of law, that the information presented to Michelle Lazarus by the ICAC ‘Counsel Assisting’ and the ICAC ‘Commissioner’ was, “not accurate”, this presents a defined doubt, as to the guilt of Michelle Lazarus (who was charged pursuant to section 87 of the *ICAC Act 1988 (NSW)*), in accordance with the rule of law and the provisions of the term “beyond reasonable doubt”. However, the presiding ‘Judicial Officer’ failed to state and/or acknowledges that, the answers Michelle Lazarus provided were based on the, “not accurate” information presented to her. The presiding ‘Judicial Officer’s’ failure, continued to publicly punish Michelle Lazarus, and in dismissing exculpatory evidence before him, the presiding ‘Judicial Officer’ failed to uphold his judicial oath, further causing Michelle Lazarus chronic, severe mental pain and suffering. Once again Michelle Lazarus’ suffering, and as a result, the suffering experienced by her two children, could have

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come to an end on 23 May 2014, if the presiding ‘Judicial Officer’ conducted himself in a manner which was evident of his judicial independence.

34. Without forensic evidence, without eyewitness evidence, without direct evidence, without documentary evidence, without physical evidence, without demonstrative evidence, without character evidence, without circumstantial evidence, the then NSW Premier in her official capacity authorised the ICAC ‘Public Inquiry’ listing the my Sisters and I as ‘persons of interest’ / “Affected Parties”, this is evident from the ICAC document, exhibits marked “AB 1, 2, 3 and 4”, of this ‘Affidavit’. The role of the NSW Parliament in ICAC investigation and inquiries was defined in the parliamentary introductory speech for the ‘ICAC Bill’, on 26 May 1988, which is exhibit marked “AB 14” of this ‘Affidavit’, the then ‘Member of Parliament’, stated the following:

“The only matters that the commission must investigate are matters referred to it by resolution of both Houses of this Parliament - The third fundamental point I want to make is that the independent commission will not be a crime commission. Its charter is not to investigate crime generally - In contrast to the parliamentary committee it will be closely involved in operational matters, and will have the necessary forensic expertise to provide the commissioner with advice on operations.”

35. The then NSW Premier had access to all material, documents, reports and the “necessary forensic expertise” to ensure that the ICAC investigation E10/0035 (Operation Charity) was completed, and that all evidence was analysed and made available during the ICAC investigation and ICAC ‘Compulsory Inquiries’, prior to making public announcements and releasing false information to the media regarding my Sisters and I, which is what occurred, at the commencement of the ICAC ‘Public Inquiry’ pursuant to section 31 of the *ICAC Act 1988 (NSW)*. Despite holding the highest office in the State of New South Wales, with all legal resources at her disposal, the then NSW Premier with full knowledge, authorised the ICAC ‘Public Inquiry’ for ICAC investigation E10/0035 (Operation Charity), pursuant to section 31 of the *ICAC Act 1988 (NSW)*. This led to the issuing of ICAC ‘Summons to Appear and Give Evidence’, pursuant to section 35 of the *ICAC Act 1988*, on 18



January 2011, for my Sisters and I, copies of ‘Summons to Appear and Give Evidence’ are exhibits marked “AB 1, 2 and 3” of this ‘Affidavit’. ICAC ‘Public Inquiry’ took place upon the authority of the then NSW Premier who “signed off” on the commencement of the ICAC ‘Public Inquiry’. As per requirement, all information regarding an ICAC investigation is provided to the NSW Premier, as such, information regarding the engagement and termination of the ‘Forensic Document Examiner’s’ services would also be before the then NSW Premier (‘Forensic Document Examiner’ Michelle Novotny discussed in paragraph 8 to 16 of this ‘Affidavit’). As part of her duty, the then NSW Premier would have, thoroughly assessed the documents, ICAC ‘Compulsory Inquiry’ transcripts and other relevant material regarding the ICAC investigation E10/0035 (Operation Charity). With full knowledge of the ICAC investigation E10/0035 (Operation Charity) the then NSW Premier authorised the commencement of the ICAC ‘Public Inquiry’. Additionally, as outlined in the parliamentary address mentioned in paragraph 34 of this ‘Affidavit’ matters referred to the ICAC for investigation are, by resolution of both Houses of this Parliament.

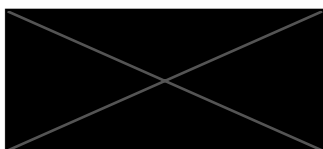
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“only matters that the commission must investigate are matters referred to it by resolution of both Houses of this Parliament”, (exhibit “AB 14” of this ‘Affidavit’).

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36. Based on this, both Houses of this Parliament are involved in the determining and commencing ICAC investigations, and authorise ICAC ‘Public Inquiries’. The ICAC investigation and inquires E10/0035 (Operation Charity) were not within the jurisdiction of the ICAC legislative authority, this is evident from the information presented in this ‘Affidavit’. The question in regards to invoices and requisitions was firstly before the NSW Police, who declined to further investigate the matter as there was no evidence of criminal conduct, this information was evidence in a court of law on 1 September 2014 in NSW Local Court proceeding 2013/000076236, the following was state on oath by a witness (NSW Local Court proceeding 2013/000076236 transcript dated 1 September 2014 is. exhibit marked “AB 21” of this ‘Affidavit’:

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Q. You understand that the notification was sent by the executive on 23 December 2008?

A. That would be my recollection, in that order.

Q. The matter was also referred to police?

A. Yeah, I took it in myself the next day, I think the 24th, it was Christmas Eve.

Q. That would have been to Wollongong Police Station.

A. Yes.

Q. What did you do, you contacted the police personally?

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A. Yes. I prepared some sort of briefing. I think they had a form or something that they like you to fill out and I had some sort of a draft briefing note for them or something like that. I can't recall exactly. It was something that would give them the background of what we were complaining about, and I lodged it at their front office. But there was nobody to review it at that time, they simply took it over the counter.

Q. In relation to the form that you say you filled for police, was anything else provided along with that form?

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A. Yes. It was something in the line of a briefing note or a short report, I can't remember offhand. I think it might have been a short report of some sort that we compiled with what information we had at that stage.

Q. You subsequently heard back from police, did you not?

A. Yeah, I was chasing them down a bit. It was two or three weeks later before they actually got somebody to read through the documents that we had lodged.

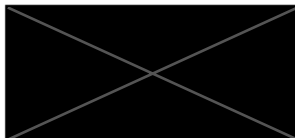
Q. Over Christmas?

A. Yes. I don't think it was - you know, they had much bigger fish than our problem at the time. But when I did phone back the one time and the detective went away and read through it then and came back and said, no, they weren't going to allocate it to anybody.

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Q. They weren't?

A. They weren't going to allocate it to anybody, they weren't going to take on the matter, but they would reconsider that if we did a fact finding or gathered further information and updated what we had.



37. From the period of March 2003 to June 2012 the then NSW Premier was the Member of New South Wales Parliament for the division/district of Heffron in New South Wales, within this area is the Royal Women's Hospital, the very hospital who filed the matter with the NSW Police. From the period of December 2009 to March 2011 the then NSW Premier was the head of the NSW Parliament, with her lay the final authorisation for the commencement of ICAC investigations and ICAC inquiries. Of note, the then NSW Premier's spouse, has held the following position since the commencement of the ICAC investigation involving my Sisters and me. The following information was acquired from the following website which was cited on 12 May 2022, <https://www.bcg.com/en-au/about/people/experts/ben-keneally>. A copy of this information contained on this website is, exhibit marked "AB 22" of this 'Affidavit':

“Ben Keneally is the Asia Pacific leader for payers, providers, systems, and services within Boston Consulting Group's Health Care practice. He advises public and private sector health care provider organizations and health care system managers. His work particularly focuses on applying a value-based health care lens to a range of challenges in health care—from staff engagement to improving patient outcomes. Ben has led many projects to help large health care providers transform their delivery models to deliver better care at a lower cost. Ben is an expert on government and policy trends relating to health care funding and service delivery. Ben first worked for BCG between 1993 and 2004. Prior to rejoining BCG in 2017, Ben was CEO of National Home Doctor Service, where he built Australia's only national after hours medical deputizing service, delivering after hours care to over one million Australians every year and managing over 800 doctors. Ben was also a senior public servant in NSW Australia, where his roles included establishing and leading the NSW Premier's Delivery Unit.”

38. The clinical research I conducted at the two hospitals, was to evaluate clinical screening devices which could potentially increase efficiency within the healthcare system. My Sister Michelle Lazarus provided marketing services to the hospitals, during the ICAC investigation and ICAC inquires Michelle Lazarus provided evidence of work she completed, as such she was NEVER charged for not



providing services to the two hospitals. Rather, she was charged for not recalling, having met a person at the hospital, and of not recalling documents, for which the ICAC 'Commissioner' and ICAC 'Counsel Assisting' provided "not accurate" information. As such, Michelle Lazarus was charged pursuant to section 87 of the *ICAC Act 1988 (NSW)*. My Sister Jessica Lazarus, at the time, she was an undergraduate student, and was authorised by the hospital to (her authority was not in question during the ICAC investigation and/or inquiries, as she was certified, and she was NEVER paid monies by the two hospitals) assess a number of patients in relation to an assessment she completed for the university utilising the research devices, I was assessing at the two hospitals. Of notes, Jessica Lazarus' comparative paper/assessment for the university was submitted as an 'Exhibit' at the ICAC inquiry, additionally Jessica Lazarus received a grading of 'High Distinction' from the university. Jessica Lazarus NEVER received payments for assessing patients, this was established at the ICAC inquiries. Jessica Lazarus was questioned at the ICAC inquiries, in regards to the number of patients she assessed. Jessica Lazarus was NEVER charged in a court of law. Though, it was established during the ICAC investigation and ICAC inquiries that Michelle Lazarus provided services, and Jessica Lazarus completed portion of the work (without receiving payments), I was criminally charged, for not providing services in relation to work completed by Michelle Lazarus, and criminally charged for not providing services for work completed by Jessica Lazarus. Of note, work completed and services provided by Michelle Lazarus and Jessica Lazarus is not in question, as these services provided, have been established, through documentary evidence. The conduct of the then NSW Premier, in authorising the ICAC 'Public Inquiry', publicly punished my Sisters Michelle Lazarus and Jessica Lazarus and me, without judicial proceedings, and caused my Sisters and I public harm, and chronic suffering which has tortured us since the past twelve years.

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39. The temporary judicial presider for NSW Local Court proceeding 2013/000076236, ordered forensic examination of documents, a copy of the orders is exhibit marked "AB 23" of this 'Affidavit'. The 'Forensic Document Examiner' provided evidence as a witness during the NSW Local Court proceeding 2013/000076236 on 22 October 2014. The 'Forensic Document Examiner's Report was submitted as evidence in proceeding 2013/000076236, a copy of, 'Executive Summary of the



Forensic Document Examiner's Report' is exhibit marked "AB 24" of this 'Affidavit'. The documents analysed were the very same documents which 'Forensic Document Examiner' Michelle Novotny was engaged to analyse, documents she was discussing in email correspondence dated 13 October 2010 which is, exhibit marked "AB 5" of this 'Affidavit'. Of note, these original documents (requisitions, invoices and reports outlining details of the work completed and provided) were in the possession of the 'ICAC Officers/Investigators' since May of 2010. Forensic evidence from the 'Forensic Document Examiner' and the 'Forensic Document Examiner's Report' was before the presiding 'Judicial Officer' in a court of law. However, the presiding 'Judicial Officer' dismissed majority of the forensic evidence, evidence which proved my innocence "beyond a reasonable doubt". This forensic evidence determined the genuineness to the requisitions, invoices and reports which outlined details of work completed and services provided to the two hospitals. On 27 November 2014 the presiding 'Judicial Officer' convicted me "beyond a reasonable doubt", despite forensic evidence proving my innocence.

