

Disclaimer

1. Email from KLGates Lawyers



mary peterston

RE: Pateras v State of Victoria & Anor [KLG-AU_Active01.FID2922440]

To: mary pateras <mary.pateras@klgates.com>
Cc: <mary.pateras@klgates.com>

Mon, Sep 5, 2022 at 3:44 PM

Dear Ms Pateras

Thank you for your email below and for informing the Department of your intention to publish a website and book.

The Department acknowledges that you intend to redact all names from any published documents, and "will ensure that the information is provided fairly and not defamatory in any way". The Department is unable to provide permission to publish such materials (if such permission is sought) or accept that the content will not be defamatory, given it has not seen or read what you intend to publish. As such, we respectfully suggest that you carefully consider the information that you are including and take your own legal advice with respect to potentially defamatory content.

We also note your comment that parties' submissions are "in the public domain". With respect, we do not consider this to be strictly accurate. We note that the Court has rules regarding access by non-parties to proceedings based on whether documents are "restricted" or "non-restricted". For the avoidance of doubt, written submissions, written outlines of submissions and affidavits are set out in the list of "restricted documents". The Court's summary of these rules can be found at the following webpage: <https://www.fedcourt.gov.au/services/access-to-files-and-transcripts/court-documents/non-party-access>.

Regards

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-----Original Message-----

From: mary pateras

Sent: Friday, 19 August 2022 8:25 AM

To: @klgates.com>;

@minterellison.com>

Subject: Pateras v State of Victoria & Anor

Dear Mr nd Ms ,

I write to you by way of courtesy to inform you that my website is scheduled to go live within the next month, followed by the launch of my book that was referred to my submissions to the Federal court in the above matter. His Honour Justice Anderson has denied permission to use quotes from the transcript when the matter was heard by Registrar Legge. I respect his Honours decision and will not do so. However, given that the parties submissions are in the public domain I intend to provide some commentary around the information contained within those submissions. I have been provided with written permission from the Supreme Court of Appeal to use quotes from the transcript in that matter and similarly from the County Court. I have also informed the Merit Protection Board with this information. I will redact all names from any of the documents I post on my website. I will ensure that the information is provided fairly and not defamatory in any way. Should you have any concerns or matters you wish to raise I would be happy to hear from you.

Kind Regards

Mary

Sent from my iPad

This electronic message contains information from the law firm of K&L Gates. The contents may be privileged and confidential and are intended for the use of the intended addressee (s) only. If you are not an intended addressee, note that any disclosure, copying, distribution or use of the contents of this message is prohibited so please delete this email and notify us promptly. We use virus scanning software but exclude all liability for viruses or similar in any attachment, you should use industry standard virus scanning of this and all email.

About the Author

2. What is fair and what is Just? - Julian Burnside

Julian Burnside – What is Fair and what is Just?

TRANSCRIPT

I don't know what to say, thank you for that, or not. Probably not.

I want to talk about fairness. Fairness is a very profound human instinct. Children understand fairness from a very early age. Actually, they understand unfairness. Fairness is what is left over when unfairness is got rid of, and everyone understands that.

But although we're very sensitive to unfairness when it affects us, we have an astonishing capacity for tolerating unfairness that affects other people. It's easy to overlook the fact that just over 100 years ago, men argued sincerely that women should not be allowed to vote. It's easy to overlook the fact that up to about 150 years ago, women in Britain were not allowed to own real estate.

It's easy to overlook the fact that until the early 19th century, people sincerely argued that the maintenance of the slave trade was essential for the economic survival of Britain. It's easy to overlook some of the appalling things that happened as a result of people's capacity to tolerate unfairness. In the late 18th century, a ship called the *Zorg* set out from the west coast of Africa, headed for Jamaica, with a cargo of slaves on board.

But it got becalmed, and disease broke out, and the water supply looked as that might not be enough for the balance of the voyage, so Captain Collingwood took 133 living slaves and threw them overboard to make sure that they could make the rest of the journey.

Now, not surprisingly, this ended up in court in London not, as you might think, on a charge of mass murder, but on an insurance claim for the value of the lost slaves. I would hope that things like that couldn't happen these days, although sometimes it's not easy. Now, justice is closely aligned to fairness, although it is also somewhat elusive in the way that it is applied.

Justice is something we all value in the same way that we value fairness, but I wonder how much we understand it. Try this thought experiment: imagine that it's the last day of school holidays, mom has had a pretty difficult time, the kids have been ratty all day, she's in the kitchen preparing dinner, and she hears a crash in the living room. She rushes in; the kids have disappeared, but her best, most valuable, most precious vase is smashed to bits on the half.

Scenario 1: She knows with the certainty that mothers have that it was the boy who did it. She finds him, punishes him, and sends him to bed without dinner. As it happened, he did do it.

Scenario 2: Having done an undergraduate degree in law, she decides that she should try and discover the facts, so she goes, and she asks each of the children in turn for their version of events. She puts all the evidence together as carefully and analytically as she can, utterly dispassionate about it, comes to the conclusion it was the boy who did it, she finds him, punishes him, and sends him to bed without dinner.

As it happens, he didn't do it. Now, which of those scenarios is closer to your conception of justice? Most people can't answer that question quickly, and that tells you the ambiguity of justice. Justice is very important, of course, and especially it's important when it is marred by injustice. The justice system inevitably creates pockets of unfairness, but we think that it's OK because the justice system is calculated to produce the right results more often than not, and we tolerate cases of unfairness because the system itself is worth it. That is OK, as long as you are not the one who pays the price. If you're the one who gets a dead result, then you will feel the sting of unfairness more sharply because no one else is prepared to understand why you're complaining.

Now, justice in society is an even larger and more difficult problem. John Rawls, the American philosopher, came up with a spectacular theory for a just society. Summarizing, it was that a just society would provide for an equal distribution of the opportunity for all the goods that society has to offer; on terms of equal opportunity for everyone, but in cases of starting disadvantage, you could compensate for them in what we would call affirmative action. And this, he said, would provide a just society.

The Israeli philosopher Avishai Margalit posed a fascinating and important question. He said if you have a society which is just in Rawlsian terms, is it possible for that society to tolerate the existence of humiliating institutions? Now, of course, the first thing is to say, “Well, what does he mean by that?” He meant it really literally, and he gives an example. He gives the example of a community in some country where the community is of 100 people, they are all starving, they all need some rice, and there is a truck that comes in with 100 bags of rice. Each person should get one bag of rice, and that would produce a just Rawlsian distribution.

