

**Submission  
No 4**

**INQUIRY INTO NSW WORKERS COMPENSATION  
SCHEME**

**Name:** Mr MR Griffiths

**Date received:** 7/05/2012

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SUBMISSION TO NSW PARLIAMENT JOINT COMMITTEE – NSW WORKERS COMPENSATION SCHEME. SUBMITTED 5 MAY 2012. TOTAL PAGES SENT 5.

In regards to 1(a) of the terms of reference. ("promoting better health outcomes and return to work outcomes for injured workers")

I submit the following;

**BETTER HEALTH OUTCOMES**

I am a former NSW Police Officer of 26 years service and I am a 'whistleblower'.

I have been made to endure a private hell for some 17 years by my former employer and as a result I now suffer from work related depression./ anxiety, as accepted as to being so on the 28/02/2005.

My former employer has failed to maintain the required "full concise and accessible" medical and personnel records of me, thus removing the right for those with a need to know of having access to same such records when dealing with me in the workplace and or when affording me support and or contact as required by the in place work contract per the Award agreement.

I also suffer from an ever expanding work related injury to my lower left leg with the current level of disability at approximately 25%.

I also suffer from major disabilities in both shoulders assessed at 70% loss of use, rotation and strength in both.

Not once was I contacted in my certified absences from the workplace due to surgery regarding the work related injuries!

I have had my former employer the NSWPF, tell and state deliberate lies of me, including then NSWPF Commissioner Moroney in his formal response to me of 16/04/2003.

I have had the then Police Medical Officer make up a "diagnosis" of borderline personality disorder hereafter referred to as BPD (as at DSM-4) in order to discredit me and that alleged "diagnosis" remains on my formal police records, including a Crime Intel Information System Event where I am now named as a "Person of Interest (POI) much to my discredit and embarrassment.

On the 24/08/1998 I was forced off duty onto "permanent sick report pending termination" and kept thereon for a period of 3 years, being 24/08/1998 to 06/09/2001.

It is now admitted that the required by Law (Police Regulations 1990) "must be provided" doctor's certificate does not exist!

It is also admitted that the required "authority" does not exist to so force me off and keep me off for those 3 years.

In the past I have been falsely advised in writing that the following four (4) authorities were so used to force me off;

- (a) "Clause 8 of the Police Service (Regulations) Act 1990" This Act does not and never has existed!
- (b) "Section 6-18.11 of the Personnel Handbook"; this relates to the general Personnel Handbook, same does not relate to sworn police officers and it specifically refers to the granting of sick leave to attend ongoing medical treatments and or appointments ONLY!
- (c) "Section 6-18.11.4 of the Police Personnel Handbook" it does not exist!
- (d) "Section 8 Police Act 1990 strictly adhered to", totally ignored is Sub-Section (5) "This Section is subject to the other provisions of this Act and the Regulations", with due reference to Police Regulations 1990 requiring that "must be provided" doctor's certificate. "In any such case after 3 consecutive working days absence a doctor's certificate must be provided to the Commissioner" (Current Police Regulations 2008 state "a medical certificate".)

It has now been admitted (2004) that such BPD "diagnosis" was only "suggested" by one doctor as in legal reports 2001 and 2004 of NSWPF "in house" solicitors.

Further admitted to the Supreme Court 21/02/2012 by Counsel for the NSWPF that same such 'diagnosis' of the BPD was "suspected by one doctor".

Ignored throughout are the 1995 to 2007 reports of 22 doctors who state in their reports I do not have the BPD, 18 of them being psychiatrists, 15 of whom the NSWPF sent me to!

Ignored also throughout are 2 certificates 1998 and 1999 by my treating doctor who certified me fit to continue with my then duties and denying the presence of the BPD.

IN the 2000 report of independent Medico Legal consultant Dr Christie ( for the NSWPF and State Super not me) he dissects and assesses ALL the medical evidence so sent to PSAC of State Super by the NSWPF in their two submissions of 1996 and 1998 to PSAC and he arrives at the opinion that there was nothing wrong with me to prevent me from continuing with my then duties.

It has been admitted that my situation arose from false representations lies and innuendo brought about that forced "permanent sick report pending termination" utilising the alleged "diagnosis" of the BPD as pertaining to the October 1999 words of the then OIC Police Welfare "We acknowledge that Mick we know now."

In a report of NSWPF "in house" solicitor Blume of 2004 he also states that my service was first "terminated" and brought about "late '90's" on conduct / behaviour grounds, but, to do so the provisions of Police Act Sections 173 and or 181D have to be complied with, being that before taking such action the subject officer "MUST" be prior served with written orders.

THE ARE NO SUCH ORDERS.

Also in contradiction to that subject report, Counsel for the NSWPF has advised the Supreme Court on 21/02/2012 that I had not been dealt with under sections 173 and or 181D, that's not what the "in house" solicitor states is it!

The ONLY medical reason so used to initially to end my service, "the lack of movement in both shoulders not work related" as stated in the original 10B 93) (a) certificate of September 2001 with my last day of service being the 06/09/2001.

It was later updated to Hurt on Duty in mid-term 2003 using the 1991 accepted left leg injury after my being attacked with an axe and stabbed in an arrest.