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40. On 5 February 2015 I, as a self-represented litigant prepared a 'Judicial Review' application for the NSW Supreme Court commencing proceeding 2015/00036376. On the day I was before the 'Duty Judge' of the NSW Supreme Court, and according to the evidence before him, he entered orders in regards to filing of the 'Summons' and for me to serve the 'Summons' in person to the Office of the NSW DPP. I followed the orders of the NSW Supreme Court 'Duty Judge' and the matter was before the court on 6 April 2015. On 6 April 2015, the following was stated by the NSW Supreme Court 'Duty Judge' in his official judgement of 6 April 2015, in the presences of the DPP Solicitor, who was in attendance:

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"Ms Lazarus indicated today that her concern nevertheless is that she could be sentenced next week. Indeed, as I understand it, the sentence is set for Monday, 9 February – Ms Lazarus also explained from the Bar table that her other concerns are that, whilst in custody at one stage, she was, she asserts, improperly approached by someone in authority, and she would wish to have a subpoena issued in due course to see whether that was recorded on CCTV – Ms Lazarus's concern is perhaps there was some



connection between being wrongly placed in custody and also being improperly approached once she was there – Finally, Ms Lazarus’s concern expressed today is that she was placed in custody when in truth, in light of her various medical conditions, she expected some sort of assessment directed towards a non-custodial penalty”.

10 41. Copies of the NSW Supreme Court judgements dated 5 and 6 February 2015 for proceeding 2015/00036376 were provided by the NSW DPP, exhibit marked “AB 25” of this ‘Affidavit’ is the, written correspondence from the NSW DPP dated 26 March 2015, and the accompanying NSW Supreme Court judgement dated 5 February 2015 is exhibit marked “AB 26” of this ‘Affidavit’ and NSW Supreme Court judgement dated 6 February 2015 is exhibit marked “AB 27” of this ‘Affidavit’. This was my evidence on the 5 and 6 February 2015, this is what occurred when I was placed in custody on 27 November 2014. On 27 November 2014 the presiding ‘Judicial Officer’ read on court record, her official judicial judgment and following her reading, the presiding ‘Judicial Officer’, asked that I be placed in custody. Whilst in custody, waiting for my legal representative to explain process and procedure, I was approached by a person who had the authority to place documents before me, requesting my signature on documents which would ensure that I would not take further and/or any legal actions against the two hospitals and other parties involved. I was further, informed that upon, signing the documents I would be released from custody. I was extremely troubled and at the time, I had no understanding of judicial and /or legal processes. In true, I was frightened and unaware of my situation and overwhelmed by my surroundings.

20 30 42. Following the judgements of 5 and 6 February 2015, judicial proceeding 2015/00036376 was before the NSW Supreme Court Registrar, I was informed by the NSW Supreme Court ‘Duty Judge’ during proceeding 2015/00036376, as I was a self-represented litigant, I would require “leave” from the NSW Supreme Court Registrar to subpoena video footage of 27 November 2014, Downing Centre Building custody area and interview area, the building in which I was held in custody on 27 November 2014. On 23 March 2015, the next occasion the proceeding was before the NSW Supreme Court Registrar, I sought leave from the NSW Supreme Court Registrar to file and issue a ‘Subpoena to Produce’. The



presiding NSW Supreme Court Registrar declined my sought leave, and ordered that, I take the matter of “leave” to the office of the NSW Supreme Court Duty Registrar. I acquired an audience with the NSW Supreme Court Duty Registrar and presented the matter of “leave” for the ‘Subpoena to Produce’. The NSW Supreme Court Duty Registrar granted leave for the filing and issuing of the ‘Subpoena to Produce’ for the ‘NSW Office of the Sheriff’, a copy of the NSW Supreme Court ‘Subpoena to Produce’ and the accompanying \$50 Bank cheque as service fee is exhibit marked “AB 28” of this ‘Affidavit’, of note, authorised leave to file and issue the NSW Supreme Court ‘Subpoena to Produce’ appears on the top right-hand corner of the front page of the NSW Supreme Court ‘Subpoena to Produce’.

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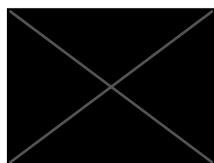
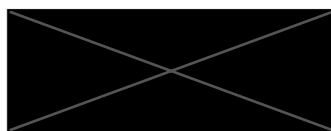
43. I personally served the NSW Supreme Court ‘Subpoena to Produce’ and the required fee of \$50 (in form of a bank cheque) to the ‘NSW Office of the Sheriff’. Following the serve of the NSW Supreme Court ‘Subpoena to Produce’, the ‘NSW Office of the Sheriff’, provided written correspondence dated 26 March 2015, in response to NSW Supreme Court ‘Subpoena to Produce’. A copy of the correspondence dated 26 March 2015 from the ‘NSW Office of the Sheriff’ and the return \$50 bank cheque are exhibit marked “AB 29” of this ‘Affidavit’. The ‘NSW Office of the Sheriff’ provided the following as the reason why video footage of 27 November 2015 cannot be provided to the NSW Supreme Court, in fulfilment of the ‘Subpoena to Produce’:

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“I advise that CCTV footage across NSW courts (including at the Downing Centre) is only retained for a period of around 4-8 weeks on average, before being recorded over.”

44. The NSW Supreme Court proceeding 2015/00036376 was listed for hearing on 13 and 14 April 2015. The presiding ‘Judicial Officer’ dismissed the forensic evidence, jurisdiction evidence before him and stated in his official judgment of 16 April 2015 that, the NSW Local Court ‘Judicial Officer’ for proceeding 2013/00076236, convicted me based on “circumstantial evidence”. Of, note New South Wales Local Court proceeding 2013/00076236 were criminal judicial proceeding in a court of law. Also provisions required to establish “circumstantial evidence” were not present in NSW Local Court proceeding 2013/00076236, ‘as a

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matter of fact', the presiding 'Judicial Officer' NEVER mentioned "circumstantial evidence" in her official judicial judgment of 27 November 2014. The dismissal of NSW Supreme Court proceeding 2015/00036376 by the presiding 'Judicial Officer' placed me before the NSW Local Court 'Judicial Officer' on 20 April 2015 for a sentence hearing, for New South Wales Local Court proceeding 2013/00076236. The NSW Local Court presiding 'Judicial Officer' adjourned the proceeding on 20 April 2014 and relisted the sentence hearing for 27 April 2015. On 27 April 2015, though the NSW Local Court presiding 'Judicial Officer' had seven days to determine a sentence, the NSW Local Court presiding 'Judicial Officer' change the parameters of the sentence on four occasions between the period of 10:00am to 5:00pm, and on each occasion she placed in custody and removed from custody, and on each occasion a new appeal application had to be filed with the NSW Local Court Registry reflecting the changed sentence. At the commencement of the proceeding NSW Local Court presiding 'Judicial Officer' was provided with documentary evidence in relation to my medical conditions and limitations, with full knowledge and evidence before her in court of law, the NSW Local Court presiding 'Judicial Officer' abused her judicial power and authority on 27 November 2014 and 27 April 2015, this led to extreme physical and emotional harm to me, on 27 April 2015 the physical damage to my body was so extreme that I was taken by NSW Ambulance services from the NSW Local Court Building (Downing Centre) and hospitalised. I underwent over nine months of physical and emotional treatment for spinal rehabilitation at a NSW hospital, due to the physical damaged caused by the physical torture inflict upon me on 27 April 2015, by the NSW Local Court presiding 'Judicial Officer', a copy of the NSW Ambulance services invoice with the address of the NSW Local Court building is exhibit marked "AB 30" of this 'Affidavit'. The conduct and abuse inflicted upon me by the NSW Local Court presiding 'Judicial Officer' is no less than physical and mental torture. To suggest anything else would be utterly wrong and additionally abusive.

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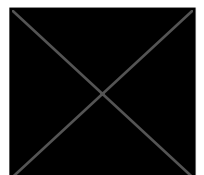
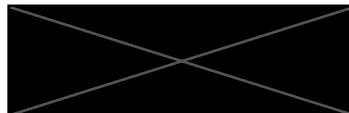
45. My Sister Michelle Lazarus filed a 'Judicial Review' application in the NSW Supreme Court, commencing proceeding 2015/00055904. The proceeding raised the issue of ICAC's jurisdiction to investigate and the validity of the NSW 'Court Attendance Notices'. Of note, Michelle Lazarus was a self-represented litigant in



this proceeding. The ‘Judicial Officer’ once again dismissed the ‘Judicial Review’ application, causing the matter to return to the lower courts of NSW. In the year 2015 legal remedies, in a court of law were available to my Sisters and I, when the matters were before the NSW Supreme Court. Of note, the same NSW Supreme Court ‘Judicial Officer’ presided over both proceedings 2015/00036376 and 2015/00055904. The failure of the NSW Supreme Court ‘Judicial Officer’, ensured that my Sisters and I would continue suffering, and being publicly punished, when evidence contrary to our wrongly determined guilt, was before the court.

10 46. On 23 May 2015 an “all grounds appeal” was filed in regards to NSW Local Court proceeding 201300098654 and on 27 April 2015 an “all grounds appeal” was filed in regards to NSW Local Court proceeding 201300076236. Both proceedings were moved to the NSW District Court, the question of ICAC jurisdiction, the validity of the NSW Local Court, ‘Court Attendance Notices’, and other questions of law and evidence were now before the NSW District Court. Following the High Court judgment in the proceeding of *ICAC v Cunneen [2015] HCA 14*, the NSW Parliament introduced a ‘Bill’ with retroactive operation to allow for our ICAC investigation E10/0035 (Operation Charity) to be within the legislative jurisdiction of the ICAC. On 6 May 2015 the NSW Parliament introduced the ‘Independent Commission against Corruption (Validation) Bill 2015’, a copy of the ‘Bill’ is exhibit marked “AB 31” of this ‘Affidavit’. However, at the time of this ‘Bill’s’ introduction, the two judicial proceedings 201300098654 and 201300076236 were “on foot”, on appeal in a court of law, the NSW District Court, on the very question of law which was amended by the ‘Independent Commission against Corruption (Validation) Bill 2015’.

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30 47. In September of 2016, an application of ‘Supervisory Jurisdiction’ was filed in the NSW Court of Appeal, commencing proceeding 2016/00276980. During the proceeding, our then legal representative raised a question of law, given that judicial proceedings 201300098654 and 201300076236 were “on foot”, on appeal in a court of law, the NSW District Court at the time ‘Independent Commission against Corruption (Validation) Bill 2015’ was introduced, any change to law could not apply to active “on foot” proceedings, which are before the court, in a court of law.



48. On 31 October 2016 for NSW Court of Appeal proceeding 2016/00276980, our then legal representatives filed written submissions in regards to the question of ICAC's jurisdiction and the application of 'Independent Commission against Corruption (Validation) Bill 2015' to active "on foot" proceedings, which are before the court, in a court of law, and the validity of the NSW Local Court 'Court Attendance Notices', copy of the written submissions dated 31 October 2016 for NSW Court of Appeal proceeding 2016/000276980 is exhibit marked "AB 32" of this 'Affidavit'. NSW Court of Appeal proceeding 2016/00276980 was listed for hearing and was presided over by three NSW Court of Appeal Judges, one of the NSW Court of Appeal Judge was a former ICAC 'Deputy Commissioner', in most judicial proceedings globally, this would be determined as a 'conflict of interest', a former ICAC 'Deputy Commissioner' presiding over judicial proceeding in a court of law, where ICAC jurisdiction is being determined and proceeding in which ICAC is a Respondent. However, NSW Court of Appeal did not view this as a 'conflict of interest' when appointing the former ICAC 'Deputy Commissioner' as a presider for NSW Court of Appeal proceeding 2016/00276980. On 7 March 2017 the NSW Court of Appeal dismissed the appeal application and returned the proceedings back to the NSW District Court stating in the official judgment in a court of law, that the submissions addressing the questions of law raised in the NSW Court of Appeal proceeding 2016/00276980, by our then legal representatives were "Judicial Nonsense". Of note, our Barrister in NSW Court of Appeal proceeding 2016/00276980 was the President of the NSW Bar Association, was the President of the Law Council of Australia, and was one of two Barristers in the High Court proceeding *ICAC v Cunneen [2015] HCA 14* (Barristers for Ms Cunneen).