But there are two ways in which the rice can be distributed. One would be to take a bag of rice and hand it to each person in the village. The alternative would be to tip it all off the back of the truck, and have a couple of armed guards standing around, so that no one tries to take more than one bag. Both, he points out, will lead to a just distribution, satisfying Rawls’s condition, but the second is humiliating. He then argues – and it’s a devastatingly effective argument – that the possibility of dignity is fundamental to a contented and meaningful existence.

And if you do not have the possibility of a dignified existence, then all of the other goods in society lose their point. He says – and I’m sorry I have to quote – “The distribution may be both efficient and just, yet still humiliating. The claim that there can be bad manners in a Just Society may seem petty, confusing the major issue of ethics with the minor one of etiquette, but it’s not petty. It reflects an old fear that justice may lack compassion and might even be an expression of vindictiveness.”

If you consider the application of Rawls’s theory to any society, his meaning runs very deep. Unfortunately, we think that we run a just society, and yet, we tolerate humiliating institutions, and it’s not difficult to find them. The treatment of aborigines in our country over the last century has been a profound example. The treatment of refugees in our country now is a living example, and one which has occupied a lot of my time.

Now, I’m passionate about justice, and when I stumbled into the area of refugee issues and discovered, to my horror, that refugees don’t commit any offence, but they get locked up indefinitely, and they get locked up in dreadful conditions, and they gradually lose hope. And when hope runs out, they fall into despair and start to harm

themselves, and try to kill themselves, and sew their lips together, and so on. All of these things are deeply distressing to anyone who is concerned with justice because the detention of innocent human beings is, on any view of things, a humiliating institution which drives people into despair.

I thought, when I stumbled into the area, that perhaps getting the truth across to the public would resolve the problem. It turns out I was wrong about that. It took a little longer. Although I'm passionate about justice, I sometimes wonder whether my resolve might have given way, until I got a call, a telephone call that changed my life. Backstory to the call: a family fled Iran in terrible circumstances. They belonged to a group who were regarded as unclean and suffered the consequences of that assessment. They fled Iran in terrible circumstances one night: mom and dad, and two young girls who at that relevant time were 7 and 11 years old. They were locked up in Woomera Detention Centre.

After about 15 months, they were all doing it hard, but especially the 11-year-old girl who had completely given up. She was assessed by a visiting psychiatrist as being at extreme risk of harm. It was urged on the department that the family should be moved to a metropolitan detention centre, so this kid could get daily clinical help which she needed. Eventually, they were moved to Maribyrnong in the western suburbs of Melbourne. There, although the reason for moving them was that that child needed daily psychiatric help, for the first 18 days of their stay in Maribyrnong, nobody came to see her. Not a psychiatrist, not a psychologist, not a doctor, not a nurse, not a clinician, not a social worker, nobody at all.

And on the Sunday night in May of 2002, while her mother, father and young sister were off having their dinner, this little kid took a bed sheet and hanged herself, alone in their cell, in Maribyrnong Detention Centre. When the family came back and found her still strangling, she was taken down, and she and her mother were taken to the nearby general hospital with two guards – so they were still, as a matter of legal analysis, in immigration detention – the lawyer who had been looking after their visa application heard about it, went to the hospital at 9 o'clock that night, said "G'day" to the guards, said he just wanted to speak to the mother to see what they could do to help. The guards said, "No. You are not allowed to see them because lawyer's visiting hours in immigration detention are 9 to 17."

And they sent him away. He then rang me at home and told me the story, and that telephone call changed everything for me. It led me to being, I guess, a public critic of the mistreatment of refugees. It's been not easy, it's not an easy thing actually for a timid little commercial lawyer to be loathed by many people in the community, to receive death threats because I'm trying to stand up for people who are being mistreated by us.

So now, 13 years after that telephone call, I find us in a circumstance where things are getting worse and worse, it seems, by the day. In fact, I'd never thought I would say this, but the combination of Abbott and Morrison made me wish that we could have Howard and Ruddock back. But, please, don't quote me!

But my resolution firmed one evening when Kate and I were at a glittering social function, and the wife of a very senior, very respected colleague came up to me and said rather harshly, "Do you think it appropriate that a member of the bar should speak publicly about these matters?" And with more wit than preparation, I said, "Well, do you think it appropriate to know about these matters and remain silent?" She hasn't spoken to me since.

But while I suspect that this struggle will not end in my lifetime, I have at least the comfort of knowing that with my last breath I will be able to say, "At least, I tried," instead of, "I wish I had done something." And it occurred to me, as I was thinking about what to talk about this afternoon, all of you can do the same. All of you can have the same comfort in knowing that you can with your last breath say, "At least, I tried." And all you have to do is to be passionate about justice, to stand up against injustice whenever you see it, and say that whatever you do, in whatever area you live, make sure you stand up for justice. Stand up for justice and never ever give up!

Thank you

Chapter 1:

3. Workers Compensation claim form

4. Conflict Management Statement

5. Email from Minter Ellsion Lawyers.



WORKER'S INJURY CLAIM FORM

Please indicate in which State you want to lodge this claim:

New South Wales Queensland Victoria

1 WORKER'S PERSONAL DETAILS

Title Family Name

MS PATERAS

Given names

MARY

Other known or previous legal names eg. Maiden name

COFFIN

Date of birth Gender

06/10/62 Male Female

Residential street address

[Redacted] Drive

Suburb

WERRIBEE

State Postcode

VIC 3080

Postal address for correspondence

[Redacted] ST DICKLANS

3008

What are your daytime contact phone number/s?

043 [Redacted] W H 97 [Redacted]

E-mail address

patras.mary.m@edmail.vic.gov.au

If you need an interpreter, what language do you speak?

Do you have special communication needs because of disability? eg. Hearing or vision impairment

No

* These questions are required for NSW claims

* Do you support a partner? Yes No

* If yes, what were their average gross weekly earnings over 3 months? \$

Do you support any children under the age of 18, or full-time students? Yes No

* If yes, please provide the date of birth for each

22/7/90 1/8/95

2 INCIDENT & WORKER'S INJURY DETAILS

What is your injury/condition, and which parts of your body are affected?

Stress and anxiety
Head, Chest, Joints

What happened and how were you injured?

Applied for a position and was offered it by the selection panel. The principal then applied pressure on me to consider the acceptance, which was an unreasonable action by him to get me to decline the award offer.

What tasks were you doing when you were injured?

the principal office and became well and left the college by the DECO to respond to my

What area of the worksite were you working in when you were injured?

The Principals office

What is the street address where the incident occurred?

Shaw Rd

Suburb

Werribee

State

Victoria

Name of employer responsible for this workplace

Peter Akhurst

Which of the following incident circumstances apply?