In June 2005 it was further updated as Hurt on Duty following the 24/02/2005 acceptance of the work related depression / anxiety as first certified in 2001 as per Workcover certificates issued.

Despite giving rise to all such matters in formal complaints to PIC, Ombudsman, Police and in part to Workcover, nothing was ever done about it.

The reprisals / retribution / discrediting continue to this very day.

I have been assaulted on two separate occasions, the first in 2000 by two louts at the front of my home at night, the LAC Commander wrote to me stating that two witnesses had been identified and about that same time I supplied the names of two suspects to police, those two witnesses never seen and the same with the two suspects.

March 2007 I was assaulted a second time requiring hospital treatment by a former NSWPF officer I used to work with, despite there being five independent witnesses who all agree with my version and the fact that I cannot physically defend myself due to the injuries and disabilities I suffer from, no charges were laid.

In the 2 years leading up to that 2007 assault that same person on 9 separate occasions harassed and abused me in public, as reported to PIC 03/06/2006.

At a Community Justice Conciliation (CJC) meeting in July 2007 (attended at the direction of the local Magistrate after counter AVO applications were made by both parties) that same offender admitted that his main motivation for the harassment and assault was "What about all those letters you wrote to the Ombudsman Michael".

Same such letters to the Ombudsman, all classified in writing by the Ombudsman, as protected disclosures under the provisions of the Protected Disclosures Act.

Same offender told the CJC Adjudicators at that same meeting of July 2007 that he never had contact with the police, nor, they him over this assault. His own statement is date April 2007, the Police Event and Case File state that he had been contacted during April 2007.

On the 11/02/2005 I submitted a sworn / served Affidavit to the District Court re having the 2001 Workcover certified depression / anxiety accepted as work related. The 114 items listed in that sworn document accepted unchallenged by the NSWPF, I STRESS, not one item challenged and the matter settled "out of Court" with the stated date of causation being 1994 onwards as per the "Short Minutes of Order" of that date.

All the above and much more as complained of to all and sundry, caused the now accepted work related depression / anxiety which I remain with to this date.

I hold copies of evidence that relates and or reveals all of the above and all as so complained of to all and sundry, including Governments past and present!

**RETURN TO WORK OUTCOMES FOR INJURED WORKERS**

With all the evidence and more as held by the NSWPF I was never offered the availability of a return to work!

I am prepared to front the Joint Committee and further explain my case and produce the undeniable evidence that I hold, including 3 response from the Ombudsman where he states that ALL my matters have been attended to, ALL have been recorded and that I have been advised of this, yet Sir he cannot produce to me the required under Police Act Part 8A complaint responses to a complainant!

The same applies to responses from the police, with especial attention to a sworn affidavit of a Sergeant from the Professional Standards Command and his confirming sworn evidence to the Supreme Court 14/09/2010 where he states under oath that one such complaint is not even recorded on the Complaints Information System, contrary to Section 129 of the Police Act, in that ALL complaint related information "MUST" be so recorded on that System.

The current Police Minister in a reply from his office of 24/08/2011 also states that all have been properly attended to, all are on the Complaints Info system and that I have "been repeatedly advised of this."

A FOI release in regards to my complaints of the Police Commissioner's response to me of 16/04/2003, the required / "must" be provided complaint responses to a complainant are not included despite same being the only items specifically sought by me.

And to just add to my submissions, my late wife, a known cancer sufferer, was harassed to an early grave by way of anonymous telephone calls to her at her work and at home, complained of as contained in a report of 1999 by a Sgt Upton of PSC. In the 3 years available to the police, 1999 and her death March 2002, they never went near her! Go argue with her then treating Professor at RPAH if you like as to the cause of the acceleration of her condition!

It has even been stated that I was "making it up" that she suffered from cancer, like to see her death certificate and her medical records!

I have also been defamed by the NSWPF Media Unit, to all mainstream media in order to prevent my story being told publicly and I hold undeniable evidence of this!

I've been the victim and remain so, of fraud, deceit, concealment, false and misleading statements, defamation, false entries on my work related records and many other acts, all much to my detriment, not only in the workplace but in an outside environ also and I hold undeniable evidence of this!

**CONCLUSION**

With it now being proposed to reduce and or alter police officers given right to seek compensation and or their right of a return to the workplace, or forced return to same, no changes proposed will

alter the very fact that some officers will continually be treated as I have been and for why, because no one is ever personally held to account for their own actions, statements and or words!

This especially applies to 'whistleblowers' within the NSWPF, same being persons in most cases being honest and or trusted by the community they serve (public came to me with their concerns, shoot the messenger as such) with the appointed Government investigative agencies ignoring and or using whatever to discredit, the latter being more than evident and relevant in my own case!

I can expand on all I say here and provide evidence of same!

Workcover bah humbug, no better than the rest!

"Promoting better health outcomes" not until accountability is levelled at those in authority!

"Return to work for injured worker" will never eventuate where "whistleblowers" are concerned, they will do whatever to prevent such a return.

Respectfully submitted for due consideration. Please acknowledge receipt of same on my email address.

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