49. When objectively reviewing the judgments, in regards to the Lazarus judicial proceedings in all levels of the NSW judicial hierarchy, it is evident that there is a lack of judicial independence, though evidential material is presented in judicial judgements, judicial appeals are dismissed and guilty verdicts are entered despite of, evidence to the contrary. The issues of lack of judicial independence in regards to judicial proceedings which stem from ICAC investigations and/or inquires, and/or judicial proceeding in which the ICAC is a party, which was the case most



of the time with our judicial proceedings, judicial presider lack judicial independences. The lack of judicial independence is caused by the operation of section 8 of the *ICAC Act 1988 (NSW)*, in collaboration of section 3 (1) “public official” (f) of the *ICAC Act 1988 (NSW)*. Judicial independence is a key element of a democratic judicial system, the following is literature in support of judicial independence:

- 10 a. Exhibit marked “AB 33” of this ‘Affidavit’, is a copy of ‘the Victorian law foundation law week oration delivered by the Hon. Marilyn Warren AC on 27 May 2010, topic “Does Judicial Independence Matter?”;
- b. Exhibit marked “AB 34” of this ‘Affidavit’, is a copy of ‘the judicial conference of Australia’ delivered by Rebecca Anannian-Welsh and George Williams, topic “Judicial Independence from the Executive”;
- c. Exhibit marked “AB 35” of this ‘Affidavit’, is a copy of the ‘Traditional Rights and Freedoms – Encroachments by Commonwealth Laws’ chapter 10 – Fair Trial; and
- 20 d. Exhibit marked “AB 36” of this ‘Affidavit’, is a copy of ‘North Queensland law association’ conference delivered by the Hon. Kiefel on 30 May 2008, topic “Judicial Independence”.
50. In regards to the combined operation of section 30 and 31 of the *ICAC Act 1988 (NSW)* in the same ICAC investigation the former ‘Commissioner’ for the South Australian ICAC, indicated that such operations give rise the ethical questions as well as questions of law, in which the rights of the witness must be observed, the operation of both sections serve the same and one purpose, and that, there is no need to repeat evidence which is collected in private, in a public domain, this publicly punishes the witness and/or ‘person(s) of interests’ and/or “affected parties”. Exhibit marked “AB 37” of this ‘Affidavit’ is a copy of ‘South Australian Press Club’ address delivered by the Hon. Bruce Lander QC on 15 October 2014, topic South Australian ICAC.
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51. Since the year 2013 to 2022, judicial proceedings commenced in regards to my Sisters and I, have raised Constitutional questions, which were dismissed by the NSW courts and/or courts failing to apply legislative provisions which address Constitutional questions raised. For these reasons, this application is now before the High Court of Australia so that the prolonged (since 2010) and systematic chronic mental and physical harm and anguish suffered by my Sisters and I, can hopefully be addressed.

10 52. Following the conclusion of High Court proceeding, *ICAC v Cunneen [2015] HCA 14*, the NSW Parliament introduced a 'Bill' with retroactive application. On 6 May 2015 the NSW Parliament introduced the 'Independent Commission against Corruption (Validation) Bill 2015', a copy of the 'Bill' is exhibit marked "AB 31" of this 'Affidavit'. This 'Bill' altered the legislative jurisdiction of the ICAC as a permanent investigative, 'special commission of inquiry'. During the introduction of the 'ICAC Bill' on 26 May 1988, the parameters of the commission were stated in the parliamentary introductory speech, which is exhibit "AB 14" of this Affidavit. It is clarified that the ICAC jurisdiction to investigate is limited to public authorities, public entities, public officials, public office and the public sector. ICAC jurisdictional parameters were reinforced in the High Court judgement of 20 *Balog v ICAC (1990) 169 CLR 625*, permanent investigative, 'special commission of inquiry' for the public sector. However, the 'Independent Commission against Corruption (Validation) Bill 2015', extended the jurisdiction of the ICAC to include private citizens, new jurisdiction authority within the provisions of the 'Bill' has a retroactive function. As the *ICAC Act 1988* was originally legislated for the public sector, following the introduction of the 'Independent Commission against Corruption (Validation) Bill 2015', the *ICAC Act 1988* deprives private citizens of equality within the provisions of the legislation, and as a result deprives private citizens of 'equality before the law'. The following are examples of such deprivation and abuse of human rights which resulted in the twelve years of 30 suffering for my Sisters and me.

53. There is no exoneration process available within the ICAC legislation, for individuals who are investigated wrongly. This was a case in the ICAC investigation/inquiry for "Operation Vesta". Highlighted in the official



communication by the then 'ICAC Inspector' (who is a retired NSW Supreme Court Judge), to the NSW Parliament dated 28 June 2017, that during the ICAC investigation/inquires for "Operation Vesta" human rights of the 'Affected Person(s)' were violated, the following was stated in the official communication, which is exhibit marked "AB 39" of this 'Affidavit' (first, second and third page only), in regards to the ICAC, as a commission not bound by the 'Rule of Evidence':

10 "Bearing in mind s. 17 ICAC Act provides the Commission is not bound by the rule or practice of evidence and can inform itself on any matter as it thinks appropriate; one can understand Counsel for Mr Charif Kazal not objecting to that question.

In a court trial before a Judge, it may well have been objected to on the basis that it had sought to raise two propositions and hence within the framework of a single question amounted to two questions touching upon:

- forming an intent to settle Kelly's account re airfare; and
- forming an intent to settle Kelly's account re accommodation."

20 This is just a single example of the questioned asked for which two separate answers may apply, a yes for the first part of the question and/or no for the second part of the question. These are the style of questions for which Michelle Lazarus provided answers, questions which contained misleading and "not accurate" information [see paragraph 31 to 34 of this 'Affidavit'] , misleading and inaccurate information provided to Michelle Lazarus by 'Counsel Assisting' and the ICAC 'Commissioner'. Based on the misleading and inaccurate information provided and the style of questions asked of Michelle Lazarus, she was charged within the provisions of section 87 of the *ICAC Act 1988*. Of note, from the period of 1988 to 2013 (the year Michelle Lazarus was charged within the provisions of section 87 of the *ICAC Act 1988*), approximately ninety percent of prosecutions and convictions

30 in a court of law were in relation to chargers raised within the provisions of section 87 of the *ICAC Act 1988*. The official communication, by the ICAC 'Inspector' which is exhibit marked "AB 39" of this 'Affidavit', provides numerous examples of abuse of human rights and abuse of an individual's right to fair commission proceeding.



54. In relation to the combined operation of section 30 and section 31 of the *ICAC Act 1988* the ICAC ‘Inspector’ states the following:

10 “The overwhelming bulk of criminal investigation is done beyond the public gaze by public officials, usually police – accepting, of course, the public may be well aware an investigation into an offence is on-going. Indeed, most frequently suspects will know they are being investigated, although their friends may not. There are clear and sensible reasons why investigation is done behind closed doors – security of the investigations personnel, exhibit and investigation plan among them. There are also public benefits coming to the community as a consequence of closed door investigations – suspects’ and witnesses’ privacy is preserved resulting in personal reputation, honours and character not being unnecessarily devalued. By contrast public scrutiny investigations into scenarios that could be associated with criminal conduct are miniscule. The only permanent standing forum empowered to conduct its investigation that I can think of is the ICAC. Although the Perry Mason courtroom invariably ran an investigation, in the real world a criminal courtroom normally provides a trails based upon the results of an investigation; and in circumstances where the prosecution entertains a reasonable belief that a reasonable jury properly instructed as to fact and law will convict. There are two aspects by which an ICA public inquiry provides public scrutiny – namely through the hearing and the reporting processes. In that sense, apart from Royal and other designated Commissions, it is unique. With the public scrutiny investigation, privacy, reputation and character of “affected” persons are put in danger of being invaded, devalued – and in some cases being trashed. People in New South Wales, in common with most communities throughout the western world instinctively value privacy, reputation, honour and the fruits those qualities bring to our daily lives. Although the Universal Declaration of Human Rights has no binding legal forces in NSW, the values it espouses are not forging to our culture. It is worth diverting for a moment to consider a number of the Articles contained in the Deceleration and understanding how a public scrutiny investigation may impact upon the

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propositions contained within the Declaration. Relevant Articles I wish to draw attention to are:

“Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

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Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

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Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

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“Each of the cited Articles sets out a right or interest envisaged by the Declaration that is well recognised in NSW as an appropriate aspiration. No doubt the sharp lawyer would point to the literal nature of the various



Articles to suggest they don't apply. For example the shaper lawyers might point out that Article 11 might be thought to confine the presumption of innocence only to a situation where a person is formally charged with a penal offence. My argument is that right is battered wherever a finding of corrupt conduct is made, and more particularly when that label is applied to conduct that at best only amount to disciplinary or termination type conduct. Numerous persons who have had the label stamped upon their forehead have been keen to clear their name to that their honour or good character (including the presumption) can be restored. A second example may see sharper lawyer pointing out that Article 12 appears to confine the declared right to situations where "arbitrary" interference is afoot. The definition of "arbitrary" is wide enough to include an ICAC finding of corrupt conduct that cannot be challenged: "arbitrary" - subject to individual will or judgment; not attributable to any rule or law; uncertain, unreasonable. An ICAC finding of corrupt occurred that cannot be challenged, given the procedural circumstances in which it occurred prior to the recent amendment to the ICAC Act, must qualify as an arbitrary decision even though made after a limited adversarial encounter."

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The ICAC 'Inspector' referenced the following NSW Supreme Court proceeding in regards to:

"the consequences of a finding of corrupt conduct can be as devastating as any conviction. The Supreme Court in obiter said:

To say that the Commission investigate allegation of corruption is not a complete statement of its functions. It is also to be observed that the Commission takes evidence and evaluates that evidence of the purposes of deciding whether it should make a finding of corruption. Such findings may be extremely damaging to reputations and indirectly to financial interests. As is the case with the criminal law, a balance has to be struck. From the standpoint of an 'affected person' (sic), and inquiry by the Commission is analogous to a criminal trial because the outcome may be a finding no less damaging than a conviction for many criminal offences."

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However, during a criminal trial conducted in a court of law, checks and balances are in place within the rule and practice of evidence and within the provisions of rules and practice set in law. i.e. the style and formatting of questions asked, the leave granted to object to undue abuse, and the level of personal information released to the public. For example, during “Operation Charity” involving my Sisters and I, our personal details such are date of birth, residential addresses, personal banking details including names of banks we hold accounts with, and other personal details were released to the public and remains publicly available through the ICAC public inquiry transcript, which can be publicly accessed by any member of the public, via ICAC’ official website. ICAC Transcript of 23 March 2011 page 1312 and 1324, states our personal banking details (not for business banking), including the names of banks we hold account with. ICAC Transcript of 23 March 2011 page 1312 is exhibit marked “AB 40” and ICAC Transcript of 23 March 2011 page 1324 is exhibit marked “AB 41”. This is just one example.

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55. The former ‘ICAC Inspector’ in his official communication (exhibit marked “AB 39” of this ‘Affidavit’) refers to the former High Court Judge, Chief Justice French, in relation to ‘Public Office’ and ‘Public Trust’:

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“It is probably not controversial that ethical behaviour derives from a view that the actor holds of himself of herself in relation to others. In this case of a person occupying public office, the relationship will always be defined by the constitutional proposition that the office is held for the benefit of others. Public offices are created for public purpose and for the benefit of the public... The powers which are conferred on any public official must necessarily be exercised on for the purpose of, and in accordance with, the law by which those powers are conferred”.