- While working at your usual workplace
- While working away from your usual workplace
- During a meal-break or authorised recess at work
- While away from work during a recess
- Travelling to or from work*
- A motor vehicle accident while you were working*

* For NSW incidents a journey claim form must also be completed

If your injury was the result of driving or using a motor vehicle or the use of public transport, please provide the following details:

The police station the accident was reported to

Registration number/s of involved vehicles State

Do you believe that your injury/condition was caused or contributed to by a third party such as a manufacturer or supplier? Please give details if relevant

What was the date and time the injury/condition occurred?

/ / AM PM

When did you first notice the injury/condition?

/ /

If you stopped work, what was the date and time?

/ / AM PM

When did you report the injury/condition to your employer?

/ /

What is the name and position of the person you reported the injury/condition to?

If you did not report the injury/condition, or there was a delay, please explain why

What are the names and daytime contact details of anyone who witnessed the incident?

Have you previously had another injury/condition or personal injury claim that relates to this injury/condition?

Please give details, including claim numbers

WORKER'S EMPLOYMENT DETAILS

Name of organisation paying your wages when you were injured

DECO

Street address of your usual workplace

8 Levee Rd

Suburb

Wentworth

State

N.S.W.

Postcode

2030

Name and daytime contact number of employer contact
eg. Name of return to work coordinator

What is your usual occupation? What do you do?

Teacher

Which of the following apply to you?
(Please tick all relevant boxes)

<input checked="" type="checkbox"/> Full-Time	<input type="checkbox"/> Part-Time	<input type="checkbox"/> Casual	<input type="checkbox"/> Student
<input type="checkbox"/> Contract	<input type="checkbox"/> Trainee	<input type="checkbox"/> Apprentice	<input type="checkbox"/> Volunteer
<input type="checkbox"/> Permanent	<input type="checkbox"/> Temporary	<input type="checkbox"/> Agency worker	<input type="checkbox"/> Contractor
		<input type="checkbox"/> Seasonal	<input type="checkbox"/> Jockey

Other? _____

When did you start working for this employer?

1/12/10

Please indicate if any of the following apply to you:

<input type="checkbox"/> Yes	<input type="checkbox"/> No	A Director of my employer's company
<input type="checkbox"/> Yes	<input type="checkbox"/> No	A Partner in my employer's company
<input type="checkbox"/> Yes	<input type="checkbox"/> No	A sole trader
<input type="checkbox"/> Yes	<input type="checkbox"/> No	A relative of my employer

Did you have any other employment at the time you were injured? Please provide or attach the names of any other employers and their contact details, and any relevant wage or payment records

No

WORKER'S PRIMARY EARNING DETAILS

Please complete this section if you wish to claim for weekly payments
How many standard hours did you work each week before being injured? Exclude overtime

33 hrs

What were your usual working hours?
For example, Monday to Friday, 8.30 am to 5.30 pm

8.30 am to 4.30 pm

What was your usual pre-tax hourly rate?*

\$33.52

What were your usual pre-tax weekly earnings?*

\$1331.00

Please provide details of any overtime or shift work

Weekly shift allowance \$ _____
Weekly overtime hrs \$ _____

TREATMENT & RETURN TO WORK DETAILS

* This question is required for NSW claims
* Who is your nominated treating doctor?

Name Phone

DR MILONE 97411855

Please provide the name, clinic or hospital, and contact details of any medical providers (including Clinics or Hospitals) that have treated your injury

Crocker Cochran Consulting
Betty Gurovskii (psychologist)
7 Prince Street Wentworth
97412 2500

If you have returned to work with your employer, what was the date? 1/1

What duties are you doing? Full Suitable/Modified

How many hours are you working? _____ hrs

Have you returned to work with a new employer?
Please provide the name and contact details of the new employer

No

If you have not returned to work, do you think that there are any issues that would delay or prevent you from returning to work?

The mere thought of returning to that place makes me feel instantly ill!

When did/will you give your employer this claim form?
12/12/107

How did/will you give this claim form to your employer?
 Hand delivery By post

When did/will you give your employer the first medical certificate?
23/10/107

AUTHORITY TO RELEASE MEDICAL INFORMATION AND WORKER'S DECLARATION

I have read the information provided in this form. I declare that the information that I have supplied in this form, and any attachments to this form, is true and correct to the best of my knowledge. I understand that the making of a false or misleading claim or false and misleading statement in support of the claim is punishable by law and that I may be prosecuted.
I authorise and consent to any person who provides a medical service or hospital service to me in connection with an injury/condition to which this claim relates to provide upon request by the workers' compensation authority, my employer or insurer/claims agent, any information regarding the service relevant to the claim. I understand that my authority has effect and cannot be revoked for the duration of this claim.

Worker's signature Date

[Signature] 12/12/107

* This declaration is also required for NSW claims
I authorise and consent to the collection, disclosure and release of any personal and health information in connection with an injury/condition to which the claim relates by the workers' compensation authority, my employer or insurer/claims agent to each other, or to any person who provides a medical service or hospital service to me in connection with an injury/condition to which this claim relates. I understand that if this claim results in my receiving weekly compensation payments, I am required to notify whoever is paying my benefits if I commence employment with some other person or in my own business, or of any change in my employment that affects my earnings, and that failure to do so is an offence. I consent to the WorkCover Authority of NSW using the information collected in connection with my claim for the purposes of research about workers' compensation, workplace injury management and occupational health and safety.

Worker's signature Date

[Signature] 12/12/107

EMPLOYER LODGEMENT DETAILS

When did the employer first receive the worker's completed claim form? 12/12/107

When did the employer first receive the worker's medical certificate? 23/10/107

* This question is required for Victorian claims
Date claim form forwarded to Agent 1/1

Estimated cost of claim to date \$ _____

How many days have been lost? 44 days hrs

Employer's signature Date

[Signature] 12/12/107

Name Position
PETER NEWLAND
PRINCIPAL

Employer's scheme registration number
eg. WorkCover Employer, Policy, or Employer Registration Number
3202621

WORKCOVER EMPLOYER'S CLAIM REPORT

EMPLOYER DETAILS

Name of employer

DELCI - GALVIN PARK S.C.

Australian Business Number

52705101522

WorkCover Employer Number

1624618

WorkCover Workplace Number

3202627

Head office street address (PO Box number not acceptable)

SHAW'S ROAD

WERRIBEE 3030

Address for correspondence (if different from above)

P.O. BOX 304

WERRIBEE 3030

EMPLOYMENT DETAILS

1) Worker's family name

PATERAS

Worker's given name/s

MARY

2) Occupation of worker (please describe fully, eg electrical fitter)

TEACHER

3) Date worker commenced employment with you

1 1 2 11989

4) Type of employment (eg full time, part time, casual, seasonal)

FULL TIME

5) Is the worker an apprentice? Yes No

6) Is the worker a direct employee? Yes (Go to 7) No

If no, explain relationship (eg contractor).