- 30 56. The current President of the ‘Rule of Law Institute of Australia’, detailed an exoneration process, the following was stated by him in relation to the restoration of “affected person(s)” reputation, the following stated in the document titled, “Reputational Impact On An Individual Being Adversely Named In The ICAC’s



Investigations” dated 29 July 2020, this document is marked exhibit “AB 42” of this ‘Affidavit’:

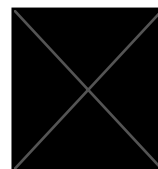
10 “The gap in the law was identified in 2017 by ICAC’s former acting inspector, John Nicholson, in a report¹ that examined the commission’s conduct in relation to businessman Charif Kazal and former public servant Andrew Kelly. Nicholson, who is a former judge of the NSW District Court, found Kazal and Kelly had been “stigmatised and shamed” by ICAC but had been unable to test the merits of the agency’s assertion that they were corrupt as neither was ever charged with any offence. “The legislation preserves the work of ICAC as though it is infallible,” wrote Nicholson, who believed this could amount to a breach of Australia’s obligations under Articles 11 and/or 12 of the Universal Declaration of Human Rights.”

“Any organisation manned by humans is far from infallible,” he said.

“In Nicholson’s assessment, it offends the popular sense of a “fair go” if a label of corrupt conduct “can be placed incorrectly upon a person without any real chance of him or her having the label reviewed”.

20 He recognised that Article 11 of the Universal Declaration, which protects the presumption of innocence, might be thought to confine the presumption to circumstances where a person is formally charged with a penal offence. But he believes it espouses values that are not foreign to Australian culture. The people of NSW, in common with most communities throughout the western world, instinctively value privacy, reputation and honour, Nicholson’s report says.”

30 “My argument is that the presumption of innocence is an interest or right alive at all times although usually it may only come into play in the face of a formal charge. My argument is that right is battered whenever a finding of corrupt conduct is made, and more particularly when that label is applied to conduct that at best only amounts to disciplinary or termination type conduct. Numerous persons who have had that label stamped upon their forehead have been keen to clear their name so that their honour or good character (including the presumption) can be restored.”



“Article 12 of the Universal Declaration aims to prevent “arbitrary” attacks on honour and reputation and Nicholson believes this covers ICAC’s findings of corruption.”

“The definition of ‘arbitrary’ is wide enough to include an ICAC finding of corrupt conduct that cannot be challenged.”

“The original mistake was creating an agency without ensuring its coercive power was balanced by respect for the presumption of innocence and the ability to test the merits of a flawed finding. The Nicholson report notes that even those convicted in a court of corrupt dealings, and indeed those who have had their appeals finalised, still have mechanisms for having their innocence restored to them should it be the case that they are able to mount a compelling case that they are in fact innocent of a crime.”

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57. The following is stated by the current President of the ‘Rule of Law Institute of Australia’ in regards to the principle of ‘presumption of innocence’ and the need for a exoneration process:

“An exoneration process is not simply about correcting the damage to individuals, but rebuilding ICAC’s public standing. Any legal institution that has no reputation for justice has no reputation. In times of international uncertainty, Australia’s reputation for adhering to the rule of law would be reinforced by an exoneration protocol. ICAC’s work is important, but if the country is seen as failing to adhere to the rule of law, it will erode a source of pride and certainty in an uncertain world. Australians have a legitimate expectation that they will be treated justly by the institutions created by parliament. The committee is urged to address that expectation. – In this country, everyone is innocent until proven otherwise in a court of law. That hard-won principle is fundamental to the rule of law and should be the central concept supporting a statutory reform package that includes the introduction of an exoneration protocol and changes to ICAC’s procedures. – This submission proposes a reform program that consists of two separate but closely related tranches of changes to the Independent Commission Against Corruption Act. The first stage involves the implementation of an exoneration protocol that would create a mechanism, overseen by the

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Supreme Court, for addressing reputational damage to innocent parties caused by procedures that have been used by ICAC. A protocol of the type outlined in this submission is needed urgently to provide redress for innocent people who have been unjustly tainted and have no effective mechanism under NSW law that would enable them to clear their names and restore their reputations.”

The current President of the ‘Rule of Law Institute of Australia’ states the following:

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“A protocol of the type outlined in this submission is needed urgently to provide redress for innocent people who have been unjustly tainted and have no effective mechanism under NSW law that would enable them to clear their names and restore their reputations.

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The proposed second stage of the reform plan addresses the underlying causes of unjustified reputational damage and could be dealt with during the broader review of the operation of ICAC that the committee expects to undertake next year. It has been foreshadowed in order to show that an exoneration protocol, while necessary, needs to be accompanied by other changes in order for reform to be truly effective. If both parts of the program are accepted, it is foreseeable that after the initial applications, the changes outlined in stage two would lead to few applications under the protocol. It is necessary to make the point that all of the incidents that justify introducing an exoneration protocol took place before parliament made several recent changes to ICAC, including the shift to a three-commissioner model, after the commission was found by the High Court in 2015 to have exceeded its jurisdiction. The erosion of the presumption of innocence is most starkly apparent in the case of businessman Charif Kazal which formed the basis for the extensive report by John Nicholson that is cited above. Kazal was declared corrupt but was never prosecuted. It would be a mistake, however, to view this absence of prosecution as beneficial for Kazal. Because there is no merits review of ICAC’s determinations, a criminal trial would have given him the opportunity to have the facts that led to the commission’s finding subjected to scrutiny. Instead, he has been

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damned as corrupt and denied access to the one forum that could have determined conclusively whether he was in fact guilty of wrongdoing: a criminal trial.”

“The consequence of that course, is that Charif Kazal will never have the opportunity to clear his name,” says Nicholson’s report on the affair.”

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“That finding [of corruption] having been made, however, leaves Charif Kazal with a stain upon his honour, reputation and his right to be considered as a person of good character with no means at law of being able to retrieve or recapture those qualities through recourse to the law or to have the findings of the Commission expunged from the records of ICAC and its publishings on the internet. It has impacted upon his presumption of innocence.”

“Nicholson’s report shows that he believes it is futile to complain to the office of ICAC’s independent inspector under provisions of the ICAC Act in an attempt to rectify an incorrect finding by ICAC.”

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“The complaints mechanism offered by s.57B(1)(b) and (c) are an inadequate form of check and balance for an incorrect result arising from the exercise of extraordinary powers of the ICAC.”

“This committee recognised the shortcomings of the available remedies last year in its Review of the 2017-2018 annual reports of the ICAC and the Inspector of the ICAC.”

“The reputational impact experienced by people named in investigations of the ICAC can be serious, and is not addressed fully by the available remedies, and an exoneration protocol is one possible remedy to address the reputational impact of being named in the investigations of the ICAC.” [Emphasis added].

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“Concern about unjustified damage to reputations pre-dates the imposition on ICAC of the three-commissioner model. But the commission still has the same coercive power that led to the infringement of Kazal’s presumption of innocence. History has shown it is too risky to simply hope the problem will not re-emerge because of a change of personnel. Human rights should not be allowed to depend on the common sense and discretion of individuals -



particularly when those individuals are not part of the independent judiciary and the merits of their decisions are beyond independent review.”

The following is a suggested excoriation process:

“An exoneration protocol should be available, on application to the Supreme Court, but not by way of an appeal or as a form of merits review. This should be made clear in the statute giving it effect.

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The protocol would not require the Supreme Court to reconsider whether there was insufficient evidence to support a guilty verdict. That issue would have already been resolved in the applicant’s favour either by an acquittal or by a decision of the Director of Public Prosecutions that a prosecution was not justified. Innocence in the eyes of the law would be a precondition for seeking orders under the protocol. ICAC, while a party to proceedings under the protocol, would be prevented from re-opening debate on matters that have been resolved by the justice system. The court would be asked to determine whether circumstances to be listed in statute are present and if they are, whether the applicant should be reasonably excused and provided with a remedy aimed at repairing damage to the presumption of innocence.

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The protocol should be available when any of these circumstances are present:

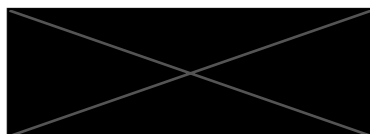
a) There is an absence of a criminal conviction arising from a prosecution based upon the same or similar facts that led ICAC to make a finding of corrupt conduct.

b) The Director of Public Prosecutions, after considering material that formed the basis for a finding by ICAC of corrupt conduct, determines that this material is an inadequate basis for a prosecution.

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c) Twelve months have elapsed from the date on which ICAC referred material to the Director of Public Prosecutions and no decision has been made about whether to commence a prosecution based upon that material.

d) When an adverse finding was made in circumstances in which ICAC exceeded its jurisdiction as outlined by the High Court in



Independent Commission Against Corruption v Cunneen [2015] HCA 15.

e) When ICAC did not adhere to the rules of procedural fairness during an investigation that led to a finding of corruption.

f) When an individual has suffered reputational damage during an ICAC inquiry and no adverse finding has been made against that individual by ICAC.”

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“The protocol is intended to provide a remedy for a wide range of innocent people who have suffered reputational damage despite the fact that their conduct has never been shown to be unlawful. The procedure for obtaining orders under the protocol should, in most instances, be uncomplicated and should not be permitted to generate unreasonable legal costs or take excessive amounts of court time. The question of whether the circumstances outlined in Points a), b) and c) would be a factual matter easily verifiable by ICAC. The existence of the circumstances outlined in points d) and e) would need to be determined by the Supreme Court. This could be done as part of proceedings which, if successful, could include an application for orders under the protocol. While this would be an efficient use of court time, it might be preferable for these matters to be decided in separate proceedings followed by a discrete application under the protocol. This would eliminate the possibility that a contested hearing alleging jurisdictional error or an absence of procedural fairness could have the effect of turning an application under the protocol into an adversarial contest. The committee should be aware that point d), when included in statute, would amount to a partial repeal of legislation that validated past actions by ICAC in which the commission exceeded its jurisdiction. The validation legislation, as its title suggests, had the effect of retrospectively transforming unlawful conduct by ICAC into lawful conduct. This denied access to justice for those adversely affected by the commission’s unlawful conduct. They have been prevented from seeking declarations from the Supreme Court that actions by ICAC that were undertaken without a basis in law are a nullity. The retrospective validation of unlawful actions was an over-reaction to the Cunneen case. That decision, and parliament’s response, leave no doubt that the commission did not understand the limits

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on its jurisdiction that are contained in the ICAC Act. It meant parliament chose to protect this agency from the consequences of its jurisdictional over-reach while leaving the victims of this error without a remedy. Instead of allowing the courts to apply the normal law as declared by the High Court, parliament changed the rules to protect a statutory agency that misunderstood its own governing statute and made declarations that were beyond the powers granted to it by parliament. - It should accept that ICAC, like the rest of the community, is subject the law. - The loss of reputation is a real penalty that can destroy a career. This was recognised by Margaret Cunneen SC in 2016. She warned that government agencies, because they are not courts and cannot convict and pass sentence, “have developed a means of punishment which in many cases is far worse”.

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“The media is co-opted into the role of punisher, and the role is embraced in some quarters with a relish that could easily be confused with malice . . . The justice that our community is permitting to be dispensed in the form of shaming the targets of these investigatory bodies is now far worse [than 20 years ago]. Well in advance of any charge being laid, often in cases where charges will never be laid, even in cases where the decision that no charge will be laid has already been made by the proper authorities, investigative bodies are justifying their existence by condemning the presumed innocent in the media. Today that means that the ill-informed and the vindictive go on the attack in the manner of a cyber lynch mob.”

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“This is in line with the view of Phillip Boulten SC, a former president of the NSW Bar Association, who warned in 2015 that a parallel system of justice was now in competition with “the real criminal courts”. ICAC is part of that competition. And while it might look like a court and can destroy reputations, it lacks the system of checks and appeals that help the courts correct any errors. The exoneration protocol – and any changes this might mean for ICAC - are the necessary consequences of the commission’s intrusions on the role of the courts. The fault lies with the ICAC Act. The exoneration protocol also rests on second principle: the presumption of innocence that applies to everyone and is fundamental to the rule of law and

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the justice system. At the moment, the ICAC Act permits the presumption to be side-stepped. If that continues, it will cease to have meaning as a fundamental right of citizenship and central pillar of the rule of law.”

58. Jessica Lazarus who at the commencement of the ICAC investigation/inquiries was a ‘persons of interest’ and defined as an “Affected Person (Parties)”, was provided with NO legislative avenue, to excoriate her from allegation filed against her during the ICAC investigation/inquiries, and has NO legislative avenue, to excoriate her from wrongful recommendations made by the ICAC against her in the ICAC report of August 2011 which was filed with the NSW Parliament. This stain on her reputation remains to date.

59. Since the of ICAC investigation/inquires E10/0035 (Operation Charity), were not within the jurisdiction of the ICAC, as determined by the report titled, ‘Independent Panel – Review of the Jurisdiction of the Independent Commission Against Corruption Report’, which is exhibit marked “AB 20” of this ‘Affidavit’[as see paragraphs 30 to 31 of this ‘Affidavit’ for additional details], there are NO legislative provisions within the *ICAC Act 1988* for my Sisters and I, to file a complaint with the ‘ICAC Inspector’ pursuant to section 57B(2) of the *ICAC Act 1988*. The abusive conduct of the ‘ICAC Officers’ during the ICAC investigation/inquires E10/0035 “Operation Charity” cannot be raised within the provisions set in section 57B (2) of the *ICAC Act 1988*. Section 57B (2) of the *ICAC Act 1988* is an example of the *ICAC Act 1988* section, which only operates for public official and makes no provisions for the private sector and private citizens/individuals.

Section 57B (2) of the *ICAC Act 1988*

“The functions of the Inspector may be exercised on the Inspector’s own initiative, at the request of the Minister, in response to a complaint made to the Inspector or in response to a reference by the Joint Committee or any public authority or public official.”

As “Operation Vesta” (which was investigated by the ‘ICAC Inspector’ who formulated an official report, which is marked exhibit “AB 39” of this ‘Affidavit’),



involved public authorities and public officials, and was within the original jurisdiction of the ICAC to investigate, the “Affected Person(s)” in ICAC investigation/inquiries for “Operation Vesta” were able to file a complaint in regards to the abuse inflicted upon them by ICAC personnel and officers, with the ‘ICAC Inspector’ pursuant to section 57B (2) of the *ICAC Act 1988*. However, the *ICAC Act 1988* makes no provisions for my Sister and I, to file a complaint with the ‘ICAC Inspector’, as we were not within the original jurisdiction of the ICAC to investigate and are private citizens/individuals. This is a section of the *ICAC Act 1988*, which required amendment, since the introduction of the ‘Independent Commission against Corruption (Validation) Bill 2015’ which has a retroactive operation (a copy of the ‘Bill’ is marked exhibit “AB 31” of this ‘Affidavit’), to allow for the private sector and private citizens/individuals who now can be investigated by the ICAC, to file a complaint with the ‘ICAC Inspector’. Such inequality, cause abuse of rights and abuses the provisions of law which ensure ‘equality before the law’.

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60. This is due to the fact that, “Affected Person(s)/ Parties” who are from the public sector, public officials and within the original jurisdiction of the ICAC to investigate are provided with financial assistance pursuant to the provisions set in section 52 of the *ICAC Act 1988*. Public official who are “Affected Person(s)/ Parties” and/or witnesses in relation to ICAC investigations and ICAC inquiries are provided legal fee for legal practitioners representing them during ICAC investigations and ICAC inquiries. Prior to the ICAC ‘Compulsory Inquiry’ pursuant to section 30 of the *ICAC Act 1988 (NSW)*, held on 12 July 2010, on 6 July 2010 my Sisters and I were informed by ICAC Officers that we would require separate legal representation for each person. My Sisters and I personally paid our legal fees for legal representation, during ICAC ‘Compulsory Inquiry’ pursuant to section 30 of the *ICAC Act 1988 (NSW)*, held on 12 July 2010. Once again, during ICAC ‘Compulsory Inquiry’ pursuant to section 30 of the *ICAC Act 1988 (NSW)*, held on 15 December 2010, I personally paid for the legal practitioner representing me. Following the serves of the ‘Summons to Appear and Give Evidence’ on 18 January 2011, which commenced ICAC ‘Public Inquiry’ pursuant to section 31 of the *ICAC Act 1988 (NSW)* on 14 February 2011, between the period of 18 January 2011 and 14 February 2011, I personally contacted the NSW Legal Aid

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Commission, I provided details of the ICAC inquiries to the NSW Legal Aid Commission personnel, who informed me that, as this is an ICAC inquiry I need to contact a different department, I cannot recall whether I was provided with a phone number by the NSW Legal Aid Commission personnel or my phone call was transferred to a different department. I spoke with a new person and provided details of the ICAC inquiry, the person on the phone said he would get back to me, I provided him with my contact details, the individual attending my phone call never called back. Once again my Sisters and I personally paid legal fee to legal practitioners representing us during the ICAC ‘Public Inquiry’ which commenced 14 February 2011 and concluded 24 March 2011. However, Michelle Lazarus and Jessica Lazarus were self-represented on 22, 23 and 24 March 2011. Every public official regardless of their financial standing is provided with legal fee by the State of NSW for legal practitioners representing them during ICAC investigations and Inquires. However, given that my Sisters and I were not in the original jurisdiction of the ICAC to investigate, we personally paid for legal practitioners representing us during the ICAC investigation and ICAC inquiries, and additionally paid for all expenses we incurred during the ICAC investigation and ICAC inquiries.

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Section 52 of the *ICAC Act 1988*

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“A witness who is appearing or about to appear before the Commission may apply to the Attorney General for legal or financial assistance.

(2) The Attorney General may approve the provision of legal or financial assistance to the applicant if of the opinion that this is appropriate, having regard to any one or more of the following:

(a) the prospect of hardship to the witness if assistance is declined,

(b) the significance of the evidence that the witness is giving or appears likely to give,

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(c) any other matter relating to the public interest.

(3) On giving the approval, the Attorney General may authorise the provision to the witness of legal or financial assistance determined by the Attorney General in respect of the witness’s appearance



before the Commission. The assistance is to be provided out of money provided by Parliament for the purpose.

(4) The assistance may be provided unconditionally or subject to conditions determined by the Attorney General.

(5) The Attorney General may delegate one or more of his or her functions under this section to the Director-General of the Attorney General's Department.”

10 This is another example of inequality private citizens/individuals from the private sector are exposed to following the introduction of the ‘Independent Commission against Corruption (Validation) Bill 2015’, which has a retroactive operation (a copy of the ‘Bill’ is marked exhibit “AB 31” of this ‘Affidavit’). This is a section of the *ICAC Act 1988*, which also requires amendment, as it is causing abuse of rights and abuses the provisions of law which ensure ‘equality before the law’.

61. As a result of ICAC investigation and ICAC inquires, public inquiry my Sisters and I could not obtain full-time employment and as a result we are experiencing extreme financial hardship since 2010 to date, we are recipient of Commonwealth support programs. Due to extreme financial hardship Michelle Lazarus is unable to act as a Plaintiff in this application.

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62. Recently, the Federal Parliament of Australia has taken the required provisions to introduce the ‘Bill’ for the operation of a ‘Federal Integrity Commission’, commonly referenced to as the “Federal ICAC”. Exhibit marked “AB 38” of this ‘Affidavit’ is a copy of the ‘Australian Federal Integrity Commission Bill 2021’, parliamentary speech on 25 October 2021. The outcome and questions of law determined and defined in this application will ensure that the future constitutional errors do not occur. This application is within the jurisdiction of the High Court of Australia.

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SWORN / AFFIRMED* by the deponent

at [place] [REDACTED]

in [State or Territory] *NSW*

on [date]. *6/6/22*

Before me:

[REDACTED]

Signature

[name and qualification of
witness administering oath or affirmation]

[Handwritten Signature]

Signature of deponent

[Large handwritten flourish or signature]

IN THE HIGH COURT OF AUSTRALIA

[Sydney] REGISTRY

Affidavit of Sandra Lazarus sworn/affirmed on 06 June 2022.

INDEX OF EXHIBITS

EXHIBIT	DESCRIPTION	PARAGRAPH	PAGE*
"AB1"	is a copy of the 'Summons to Appear and Give Evidence', pursuant to section 35 of the <i>ICAC Act 1988</i> , for Sandra Lazarus, dated 18 January 2011, signed by the ICAC 'Assistant Commissioner', Teresa Hamilton for ICAC 'Public Inquiry' pursuant to section 31 of the <i>ICAC Act 1988 (NSW)</i> , commencing 14 February 2011.	6 a	55
"AB2"	of this 'Affidavit', is a copy of the 'Summons to Appear and Give Evidence', pursuant to section 35 of the <i>ICAC Act 1988</i> , for Michelle Lazarus, dated 18 January 2011, signed by the ICAC 'Assistant Commissioner', Teresa Hamilton for ICAC 'Public Inquiry' pursuant to section 31 of the <i>ICAC Act 1988 (NSW)</i> , commencing 14 February 2011.	6 b	58
"AB3"	is a copy of the 'Summons to Appear and Give Evidence', pursuant to section 35 of the <i>ICAC Act 1988</i> , for Jessica Lazarus, dated 18 January 2011, signed by the ICAC 'Assistant Commissioner', Teresa Hamilton for ICAC 'Public Inquiry' pursuant to section 31 of the <i>ICAC Act 1988 (NSW)</i> , commencing 14 February 2011.	6 c	61
"AB4"	is a copy of the 'Cover Page', for the ICAC 'Brief of Evidence' for the ICAC	7	64



EXHIBIT	DESCRIPTION	PARAGRAPH	PAGE*
	investigation and inquires, E10/0035, operation titled "Operation Charity".		
"AB5"	is a copy of the email dated 13 October 2010 from 'Forensic Document Examiner' Michelle Novotny to ICAC Officer Michael Kane.	8	66
"AB6"	is a copy of the email dated 11 January 2011 from Michael Kane to 'Forensic Document Examiner' Michelle Novotny.	9	70
"AB7"	is a copy of the ICAC transcript for proceeding E10/0035, transcript dated 24 March 2011, page 1442T.	11	72
"AB8"	is a copy of the letter dated 5 April 2011 from ICAC 'Principal Lawyer'.	12	74
"AB9"	is a copy of the ICAC transcript for proceeding E10/0035, transcript dated 15 February 2011, page 195T.	13	76
"AB10"	is a copy of the 'Subpoena for Production' for NSW Local Court proceeding 201300076236, addressed to Michelle Novotny at the office of, Forensic Document Exchange Services Pty Ltd.	14	78
"AB11"	is a copy of NSW Local Court proceeding 201300076236 transcript for 25 September 2014.	16	82
"AB12"	is a copy of NSW Local Court 'Court Attendance Notices' issue date 1 March 2014, commencing NSW Local Court proceeding 2013/00098654 in relation to Michelle Lazarus.	17	84
"AB13"	is a copy of NSW Local Court 'Court Attendance Notices' issue date 1 March 2014, commencing NSW Local Court	17	87