7) Give name and position title of worker's direct supervisor or manager at the time of injury

PETER NEWLAND

PRINCIPAL

INJURY OR CONDITION DETAILS

8) Date of injury/condition

22/10/07

Time of injury/condition (if applicable)

: am/pm

9) What date did the worker cease to work as a result of the injury/condition

23/10/07

Time ceased work as a result of injury/condition

: am/pm

10) Describe what you understand the worker's injury/condition to be

STRESS

EMPLOYMENT DETAILS

11) Describe how you understand the worker's injury/condition happened (ie hit head on cabin of forklift truck, cut knee when landing on ground, inhaled toxic fumes)

IN RESPONSE TO A MEETING

WITH THE PRINCIPAL.

12) Do you know whether the worker has had a previous claim for this injury/condition? No (go to 13) Yes

If yes, claim number or date of injury

13) Name and position of person to whom injury/condition was reported

14) Has the worker entered the claim injury/condition into the register of injuries? No (go to 15) Yes

(You must keep a register of injuries or 'injury report book'. Penalty for failing to do so is up to \$2,000.)

Please attach a copy of the worker's written notification of injury and a copy of your written acknowledgement to worker.

15) Did anyone witness the injury/condition occurring? No (go to 16) Yes

If yes, name and address of witness 1

If yes, name and address of witness 2

16) Address where injury/condition occurred

GALVIN PARK S.C.

SHAW'S ROAD

WERRIBEE

17) Is the location where the worker was injured one of your workplaces? Yes (go to 19) No

18) Was this location controlled by another employer? Yes No (go to 19)

If yes, name of employer who controlled this workplace

19) Is this the worker's usual workplace? Yes (go to 20) No

If no, address of worker's usual workplace

20) Business activity of workplace where worker was injured

EDUCATION

21) State whether this workplace is a temporary or permanent worksite

PERMANENT

22) Do you believe the worker's injury/condition was caused/contributed by a third party such as a manufacturer/supplier? (eg faulty design of machinery, insufficient labelling of hazardous substances, negligent driving by third party) No (go to 23) Yes

If yes, give details

23) Do you believe the injury arose as a result of the workers:

• violation of any statutory or other regulation? Yes No

• violation of any statutory or other regulation? Yes No

any other circumstances of which WorkCover should be aware?

Yes No

If no to all of the above, go to 24
If yes to any of the above, give details

SEE ATTACHED

PRE-INJURY AVERAGE WEEKLY EARNINGS DETAILS

24) Worker's total number of average ordinary hours worked per week prior to injury/condition (excluding overtime)

38 hrs

25) Worker's hourly rate (excluding overtime and allowances)

\$ 33.52

26) Pre-injury average weekly earnings at time of injury (excluding overtime and allowances)

\$ 1331.00

27) Does the worker work:

Overtime? Yes No
Shiftwork? Yes No

28) Weekly overtime (if applicable)

hrs \$

Weekly shift allowance amount (if applicable)

\$

If applicable, please attach a detailed schedule of overtime and/or shift allowance worked over the prior 12 month period, or if the worker has worked for you less than 12 months, the period under your employ.

29) Gross weekly wage over the 3 years prior to injury including overtime and allowances

1 year prior \$ 1273.00

2 years prior \$ 1236.00

3 years prior \$ 1200.50

30) Has the worker returned to work? No (go to 35) Yes

If yes, date returned to work

/ /

Time returned to work

: am/pm

Total number of days lost

days

31) Is this a full return to work? (This means a return to full pre-injury duties for full pre-injury hours) Yes (go to 38) No

If no, give reasons

32) Total hours worker is working per week

hrs

33) Worker's hourly rate

\$

34) Worker's gross weekly wage excluding overtime and allowances

\$

Weekly overtime (if applicable)

\$

Weekly shift allowance (if applicable)

\$

35) If the worker has not returned to work, have you contacted

the worker? Yes No
the worker's treating doctor? Yes No

36) Have you offered the worker a suitable job taking into account his/her injury/condition?

Yes No

If yes, describe the job

If no, give reasons why not

SICK LEAVE CERTIFICATES RECEIVED w/out INFORMATION

(You must offer suitable employment within 12 months of injury, as soon as the worker is able to return to work. Penalty for failing to do so is up to \$25,000.)

37) Name of occupational rehabilitation provider (if involved)

EMPLOYER DETAILS

38) Person to contact at your workplace regarding this claim

PETER NEWLAND

39) Position of contact person

PRINCIPAL

40) Contact person telephone

9741 4911

Contact person fax

9741 9367

41) E-mail address

newland.peter.g@edumail.vic.gov.au

42) Have you taken up the Buy-out option? Yes No

43) Have you completed an Incident Notification Form? (please attach a copy) Yes No

44) Date Worker's Claim Form received by you

12/12/2007

45) Date WorkCover Certificate of Capacity received by you

12/12/2007

46) If there are any reasons why you believe you are not required to pay compensation as claimed by the worker, please give details

SEE ATTACHED

EMPLOYER DECLARATION

I declare that all of the information provided on this form is, to the best of my knowledge, true and correct. I am aware that to provide any false or misleading information in connection with this claim may be punishable by law.

Signature of employer

[Signature]

Date

12/12/07

Signature of witness (witness may be any person 18 years or over who is not a relative)

[Signature]

Date

12/12/07

Under the authority signed by the claimant, medical information may only be obtained by a person responsible for administering or conciliating the claim.

This information may only be used in respect of a matter or for a purpose arising under the Accident Compensation Act 1985 or the Accident Compensation (WorkCover Insurance) Act 1993.

Unauthorised use of this information can result in a fine of up to \$10,000.

REC - MELB MAIL ROOM
DEC 2007



OHS & WorkCover

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Conflict Management

A significant driver in the creation of workplace stress and psychological injuries arises through interpersonal conflict between employees when issues are not successfully resolved at an early stage. At times this will result in individuals moving fairly quickly to formal grievance procedures with claims of unacceptable behaviour. Whilst these provisions are indeed there for aggrieved employees to utilise, it is more often the case that if sufficient work and determination to resolve difficult issues was engaged in earlier in the process, a great deal of pain and suffering could have been avoided for all parties concerned. It is difficult to see any clear winners once all the dust settles. (To be reworked)

Wherever possible, an early resolution of difficulties and conflict between staff is to be preferred by using a structured and systematic approach to managing the conflict. In the first instance the goal needs to be for the conflicting parties to attempt to address the issues themselves. If unresolved then support from another colleague, a Health and Safety Representative (HSR), a Union representative or an Equity Advisor can be obtained that may assist in resolving the issues. Should this not be successful then support and assistance from Human Resources (HR) could be obtained to assist with a degree of mediation and even independent mediation should that be deemed preferable. At all times through the process, staff are able to access the services of the Employee Assistance Program (EAP) provider to talk things over with and to look at strategies that may be useful to bring about an early resolution of the conflict.

What do I need to do?

- Liaise closely with HR and follow the established Issue Resolution or Complaints Procedures;
- Consult with HSRs and employees as to the adequacy or otherwise of the local issue resolution/conflict management process;
- Make sure that adequate information about EAP services is communicated to staff and displayed in the workplace;
- Is this an issue that needs wider consultation with focus groups and the discussion of ways to make conflict management safer and more transparent for all parties? If so liaise with DEECD Regional OHS/WorkCover Advisors around managing workplace stress issues with a consultative, risk management approach; and
- Review the integrity of your local processes.

Legislation, Guidance and Codes of Practice

Occupational Health and Safety Act 2004

Occupational Health and Safety Regulations 2007

Practical Guidance

OHS Advisory Service on 1300 074 715



mary peterston <

MARY PATERAS

@minterellison.com>To: mary pateras <

Mon, May 18, 2015 at 10:20 AM

Dear Ms Pateras

We have not seen any panellist's notes in respect of your grievance nor a statement from Mr. Newland as you allege and claim exist.

We will seek our client's further specific instructions to ensure all documents have been provided to us and will make further discovery in due course.

Your claim that any documents have been withheld deliberately is entirely unfounded and should be withdrawn.

[Quoted text hidden]

Chapter 2

6. Reference from Mary Keen

HAWTHORN

INSTITUTE OF EDUCATION



442 AUBURN ROAD, HAWTHORN, VIC. 3122 AUSTRALIA. Tel. (03) 810 3322

Doc. Ref. GPTTEST

2 December, 1988

TO WHOM IT MAY CONCERN

Mary Pateras joined the Integrated Studies Program in 1988 and has completed the requirements for the award of the Graduate Diploma of Education.

This program involves trainees from the areas of Art, Graphic Communication, Humanities, Home Economics, Media and Maths/Science, working co-operatively with a staff team. Trainees were prepared as teachers of specialist subject areas and participated in inter-disciplinary studies. Emphasis was given to educational issues and the Teaching/Learning process. A major purpose was to develop capable teachers with flexible outlooks who are aware of the changing nature of schools and the range of systems in which they may work. Trainees were encouraged to participate in as many aspects as possible of the programs in their own schools.

Mary Pateras completed her Teaching Experience program as a teacher of Textiles at Galvin Park Secondary College. Her high level of professional competence in the textiles area, demonstrated in former extensive industry experience as a designer, garment maker and retailer, has been matched by her performance as a teacher. Remarks from her supervising teacher such as "Mary is a very conscientious and creative teacher with a very enthusiastic and positive approach", "an inspiring participant" reflect the tone of her assessments all year. Mary is innovative and energetic in the classroom, establishes rapport with students at all year levels and has been able to create programs that capture the interest of her students, thus promoting their skills acquisition.

Mary has produced an excellent set of teaching aids, upgraded all the textiles patterns at the school to current industry standards and produced a year seven curriculum which demonstrates her competence in curriculum design, implementation and evaluation. In her work at the Institute, she has completed a first Aid course and a Protective Behaviour course in addition to the standard requirements. She has efficiently arranged excursions both at the school and the Institute and has willingly shared her textiles expertise with other trainees. In short, Mary has completed an outstanding year and will be an outstanding teacher.

Yours faithfully,

MARY KEANE
HIE Teaching Experience Supervisor.

Chapter 3

7. First Performance Review

PRINCIPAL'S/HEAD TEACHER BAND 3's REPORT

APPLICATION FOR PERMANENCY IN THE TEACHING SERVICE

3 JAN 1980

This report is to be completed 12 school weeks after the date of receipt, (see Note, page 3). In completing this report, the Principal/Head Teacher Band 3 is asked to comment specifically on each of the following aspects of the applicant's performance (after 12 School Weeks from the date of receipt):

(a) Teaching effectiveness, and in particular lesson preparation and classroom management:
 Mary Pateras has shown, during her first year, excellent potential as a teacher. She is the Acting Head of Department in Textiles and is responsible for the recording of that faculty as well as the organization of her own classes. She has accomplished both successfully.

(b) Professional relationship with other staff members:
 Mary is a delightful person who has fitted in well to Galvin Park's teaching team. She relates especially well to other members of the Personal Development & Creative Arts teachers.

(c) Present and potential contribution to the school:
 Mary is a highly motivated and dedicated teacher whose students enjoy working in her subject. She is a firm teacher and attends Curriculum and Education Committee meetings.

(d) Additional aspects or comments as appropriate:
 Mary is a well respected member of this school and I am happy to have her as a member of my teaching staff.

My recommendation concerning the application of MARY PATERAS for permanency as a classified—

Post Primary (Secondary/Technical) teacher is—	Primary Teacher is—
Recommended for permanency <input checked="" type="checkbox"/>	Recommended for permanency <input type="checkbox"/>
This application should be deferred <input type="checkbox"/>	Not recommended for permanency <input type="checkbox"/>
Not recommended for permanency <input type="checkbox"/>	Not recommended for permanency <input type="checkbox"/>

(TICK ONE BOX ONLY) (TICK ONE BOX ONLY)

I certify that, prior to the completion of this report, I discussed the nature of my comments with this applicant, who was given the opportunity to present additional evidence for my consideration. Any additional evidence presented is attached to this report. A copy of this report has been given to the applicant.

A. Stoussant 21/12/79 GALVIN PARK SECONDARY COLLEGE
 Principal/Head Teacher Band 3 Date School/Centre

Please forward this application form and report, together with any relevant papers to: Senior Qualifications Officer, Ministry of Education, P.O. Box 4367, GPO Melbourne 3001.

IMPORTANT:
 READ BOTTOM BOX BEFORE
 FILLING OUT FORM

To be forwarded through the Head of School/Centre

Record number: T022604E8

Surname: PATERAS

Title: MRS Other Name: MARY Initial: .

Date of Birth: 06/10/62 Time Fraction: .