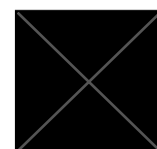


EXHIBIT	DESCRIPTION	PARAGRAPH	PAGE*
	proceeding 2013/00076236 in relation to Sandra Lazarus.		
“AB14”	is a copy of the parliamentary introductory speech for the ‘ICAC Bill’, on 26 May 1988.	18	96
“AB15”	is a copy of written submissions for proceedings 2013/00098654 and 2013/00076236, dated 23 June 2016.	19	104
“AB16”	is a copy of the NSW parliamentary introductory speech, dated 12 November 2015, including, ‘Courts and Other Justice Portfolio Legislation Amendment Bill 2015’.	20	126
“AB17”	is a copy of the letter dated 13 September 2016 from the then ICAC ‘Inspector’.	21	139
“AB18”	is a copy of the NSW Local Court Transcript for proceeding 201300098654, <i>ICAC v Lazarus</i> , dated 21 October 2013.	24	145
“AB19”	is a copy of the NSW Local Court Transcript for proceeding 201300098654, <i>ICAC v Lazarus</i> , dated 21 October 2013.	27	147
“AB20”	is a copy of the ‘Independent Panel – Review of the Jurisdiction of the Independent Commission Against Corruption Report’, published by the NSW Department of Premier and Cabinet, dated 30 July 2015 – sections 6.1 to 6.3.	30	150
“AB21”	is a copy of the NSW Local Court proceeding 2013/00076236 transcript dated 1 September 2014.	36	157
“AB22”	is a copy of the website information, cited on 12 May 2022, https://www.bcg.com/en-au/about/people/experts/ben-keneally .	37	159

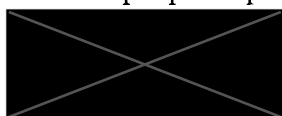


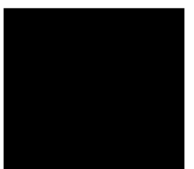
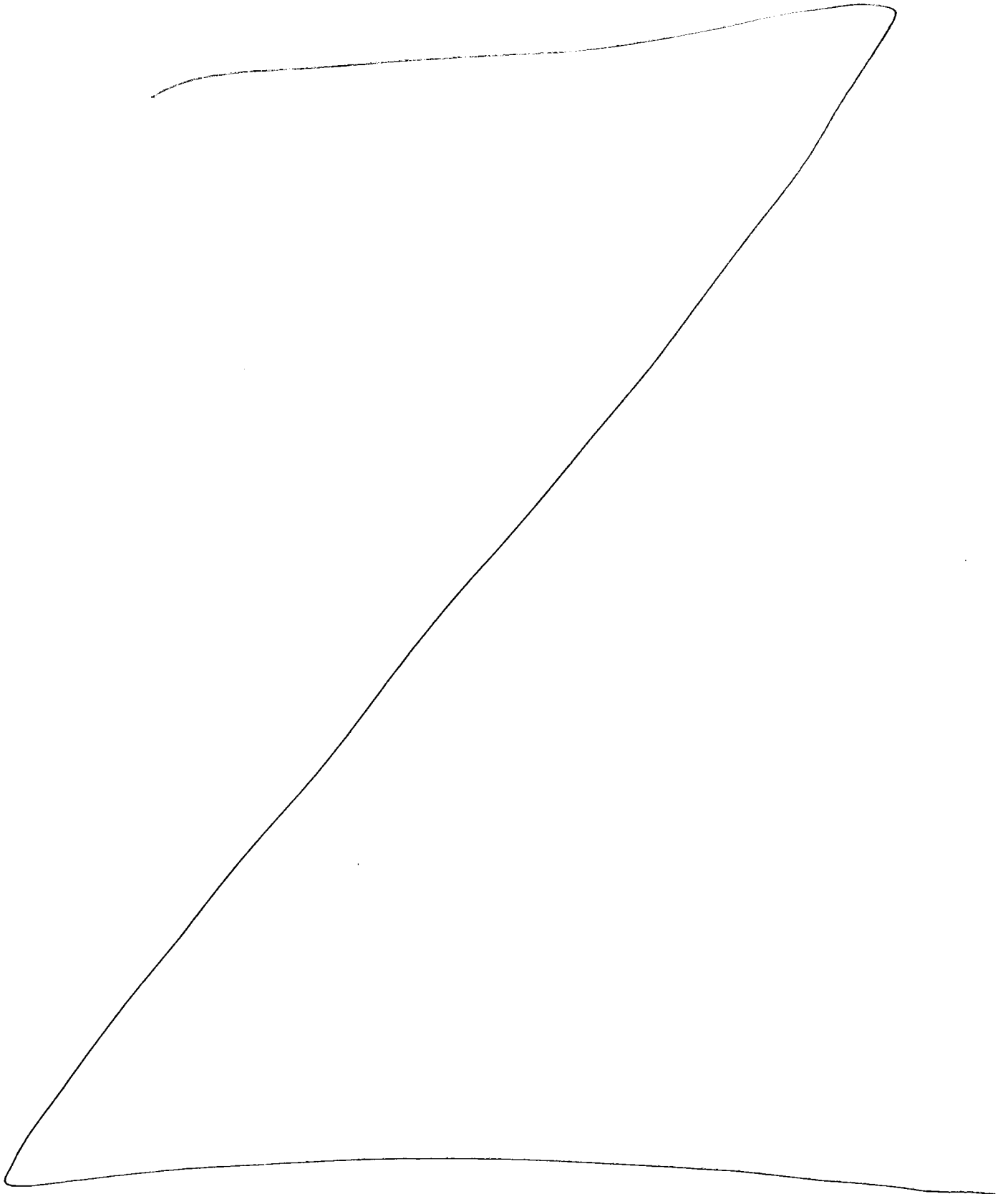
EXHIBIT	DESCRIPTION	PARAGRAPH	PAGE*
"AB23"	is a copy NSW Local Court proceeding 2013/000076236, judicial order for forensic examination of documents.	39	161
"AB24"	is a copy of the 'Executive Summary of the Forensic Document Examiner's Report'.	39	163
"AB25"	is a copy of the written correspondence from the NSW DPP dated 26 March 2015.	41	200
"AB26"	is a copy of the NSW Supreme Court judgement dated 5 February 2015 for proceeding 2015/00036376.	41	202
"AB27"	is a copy of the NSW Supreme Court judgement dated 6 February 2015 for proceeding 2015/00036376.	41	205
"AB28"	is a copy of the NSW Supreme Court 'Subpoena to Produce' and the accompanying \$50 Bank cheque issued to the 'NSW Office of the Sheriff'.	42	209
"AB29"	is a copy of the correspondence dated 26 March 2015 from the 'NSW Office of the Sheriff' and the return \$50 bank cheque.	43	217
"AB30"	is a copy of the NSW Ambulance services invoice with the address of the NSW Local Court building.	44	220
"AB31"	is a copy of the 6 May 2015 the NSW Parliament introduced the 'Independent Commission against Corruption (Validation) Bill 2015'.	46	222
"AB32"	is a copy of written submissions dated 31 October 2016 for NSW Court of Appeal proceeding 2016/000276980.	48	228
"AB33"	is a copy of 'the Victorian law foundation law week oration delivered by the Hon. Marilyn Warren AC on 27 May 2010, topic	49 a	245



EXHIBIT	DESCRIPTION	PARAGRAPH	PAGE*
	“Does Judicial Independence Matter?”, first page.		
“AB34”	is a copy of ‘the judicial conference of Australia’ delivered by Rebecca Anannian-Welsh and George Williams, topic “Judicial Independence from the Executive”, first page.	49 b	247
“AB35”	is a copy of the ‘Traditional Rights and Freedoms – Encroachments by Commonwealth Laws’ chapter 10 – Fair Trial, first page.	49 c	249
“AB36”	is a copy of ‘North Queensland law association’ conference delivered by the Hon. Kiefel on 30 May 2008, topic “Judicial Independence”, first page.	49 d	251
“AB37”	is a copy of ‘South Australian Press Club’ address delivered by the Hon. Bruce Lander QC on 15 October 2014, topic South Australian ICAC.	50	255
“AB38”	is a copy of the ‘Australian Federal Integrity Commission Bill 2021’, parliamentary speech on 25 October 2021.	52	273
“AB39”	is a copy of the official communication of ‘ICAC Inspector’ dated 28 June 2017 with the NSW Parliament, first, second and third page only.	53	276
“AB40”	is a copy of ICAC Transcript dated 23 March 2011 page 1312.	54	280
“AB41”	is a copy of ICAC Transcript dated 23 March 2011 page 1324.	54	282
“AB42”	is a copy of a document titled, “Reputational Impact On An Individual Being Adversely Named In The ICAC’s [REDACTED]	56	284



EXHIBIT	DESCRIPTION	PARAGRAPH	PAGE*
	Investigations" dated 29 July 2020.		



To the,
Information and Evidence Unit
Office of the Prosecutors
Post Office Box 19519
2500 CM The Hague
The Netherlands

19 September 2023

By email: otp.informationdesk@icc-cpi.int

Dear Prosecutors for the International Criminal Court,

This urgent official communication with the *International Criminal Court* is pursuant to the provisions set within *the Rome Statute of the International Criminal Court*. The stated *Crimes Against Humanity* (as defined in the *Rome Statute of the International Criminal Court*) outlined in this official communication are against officials acting in their official capacity as Australian Nationals.

We, Sandra, Michelle and Jessica Lazarus have suffered systematic and intentional abuse from the accused mentioned in this official communication, since May 2010.

Background

In 1988 the government of New South Wales, Australia introduced and implemented a permanent *Special Commission of Inquiry*, the *Independent Commission Against Corruption (ICAC)*. Since the inception, the *ICAC* legislation has been subjected to numerous legislative amendments. The *ICAC* was established to investigate corruption by public officials within the public sector of the government. The *ICAC* was originally a non-prosecutorial commission and as stated in the *ICAC* legislation, evidence collected by *ICAC* Officers must be provided to a “relevant authority” with prosecutorial authority, to determine prosecution, by observing and enacting the *Rule of Law* and the *Rule of Evidence*. Unlike other *Commission(s)* and *Grand Jury* proceedings, courtroom rules of evidence do not operate during *ICAC* investigations and/or inquiries. Similarly, unlike other *Commission(s)* and

Grand Jury proceedings, which are conducted under strict confidence, NSW *ICAC* investigations and inquiries are concluded in the public domain.

On 28 May 2010, the *ICAC* Officers executed a search warrant on our family residents, where Sandra and Jessica resided with their parents. Upon the execution of the search warrant the *ICAC* Officers collected, original authorised and signed invoices; computers; electronic storages devices such as, hard drives and universal storage bus; personal documents; personal correspondence, such as personal letters; university testamurs; and other personal documents unrelated to the *ICAC* investigation were seized.

On 12 July 2010, the *ICAC* pursuant to its legislation conducted a private inquiry, by issuing “*ICAC Summons*” for Sandra, Michelle and Jessica stating the three as, “person(s) of interests” and/or “affected parties”. On 15 December 2010, *ICAC* pursuant to its legislation conducted a second private inquiry, by issuing “*ICAC Summons*” for Sandra, stating her as a, “person(s) of interests” and/or “affected parties”. On 14 February 2011, the *ICAC* pursuant to its legislation conducted a public inquiry, by issuing “*ICAC Summons*” for Sandra, Michelle and Jessica stating the three as, “person(s) of interests” and/or “affected parties”. During the public inquiry *ICAC* Officials provided written correspondence to Jessica’s legal representative stating that she will not be referred to as a “person(s) of interests”. However, in the official *ICAC* investigation report, Sandra, Michelle and Jessica were referred to as, “person(s) of interests” and/or “affected parties”.

As stated in the *ICAC* legislation the *Rule of Evidence* does not apply, nor operate during *ICAC* investigations and/or inquiries (private and public). As such there is no accountability of evidence or documents collected by *ICAC* Officers, and intimidating, bullying methods of questioning are practiced during inquiries by *ICAC* Officials. This abusive practice of questioning and bullying of witnesses was pertained to “pulling wings of butterfly”, by a former *ICAC* Commissioner and retired *Supreme Court* Judge.