Maiden or former name (if applicable): GIOFITSIDIS

HOME ADDRESS: 150 DIGGERS RD
WERRIBEE SOUTH
 POST CODE 3630

Telephone: 742 1528

Division in which you seek permanency (one ONLY)

Primary Secondary Technical

TEACHER REGISTRATION (Teacher Registration Board)

Primary Full Provisional Category

Secondary Full Provisional Category

Technical Full Provisional Category

SCHOOL/CENTRE NUMBER: 017402

SCHOOL/CENTRE NAME: GALVIN PARK SEC SCH
DARY COLLEGE P.O. BOX
304 WERRIBEE POST CODE 3030

Telephone: 742 4911

Notes for applicants:

- Only temporary on-going teachers employed within the Schools Division of the Ministry are eligible.
- This application must be forwarded through the Head of the School/Centre.
- Certified photocopies of teaching experience (not with the Education Department/Ministry of Education) if any, must be attached.
- All permanencies are subject to a satisfactory medical and x-ray report. You will be advised of the date of this medical examination.

In addition, applicants for Secondary or Technical permanency must provide:

- A copy of your Teacher Registration from the Teacher Registration Board.
- Certified photocopies of all transcripts and awards of qualifications must be attached. If your qualifications have previously been assessed by or for the Education Department/Ministry of Education please attach evidence of the assessment.
- Certified photocopies of industrial experience must be supplied where it is appropriate.

Chapter 4

8. Centenary Medal



PRIME MINISTER
CANBERRA

9 April 2003

Ms Mary Pateras

Dear Ms Pateras

I write to congratulate you on being approved for the award of the *Centenary Medal* by the Governor-General. Nominations for the medal were made by the Commonwealth, State and Territory governments and recommended by the independent Council for the Centenary Medal.

This distinctive Australian commemorative medal marks the achievements at the commencement of a new century of a broad cross-section of the Australian community including your contribution to Australian society. Australia is proud that it has many outstanding people who have helped make our country and the wider world a better place.

Arrangements will be made for you to receive the *Centenary Medal* in the near future.

Yours sincerely

(John Howard)



To

MARY PATERAS

Greeting

*WHEREAS Her Majesty Queen Elizabeth The Second,
Queen of Australia, has instituted an Australian medal
to commemorate the centenary of federation of Australia;
I DO by this warrant award you the Centenary Medal.*

*Governor-General of the
Commonwealth of Australia*

By His Excellency's Command

Prime Minister

Chapter 5

9. Best Practice MIPS - Galvin Park Secondary College

10. Excellence in Career Education Nomination.

11. Performance Reviews

Managed Individual Pathways – Case Studies

Galvin Park Secondary College, Werribee

Galvin Park Secondary College has approximately 1300 students enrolled in Years 7 to 12. It is located in Werribee in Melbourne’s western suburbs, in an area with high youth unemployment and traditionally below-average school completion rates. The school serves a community with diverse cultural and linguistic backgrounds.

Mary Pateras has been a teacher at the school for 18 years. She became Careers Coordinator five years ago, in the same year that the MIPs program was first introduced, and launched into the development of an integrated, comprehensive approach to pathway and career planning. Looking back, Assistant Principal Peter Stone says, “One of the key factors has been that the staff fully support Mary. She has built up a bank of good will, she can get staff to give kids another chance or time to exit successfully – even those kids that have really burnt their bridges. We all have confidence that Mary is giving us the right advice.”

This support from other staff is evident in the way MIPs is embedded in senior schooling at Galvin Park. Mary sees herself as the facilitator of the program, and is quick to point out that “lots of teachers work really, really hard to make this happen.”

Good Practice Approach to MIPs

- [Process to establish the goals and aspirations of students](#)
- [Pathways plans to inform curriculum needs](#)
- [Pathways planning through VELS](#)
- [Close collaboration between the VCE, VCAL and VET coordinators and the MIPs coordinator](#)
- [Close collaboration between student welfare staff, integration staff, careers coordinators and the MIPs coordinator](#)
- [Encourages parental involvement](#)
- [Process to regularly review pathways plans](#)
- [Process for the identification, support and monitoring of students at risk of early school leaving](#)
- [Supporting early school leavers for six months](#)
- [Providing students with a copy of their MIPs plan when they leave school or change schools](#)
- [Recognising that retention and engagement issues begin prior to Year 10](#)
- [How did you get here – tips for success?](#)

- [What next – where to with your MIPs program over the next two years?](#)

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Process to establish the goals and aspirations of students

The MIPs program begins with an intensive Careers Unit undertaken in Year 10 SOSE classes over 5 to 6 weeks (now part of the discipline strand of humanities – economics level 6 in the Victorian Essential Learning Standards (VELS)). Each student receives a MIPs folder containing the information and resources they need to complete the Careers Unit, and the forms to capture their initial thinking about pathways directions.

First students undertake a computer-based interest measure test which feeds back information on personality type, strengths, and a list of possible careers that may be of interest. Students are also asked to document their personal, education and career goals. Using the Job Guide, students explore and document information about several possible career choices. From the pro formas provided, students develop a resume and also obtain two references from adults. All of these are stored in the MIPs folder.

As part of the Careers Unit, the school has drawn on local Rotary and Lions Club members to provide feedback on students' resumes and mock letters of application. The school trialled mock interviews with these community members at their workplaces, but found many students did not take up the opportunity. Mary is now considering arranging mock interviews on the school premises.

The [Careers Unit booklet \(PDF - 1.1Mb\)](#) has been compiled from the best parts of a range of sources (with permission). Mary believes that presenting the material professionally increases the seriousness with which students approach their pathways planning. Folders, booklets and documents are developed with the help of the school's Graphic Design staff and the Public Relations team.

Mary then spends two sessions with each class, team teaching with the SOSE teacher, to run through the post-Year 10 options (see [Chart of Post-Year 10 Pathways \(PDF - 38Kb\)](#)). The jargon associated with university entry, TAFE entry and employment is documented and explained.

Students are introduced to the VICTER Guide, a copy of which is also included in their MIPs folder. Students are given [sample subject choices \(Word - 212Kb\)](#) at Year 11 and 12 that form prerequisites for a range of university courses. Using a comprehensive [Course Selection Handbook \(Word - 210Kb\)](#) produced by the school, students then develop their own path including proposed subjects at Year 11 and 12.

The Careers Unit is assessed, with SOSE teachers noting whether the unit was completed. The list of proposed Year 11 subjects for each student is then subject to a

‘reality check’, with their maths and science teachers noting the VCE subjects in which they think the student is likely to succeed. All of this is then sent home for parents to consider and sign. Tutor Teachers (sometimes called student mentors or home group teachers in other schools) collect and review the forms, and the Careers Teacher checks to ensure that forms have been received from every student. Following this up is time-consuming, but is pursued until every student has a completed form in their MIPs folder.