The details can be viewed at the following website link –

<https://www.smh.com.au/national/nsw/ICAC-commissioner-megan-latham-defends-watchdog-inquiry-into-margaret-cunneen-at-heated-public-hearing-20150806-gitflx.html>

and

<https://www.michaelsmithnews.com/2015/10/video-ICACs-megan-latham-on-investigative-free-kicks-and-pulling-the-wings-off-butterflies.html>

Recently, a new permanent *Special Commission of Inquiry* at the Federal level of government was introduced in 2022, similarly, the South Australian government also introduced a permanent *Special Commission of Inquiry*, however, legislation specifications differ from the NSW *ICAC*. An example, the two recently introduced commissions do not conduct private and public inquiries within the one investigation, rather, the need for public inquiries is removed from the legislation, and only private inquiries are conducted. The public inquiry is a repeat of the private inquiry, and most legal academics view the public inquiry in conjunction with the private inquiry as an abuse of process, implemented only to publicly humiliate an individual without legal process in accordance with the *Rule of Law*. The following was stated by the former *Supreme Court* Judge on 15 October 2014, in regards to the practice of conducting private and public inquiries within the one investigation:

“I do not see the merit in examinations being held in public – The evidence that is obtained at a private examination or a public hearing by an integrity agency under coercion will not be admissible at that person’s trial if that person is subsequently charged with a corruption offence – That is because it has been obtained in contravention of the right to silence which is a fundamental pillar of our criminal justice system. The New South Wales procedure allows for the public to become aware of evidence that both Parliament and the Courts consider unfair to be led against that person of interest at that person’s trial. And in NSW a person may be found to have acted corruptly on that same evidence – The Commissioner may have heard the evidence in private before she [or he] decides to hear the evidence again in public. For what purpose one asks would the Commissioner hear the same evidence again, upon which she can already make her decision, in public – It is somewhat unusual to hold a hearing to obtain evidence which the agency has. That raises other issues. A person who has been subject to a public hearing and a public statement that he or she has been guilty of corruption is likely to argue if charged with an offence that he or she cannot get a fair trial – Recently the High Court decided that a person’s conviction should be set aside because the prosecutor in that case had obtained a copy of the transcript of evidence in which the accused had been examined using the coercive powers to which I have referred that required the appellant to answer

questions. The evidence had not been used at the trial. It was simply that the prosecution was aware of the evidence. The High Court said that the prosecutor, in obtaining that evidence, obtained a forensic advantage in that he knew what the accused's defence was ahead of the trial. The appeal was allowed and the conviction was set aside and a new trial ordered. That result can be avoided by not providing the prosecutor with the evidence given by the accused. But, how can that be avoided if the examination is public?"

The details can be viewed at the following website link –

<http://sapressclub.com.au/project/bruce-lander-qc/>

Since 1988, the NSW Judiciary has lacked judicial independence, this is due to the introduction of the *ICAC legislation*, particularly, the operation of certain components of section 8 of the legislation. The following was stated in an article on 18 December 2018 by the then President of the NSW Bar Association and President of the Law Council of Australia:

“The separation of powers is in and of itself a critical safeguard against corruption. A model where the executive oversees the investigation of allegations against judicial officers risks undermining judicial independence, or at least creates the appearance that judicial independence is undermined.”

The details can be viewed at the following website link –

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

More recently, during the *ICAC* investigation and inquiries, relating to members of the business sector, it was noted by the *United Nations* that the *ICAC* legislation as it appears, is in breach of Article 14 of the *International Covenant on Civil and Political Rights*, and stated the following in its official report:

“Coupled with the lack of an exoneration protocol, investigated person are left in a unique position: their lives are substantially affected as if they were guilty of a crimes but they are left without the fundamental mechanisms of the presumption of

innocence, the right to appeal, and the protection provided through procedural and evidentiary burdens otherwise found within the criminal justice system – practically unchallengeable under the law due to the extraordinary breadth of the *ICAC*'s jurisdiction”

The details can be viewed at the following website link –

https://www.theaustralian.com.au/subscribe/news/1/?sourceCode=TAWEB_WRE170_a_GGL&dest=https%3A%2F%2Fwww.theaustralian.com.au%2Fnat

An individual investigated by the *ICAC*, once again without jurisdictional authority, was Ms Sophia Tilley, the following is her official account of what the *ICAC* Officers said to her and how abusively they treated her:

“Investigators from NSW corruption watchdog *ICAC* told Sophia Tilley they were “above the police” when they unexpectedly arrived at her home and demanded she hand over her mobile phone. “There were these guys in suits. They were really solemn and they knew our names. They said, ‘We’re going to need to take your phones’,” Ms Tilley told The Australian in her first interview. “We said, ‘We need our phones for work, who are you, why would we give you our phones?’ “They said, ‘We’re *ICAC*.’ “I said, ‘You’re not the police, I don’t know what *ICAC* is or who you are, we’re not going to give you our phones, why would we?’ “They said, ‘We’re above the police.’ They said ‘if you don’t you’ll face five years in prison’. They said, ‘Trust me, this is in your best interest to do what we say, we’re the guys who got Eddie Obeid.’ That’s how they tried to identify themselves. “I don’t watch the news so I didn’t know who Eddie Obeid was.” Initially thinking the ordeal was a practical joke, Ms Tilley asked the officers if the visit was to do with a friend who lived nearby. “But they said, ‘No, it’s you’,” she said. “We said, ‘Why? What have we done?’ and they said, ‘You’ll find out soon enough.’” She continued to ask what she was in trouble for. Page 101 of 233 “I said, ‘Is this nearly over?’ and was told: ‘No, this is just the beginning.’ It was really odd.” It was only later that Ms Tilley discovered *ICAC* was claiming. Ms Tilley said Mr Grainger and another *ICAC* officer repeatedly turned up to the real estate agency where she is a receptionist and scolded her for telling colleagues they were from *ICAC*. The officers indicated to her she was under surveillance, but refused to explain what she had done wrong or why she was

under investigation. “They came right into reception and then had a go at me for talking to people about it, stressing that if I told anyone I could face five years in prison. I said you came into my work. It was pretty inconsistent,” she said. The fear of constant surveillance — and not knowing why she was being scrutinised — was the most frightening aspect for Ms Tilley. “They insinuated plenty of times that they were conducting surveillance and the concierge inferred it as well that they had been around,” she said. Ms Tilley’s treatment by *ICAC* comes as *ICAC* inspector David Levine indicated the corruption watchdog projected “breathtaking arrogance” in relation to its own powers and the people with whom it was dealing. When she left court, there were media waiting outside to photograph her. “I didn’t realise that they (*ICAC*) were in cahoots with the media,” Ms Tilley said. “I didn’t realise they were so immature and childlike. They were the ones who said they were above the police, so I wouldn’t have thought they were going to go to the media.” *ICAC* returned Ms Tilley’s phone after a week, but kept Mr Wyllie’s for a month. “This is a role reversal of what I would have expected to happen,” Ms Tilley said. “Normally, isn’t it the person who runs you off the road who gets in trouble? It was all about getting us in trouble for nothing.”

The details can be viewed at the following website link –

https://www.theaustralian.com.au/subscribe/news/1/?sourceCode=TAWEB_WRE170_a_GGL&dest=https%3A%2F%2Fwww.theaustralian.com.au%2Fbusiness%2Fmedia%2Fday-ICAC-men-came-knocking-were-above-police%2Fnews-story%2Fed5be05c072f795a2fc99229d96d930b&memtype=anonymous&mode=premium&v21=dynamic-groupa-test-noscore&V21spcbehaviour=append

Commission Investigation and Inquiries

On 12 July 2010, we were questioned about the work we completed and the people we met. We three provided supporting documents outlining the work completed, and provided information regarding meetings with people we met. However, when we were asked to identify people, we were never shown photographs of the individuals in question, nor were the individuals present at the time of questioning for identification, and since the *Rule of Evidence* do not operate at the *ICAC* inquiries, a single question contained the names of

multiple individuals, e.g. Did you meet, name of individual one, name of individual two and name of individual three? One question contained the names of three individuals, and if you have not meet all three individuals, it is impossible to know how to answer the question asked, especially when we were told on numerous occasion to answer questions asked, with a “yes” or “on” answer.

The details can be viewed at the following website link –

https://www.youtube.com/watch?v=_YP5_B66ohc

Following the first private inquiry on 12 July 2010, *ICAC* Officers engaged a Forensic Analyst to determine the authenticity of documents in questions, related to work completed, and invoices issued and paid for work completed over two and half years at two hospitals in NSW. On 15 December 2010, Sandra was summoned to a second private inquiry, during which questions asked were repeated. Following the second private inquiry, *ICAC* Officer terminated forensic analysis, by providing false and misleading statements.

The details and evidence of false and misleading statements provided by the *ICAC* Officer as a witness in a *Court of Law* can be viewed at the following website links –

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

and

https://www.theaustralian.com.au/subscribe/news/1/?sourceCode=TAWEB_WRE170_a_GGL&dest=https%3A%2F%2Fwww.theaustralian.com.au%2Fbusiness%2Fopinion%2Fchris-merritt-prejudice%2FICACs-procedures-challenged-in-lazarus-sisters-case%2Fnews-story%2F2af5d9f980abc70412b86fe6b82fcf81&memtype=anonymous&mode=premium&v21=dynamic-groupa-test-noscore&V21spcbehaviour=append

During the *ICAC* investigation and inquiries the question of forensic analysis was raised, the *ICAC* commission provided written communication dated 5 April 2011, the following was stated by the *ICAC*'s Principal Lawyer as the reason why the forensic analysis was terminated. The reason for termination provided by the *ICAC*'s Principal Lawyer differed from the *ICAC* Officer in email communication.

“that the Commission did approach Ms Novotny last year but did not engage her to conduct any forensic examination of signatures due to the cost of so doing.”

Additionally, during the *ICAC* public inquiry Sandra’s legal representative raised the question regarding forensic analysis, the following was discussed during the *ICAC* inquiry, and forms part of the official *ICAC* records:

“MR STITT: Well, Your Honour, I don’t know whether there’s going to be handwriting experts or not in this- - -

THE COMMISSIONER: No, as far as I know, no.”

According to the original *ICAC* legislation, the Commission did not have the required legislative jurisdiction to investigate and/or conduct inquiries in relation to Sandra, Michelle and Jessica. This was confirmed by a Parliamentary report:

“Operation Charity (report 31 August 2011) concerned an investigation into alleged fraud on two Sydney hospitals. Two persons were alleged to have submitted requisitions and invoices and thereby misled public officials associated with the hospitals and the management of hospital funds. No impropriety on the part of any public official appears to have been in contemplation as a possibility in the inquiry. (If there had been, that would have been a basis for jurisdiction to investigate).”

The details can be viewed at the following website link –

<https://www.oicac.nsw.gov.au/assets/oicac/reports/other-reports/Independent-Panel-Review-of-the-jurisdiction-of-ICAC-2015-Report.pdf>

Following the judgment of *High Court of Australia* judicial proceeding *ICAC v Cunneen [2015] HCA 14*, during which the *ICAC*’s legislative jurisdiction was defined, the NSW Parliament introduced a retroactive law increasing the *ICAC*’s legislative jurisdiction, to include the Lazarus *ICAC* investigation and inquiry (Operation Charity). The retroactive *ICAC* legislative amendment was implemented while judicial appeal proceedings for Sandra and Michelle were afoot in a *Court of Law*, on the grounds of jurisdictional issues and others.

Crimes Against Humanity

Mr Michael Barnes

Prior to presiding over the judicial proceedings in a *Court of Law* for Sandra and Michelle in 2013, Mr Barnes was a Coroner for Queensland, and presided over the ‘Death in Custody’ case in Palm Island, Queensland, Australia. During the Coroner’s judicial proceeding in a *Court of Law* Mr Barnes was seen publicly drinking with members of the Solicitors for the Defendant involved with the judicial proceeding. This resulted in Mr Barnes, “stand[ing] down on grounds of apprehended bias”.

The details can be viewed at the following website link –

<https://www.abc.net.au/news/2005-03-03/new-inquest-into-palm-is-death/1528952>
and

<https://www.abc.net.au/news/2005-03-04/police-union-continues-to-criticise-coroner/1529166>

The events and details of the ‘Death in Custody’ case was discussed in the book titled “The Tall Man: Death and Life on Palm Island”, authored by Chloe Hooper.

The details can be viewed at the following website link –

<https://www.booktopia.com.au/the-tall-man-chloe-hooper/book/9780143010661.html>

The evidence before Mr Barnes as a Judicial Officer presiding over judicial proceedings for Sandra and Michelle in a ‘*Court of Law*’, clearly stated that, the *ICAC* as a commission and *ICAC* Officers, do not have the legislative jurisdiction to commence criminal judicial proceedings in a *Court of Law*, acting in the capacity of prosecutors and/or prosecuting organisations. Also, the evidence before Mr Barnes as a Judicial Officer presiding over judicial proceedings for Sandra and Michelle in a ‘*Court of Law*’, clearly stated that the *ICAC* did not have the legislative jurisdiction to investigate and/or conduct inquiries in relation to Sandra, Michelle and Jessica. Mr Barnes dismissed these presentations and evidence before him, and continued with the judicial proceedings. Following this ruling, Mr Barnes was promoted to the NSW *Coroner’s Court*, and continued to preside over Michelle’s judicial proceedings, and adjourned Sandra’s judicial proceedings relisting and moving the

proceeding to the pre-trial stage. Mr Barnes stated the following in his official judgment in a *Court of Law*, dated 23 May 2014:

“it is difficult to see how fraud of that nature could be within the investigation jurisdiction of the *ICAC*”.

During the judicial proceedings in a *Court of Law* for *DPP v Ian McDonald and DPP v John Maitland*, it was determined that the *ICAC* as a commission does not have the legislative jurisdiction to commence judicial proceeding in a *Court of Law* as a “prosecuting organisation”, it was further determined, that *ICAC* Officers do not have the legislative jurisdiction to commence judicial proceeding in a *Court of Law* as “prosecutor”. As a result of the official judgment in a *Court of Law*, the *Department of Public Prosecution*, recommenced judicial proceedings stating the *Department of Public Prosecution* as the valid prosecutor, with the required legislative jurisdiction.

The details can be viewed at the following website link –

<https://www.smh.com.au/national/nsw/court-rules-ICAC-invalidly-commenced-prosecutions-against-ian-macdonald-and-john-maitland-over-coal-exploration-licence-to-doyles-creek-mining-20150522-gh7czv.html>

Following the judgment of *DPP v Ian McDonald and DPP v John Maitland*, the NSW Parliament amended legislation to provide the *ICAC* commission and its Officers with prosecutorial jurisdiction, however, this particular legalisation does not have retroactive operation, and therefore, the judicial proceedings in a *Court of Law*, for Sandra and Michelle commenced by *ICAC* Officer stating himself as the “prosecutor” and the *ICAC* commission as the “prosecuting organisation” remains invalid.

Mr Barnes continued as the judicial presider for Michelle’s judicial proceeding in a *Court of Law*. During the private *ICAC* inquiry on 12 July 2010, Michelle was a first time mother breastfeeding her child, and during the public inquiry which commenced on 14 February 2011 Michelle was pregnant with her second child. The abusive questioning method exercised during *ICAC* inquiries caused extreme harm to Michelle and her unborn child. Additionally, *ICAC* Commissioner, *ICAC* Counsel Assisting and *ICAC* Officers, provided false and misleading information to Michelle in questions asked. The evidence of this was

before Mr Barnes, the following was stated in his official judgment 23 May 2014 in a *Court of Law*:

“ [ICAC] Counsel Assisting put things to the defendant [Michelle Lazarus] 20 that were not accurate , he was clearly mistaken – the [ICAC] Commissioner too, one occasion, appear to have been confused”.

It is evident from the official judgment of 23 May 2014 in a *Court of Law*, that Mr Barnes was aware of *ICAC* legislative operations, and had a definite awareness of the misleading and inaccurate information contained in the questions asked during *ICAC* inquiries. Mr Barnes knowingly and with full knowledge of the evidence before him, wrongly and purposefully convicted Michelle *Beyond Reasonable Doubt* in a *Court of Law*, within the provisions of section 87 of the *ICAC Act 1988*, by dismissing the factual evidence before him, for providing misleading answers to questions asked by the *ICAC* Commissioner and the *ICAC* Counsel Assisting which contained inaccurate, false and misleading information.

Ms Joanna Keogh

Following Mr Barnes’ return of Sandra’s judicial proceeding to the pre-trial status, the judicial proceeding was before a newly appointed Magistrate of the NSW *Local Court*, Ms Joanna Keogh. During the judicial proceeding, forensic analysis was completed, a renowned Forensic Analyst provided expert evidence during the judicial proceeding as an expert witness, and submitted an official exhibit forensic analysis report. However, Ms Keogh disregarded the expert evidence and convicted Sandra *Beyond Reasonable Doubt* in a *Court of Law* and placed her in custody, on 27 November 2014.

Due to the abuse inflicted upon Sandra while she was in custody on 27 November 2014, she filed an appeal to the *Supreme Court* of NSW. On 6 February 2015 the following was entered into record in a *Court of Law (Supreme Court of NSW)* by the presiding Judicial Officer:

“Ms Lazarus indicated today that her concern nevertheless is that she could be sentenced next week. Indeed, as I understand it, the sentence is set for Monday, 9 February – Ms Lazarus also explained from the Bar table that her other concerns are that, whilst in custody at one stage, she was, she asserts, improperly approached by

someone in authority, and she would wish to have a subpoena issued in due course to see whether that was recorded on CCTV – Ms Lazarus’s concern is perhaps there was some connection between being wrongly placed in custody and also being improperly approached once she was there”.

Sandra completed the necessary requirements and the following was communicated in a letter dated 26 March 2015 by the NSW *Office of the Sheriff* in relation the CCTV footage request:

“I advise that CCTV footage across NSW courts (including at the Downing Centre) is only retained for a period of around 4-8 weeks on average, before being recorded over.”

On 6 April 2015 the judicial proceedings in *Supreme Court* of NSW were returned to the lower court and on 20 April 2015 Sandra was once again in a *Court of Law* before Ms Keogh. On 20 April 2015 Ms Keogh adjourned the proceeding and relisted on 27 April 2015 to finalise Sandra’s custodial sentence. Though Ms Keogh had seven days to determine Sandra’s custodial sentence, on 27 April 2015 Ms Keogh ordered and inflicted such extreme physical abuse that Sandra was taken from the court building in an ambulance and was hospitalised, undergoing approximately nine months on rehabilitation. Ms Keogh’s torturous abuse on 27 April 2015 began at approximately 10:00am and continued to 5:00pm, during this period Ms Keogh change the perimeters of the custodial sentence on four occasions, and on each occasion she placed Sandra in custody and removed her from custody, depriving Sandra of her medication, and on each occasion a new appeal application had to be filed with the NSW *Local Court* Registry. At the commencement of the judicial proceeding Ms Keogh was provided with documentary evidence in relation to Sandra’s medical conditions and limitations, with full knowledge and evidence before her in *Court of Law*, Ms Keogh abused her judicial power and authority on 27 November 2014 and 27 April 2015, which led to extreme physical and emotional harm to Sandra.

Mr Michael Kane

Mr Michael Kane is an Officer of the *ICAC*, in 2010 held the title of *ICAC* Senior Investigator, he led the execution of the search warrant. During the *ICAC* private inquiries, Mr Kane communicated with the Forensic Document Examiner, Mr Kane’s email

communication with the Forensic Document Examiner was obtained with the issuing of a Court Subpoena. The email communication outlined the willingness of the Forensic Document Examiner to provide analysis and to do so, at a reduced service cost. It is also evident from the emails that Mr Kane provided original documents in question to the Forensic Document Examiner, according to the email communication the Forensic Document Examiner utilised the document to determine cost, time and the need for additional information. In the email dated 11 January 2011, Mr Kane communicated false and misleading information to the Forensic Document Examiner to justify the termination of her analytical services. During Sandra's judicial proceeding in a *Court of Law* commenced by Mr Kane as the prosecutor, he presented himself as a witness and submitted documents to the court which were never seen before, and never appeared during the *ICAC* investigation and/or inquiries.

The details and evidence of false and misleading statements provided by the *ICAC* Officer as a witness in a *Court of Law* can be viewed at the following website links –

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

and

https://www.theaustralian.com.au/subscribe/news/1/?sourceCode=TAWEB_WRE170_a_GGL&dest=https%3A%2F%2Fwww.theaustralian.com.au%2Fbusiness%2Fopinion%2Fchris-merritt-prejudice%2FICACs-procedures-challenged-in-lazarus-sisters-case%2Fnews-story%2F2af5d9f980abc70412b86fe6b82fcf81&memtype=anonymous&mode=premium&v21=dynamic-groupa-test-noscore&V21spcbehaviour=append

For this reason no forensic analysis was completed and no forensic report was submitted during the *ICAC* inquiries, as a result, false and misleading information was provided to the local media outlets, which led to extensive and permanent damage to Sandra, Michelle and Jessica's personal and professional reputation.

Following the conclusion of the *ICAC* investigation and inquiries, Mr Kane, without legislative jurisdiction commenced criminal judicial proceedings against Sandra and Michelle in a *Court of Law*, stating himself as the "Prosecutor" and the *ICAC* as the "Prosecuting Organisation". In other similar judicial proceedings (*DPP v Ian McDonald and DPP v John Maitland*), commenced by *ICAC* Officers, judicial precedent was set and it was concluded

that ICAC Officer do not have the legislative jurisdiction to commence criminal judicial proceedings in a *Court of Law*. The following was stated by a retired *Supreme Court* Judge in regards to amending legislation to provide ICAC Officer with the legislative jurisdiction commenced criminal judicial proceedings, in a *Court of Law*:

“highlights the tension which can exist between an investigatory body, such as the ICAC which has vested interest in seeing the matter run its full course through to a successful prosecution”.

The details can be viewed at the following website link –

<https://www.smh.com.au/national/nsw/icac-inspector-david-levine-slams-watchdog-and-urges-baird-government-not-to-change-act-20150420-1mp06z.html>

Personal gain is a contributing factor for Mr Kane’s abusive conduct which hindered the investigation and perverted the course of justice.

Abuse and Threats

Due to the extensive abuse subjected since 2010, and permanent damage to our reputation, we have been unable to obtain permanent employment, as a result, we are reliant on *Commonwealth* support programs. In January of 2018 we, the Mss Lazarus, commenced judicial proceeding in the *High Court of Australia*, requesting a review of section 8 of the *ICAC Act 1988*, which presently impedes judicial independence in the state of New South Wales. Following the commencement of the *High Court* judicial proceeding, we were visited, at our residence by individuals referring to themselves as “State Officers”, they threatened the safety of our children (at the time, all Lazarus children were aged 10 and younger), and demanded that we discontinue the *High Court* judicial. Succumbing to such threats, we discontinued the judicial proceeding in the *High Court of Australia*. These events and threats were placed on record in judicial proceeding. During judicial proceeding Sandra was informed that she “will be just another death in custody” for this reason she made the recording with her sisters Michelle and Jessica.

The details can be viewed at the following website link –

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

More recently, the government is preventing our children, those with diagnosed learning disabilities from receiving the required special aid in school, the youngest child is aged six. Innocent children are now suffering, this denial of special aid in school is harming and limiting their ability to learn and obtain an education. Additionally, we are being denied adequate housing and living conditions, in the same manner, we are being denied the opportunity to complete and/or further our education. Our living conditions are being utilised to threaten and limit us, and to ensure that justice is never obtained. Soon, a number of us will have no place to reside nor will we have the ability to purchase food and daily necessities. The aforementioned abuse and contravention of national and international human rights legislations by the accused, was enabled by officials acting in their official capacity, who continued justifying abuse with the introduction of legislative amendments allowing and legalising abusive actions.

The details can be viewed at the following website link –

www.lazarussisterscases.com

We kindly request your help and wait for your response.

Yours sincerely,

Sandra, Michelle and Jessica Lazarus.