The Careers Unit booklet contains a comprehensive list of University and TAFE Open Days that are scheduled to take place during the year. The Werribee River Careers Association (WRICA) also runs their own Careers and Employment Expo every year “because some of our students simply will not attend other Expos or Open Days – they won’t travel outside their comfort zone”. All Year 10 and 11 students are bussed, free of charge, to the WRICA Expo.

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Process to regularly review pathways plans

MIPs plans are central to the Year 11 Planning for Success day at Galvin Park. This one-day workshop, held at a nearby conference venue, includes sessions on values and behaviours, team-building, goal-setting, and planning to succeed.

Within this day (or soon after it) students complete a [revised subject selection \(PDF - 45Kb\)](#) for Year 12, which then undergoes the process described above of maths/science teacher recommendations and parent, Tutor Teacher, Careers Teacher and VCE Coordinator approval.

The first three days of Year 12 are spent at a camp, again involving team-building activities and information about the VCE. Part of the camp is devoted to careers and transition, with students demonstrating that they can use the VTAC Guide effectively, understand the process, and are still on track for the pathway described in their MIPs plan. An FAQ sheet and a course selection timetable for the year are included with the materials for this session, and each student is [interviewed \(Word - 25Kb\)](#) about their chosen pathway.

Later in Year 12, Mary has a one-on-one interview with each student in which they use the VTAC website to finalise post-Year 12 course preferences and complete a VTAC application form.

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Pathways plans to inform curriculum needs

“Is there a teacher at the school who doesn’t know about MIPs? Probably not,” says Mary. She speaks at many staff meetings and runs briefings for staff during the year.

Year 10 SOSE and Year 11 English teachers make room for the completion of MIPs activities during their classes.

Assistant Principal Peter Stone suggests that the senior school is really built around the MIPs program, and Mary has input into a diverse range of senior school decisions including subject blocking.

The school offers alternative school pathways such as the Applied Learning Year 10 program and VCAL, as well as a range of VET in Schools subjects.

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Pathways planning through VELs

Galvin Park has plans to take up some of the terminology and to amend forms to accommodate appropriate VELs reporting categories.

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Close collaboration between the VCE, VCAL and VET coordinators and the MIPs coordinator

Mary is a full-time MIPs coordinator and Careers Teacher, as well as arranging work placements for all VET in Schools students. She is also a member of the Senior Office, which develops all VCE programs and takes a team-based approach to finding pathway solutions for individual students.

There is a separate Pathways Coordinator who monitors student progress and reports to parents if students are not succeeding in their schoolwork. An administrative assistant has also been dedicated to MIPs and the Senior Team.

Assistant Principal Peter Stone points out that MIPs is part of the language of the whole school. His own position description includes responsibility for pathways planning and securing positive destinations for students, and the School Council seeks regular data and reports on these matters. 'Transitions and Pathways' is a major arm of the new strategic plan being developed by the school.

All this means that if Mary left tomorrow it would 'leave a huge hole' in the school. The Pathways Coordinator does know the process well, but Peter believes the MIPs and Careers roles are much harder than people perceive and require a great deal of extra commitment. Galvin Park is hoping to devote 1.5 EFT staff to the role, to cope with the growing workload but also to ensure smooth transition in the case of staff turnover.

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Close collaboration between student welfare staff, integration staff, careers coordinators and the MIPs coordinator

While MIPs and careers education is completely integrated at Galvin Park, Mary and Peter agree that more could be done in integrating the school's welfare processes with MIPs. Family and personal crises may pull a student off their proposed pathway, and this could be better addressed if the MIPs coordinator had some early notification. Reassuring students in crisis that options and pathways are still available to them could encourage students to continue their schooling, or to access the school's support in beginning on another positive path.

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Encourages parental involvement

As noted above, parents are required to sign their child's MIPs plan during Year 10 and Year 11. An information night for parents is held before the MIPs plan comes home, to ensure that parents understand the process and the form. There is room on the form for parents to make a comment, or to flag any changes (such as a plan to move interstate) that the school needs to take into consideration.

Parents are also invited to attend the Course Selection expo held by the school, where KLAs provide information and answer questions. Parents are invited to contact the school if they believe their student is at risk of leaving school early. If a student is referred to the MIPs coordinator by another party such as a teacher or year level coordinator, or a student indicates that they intend to leave school, the parents are informed (after a 24 hour window to allow the student to tell their parents first).

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Process for the identification, support and monitoring of students at risk of early school leaving

Assistant Principal Peter Stone admits that the school has not been effective at identifying at risk students before they decide to leave school. Next year Galvin Park is proposing to use the Brimbank-Melton LLEN tool for identifying students at risk, and Peter and Mary are hoping that this will facilitate earlier identification and promote a discussion about risk factors.

Once a student has been identified as at risk, Galvin Park works with a range of external agencies to offer support. The school's welfare staff has a range of referral contacts for individuals and families. Representatives from the local Jobs Pathways Program provider have come to the school to meet with students (this program has since been replaced by the Youth Pathways program). Mary has found students places in the [Westgate Community Initiatives Group \(WCIG\)](#) intensive work skills programs. Some students have undertaken Year 10 in an alternative setting at [CREATE](#). Students are assisted to complete applications for apprenticeships and pre-

apprenticeship programs. The local Centrelink office has nominated a dedicated staff member to case manage all referrals from Galvin Park SC. Matchworx is a local employment agency that also supports early school leavers as they seek employment. A small number of students have transferred to undertake the Certificate II in Adult Education at Victoria University.

Mary makes appointments for students and their families, and if a student does not turn up for an appointment the agency lets Mary know.

“Mary won’t let them not have a destination,” says Peter Stone. “She literally follows every student. She advocates on their behalf with staff and school management to make sure they don’t leave until they have somewhere positive to go.”

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Supporting early school leavers for six months

Peter is particularly proud of the school’s knowledge of student destinations. “We only have a couple of school leavers with unknown destinations in any given year,” he says.

“And that’s the ones that won’t return phone calls,” adds Mary.

Galvin Park provided time release for one of its IT teachers to develop a built-for-purpose database. With this, Mary can call up a report on each student that includes academic progress, work experience placements, interviews with the Careers Teacher, contact with parents, and exit and destination data. Importantly, the database allows multiple destinations for one student which can accommodate the rapid transitions some students make after leaving school. Mary contacts all school leavers in May of the following year to confirm their destinations and offer additional support if required, and contacts them all once again later in the year.

Mary is available at the school during January, when offers from universities and TAFEs are being received (or not received). It is not uncommon for students to return to the school for assistance when a pathway does not work out as expected, even after two years of university study.

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Providing students with a copy of their MIPs plan when they leave school or change schools

The school retains the MIPs plans for each student during Years 10 and 11 simply to ensure they are not lost. It is explained to students that these are 3 year plans, and they will need them right through to the end of Year 12. At such a large school, finding storage space to accommodate these folders for all Year 10 and 11 students has been something of a challenge. Students are encouraged to lodge all certificates, references and relevant documents with their MIPs plan, and to keep their resume up to date, so that they can access them quickly at need.

After the plans have been reviewed at the beginning of Year 12, they are presented to the student to take home. They are asked to bring them in for their course selection interview with the Careers Teacher in third term.

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Recognising that retention and engagement issues begin prior to Year 10.

Although the school is divided into Middle School and Senior School, Peter Stone is determined to integrate Year 9s into the MIPs program. The school has obtained Leading Schools funding to undertake a school restructure to enhance teacher-student connectedness through the development of individual learning plans, and to increase retention through identification of early risk factors and effective interventions. The school already offers literacy and numeracy intervention in the middle years, and early school leavers are referred to Mary for support and assistance.

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How did you get here - tips for success?

- Garnering the commitment of other staff to help kids find a good pathway.
- Building a cohesive Senior Team, in which the MIPs Coordinator plays a central role.
- Working with the support and interest of the Principal, School Council and school leadership team.
- Giving the MIPs Coordinator flexibility in using the MIPs funding. At Galvin Park the MIPs funds have provided a full-time MIPs/Careers Coordinator, an allocation of administrative support, time release for the IT teacher to develop and support the MIPs database, comprehensive MIPs folders, guest speakers, the Course Selection Day, buses to ensure that students do not have to pay to obtain information about pathways, and subsidised the MIPs component of the Year 12 camp.
- Having Mary in the position (says Peter Stone).

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What next - for your MIPs program over the next two years?

- Identify at risk students before they are on their way to leaving school.
- Reduce the number of students lost when Year 9 students transfer to the senior school.
- Increase the staff allocation dedicated to MIPs and Careers.
- Ongoing review and improvement of the MIPs program.

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Official Nomination Form

Privacy statement: Curriculum Corporation and Hobsons Guides, on behalf of the Australian Careers Service, acknowledge that all personal information is only collected with your consent and that this information will not be used for any other purpose than this Award, licensed or given away to any other party.

The fields marked * must be completed

* Principal's name	Peter Newland
* Organisation	Galvin Park Secondary College
*Postal address	100 Shaws Road Werribee
*Email address of school principal	
*Phone	03-9741-4911
*Fax	03-97419367
* Nominated teacher's name	Mrs. Mary Pateras
* Nominated teacher's title	Careers Coordinator
Brief overview of your teacher's career program (maximum 400 words) to assist judges to have an understanding of the program as a whole.	<p>Mary's comprehensive careers program commences with a focus on year 9 students and continues to provide support and advice throughout their final years of education. For many this culminates through support with the VTAC application process while for others it is the provision of job application, employment, further training or alternative educational settings.</p> <p>Mary's careers program commences in advising and targeting students prior to the completion of year 9. As part of MIPS pathway planning Mary works with students at risk while at year 10 level Mary's program begins with an intensive careers unit undertaken in all SOSE</p>

classes during a 6 week block. Each student receives a personalised MIPS resource folder, containing the information they need to complete the careers unit and various forms to capture their initial thinking about future pathway direction. All students undertake a computer based interest measure test which provide information on, personality type, strengths, and a list of possible careers. Students are also required to document their personal, educational and career goals. As part of their resource folder students develop a resume and seek references from adults in the community. Mary's program draws on the skills of local rotary and lion club members to provide feedback on student resumes and mock letters of application. The MIPS resource folder is utilised during course selection at each year level and Mary individually counsels all students on appropriate subject choice and spends 5 sessions with each year 10 class discussing post year 10 options. As part of her program, Mary develops and published the course section documents for the college and organises and coordinates the college, course selection day.

At year 11 level part of the MIP's program includes motivational speakers and a "Planning for Success Day" This day includes sessions on Values and Behaviours, team building and goal setting. Mary has also developed an "At Risk" program and assigns advocates to work with designated students throughout year 11.

At year 12 level, Mary's work commences on the year 12 orientation camp. The focus of the camp is on careers and pathways, with students working through the VTAC guide and other documents to update their MIP's portfolio and better prepare them for post Year 12 destinations. Mary interviews each student on the camp to ensure their program matches their needs and aspirations.

Describing your nominee's career education activity:

What is it about your nominee's career education activity that leads you to describe it as excellent? Record your responses to the questions below. Simply click in the boxes and type in your response. Please limit your responses to a maximum of 300 words per box.

1. How did the nominee gain support for the career program from the school executive team?

Mary Pateras' was able to quickly gain the support from the school executive (administrative) team. Mary's knowledge and experience, commitment and passion to ensure the best possible outcomes are available to all students convinced the school executive team to support her in her career education programs. Mary is an active member of the school council and sits on the education policy sub-committee. It is via this committee that Mary's initiatives are articulated in order to be put into practice via the school council. As part of the senior school, Mary works closely with a team of ten staff on all aspects of student wellbeing and pathways planning. As a member and leader of this team, Mary reports directly to the senior year's assistant principal who provides her with unqualified support. As an outstanding careers practitioner Mary has developed a rapport, not only with students, staff and the educational community but with the schools leadership team and the schools council. Mary's careers education and pathway programs are multi-faceted and support both the delivery of curriculum, course advice and pathways planning for all senior students. At the senior level the school has endorsed Mary's ongoing work in establishing blocking timetables for students and providing all students with the opportunity to succeed. As well the school executive team supports her representation to the WRICA network and the determining of cluster provision and school based vet programs as well as the establishment of links to employer, training and school networks.

2. How did the nominee gain support for the career program from the whole school staff?

Mary has been the college careers advisor for the past five years and has rapport with all staff, students, parents and the broader educational community. Mary maintains a regular dialogue with all staff and works closely with the senior team to support students in their career and pathway planning. Throughout these

years Mary had worked closely with the SOSE KLA in not only developing but also delivering the year 10 careers unit. Mary also works closely with all year 11 staff as the co-ordinator of the MIPS funded advocacy program. At year 12 levels, Mary works with tutorial teachers in a program that provides support for students during the VTAC application process.

Mary assumes full responsibility for the schools course selection day and works with all KLA leaders, heads of departments, and all staff in the development of course selection documentation and presentation to the community on the day. With the support of staff and the school administrative team this day has continued to be an outstanding success. Mary also organises and oversees the production of all course related documentation across the college. To achieve this Mary works closely with the public relations manager, kla leaders, the business manager, college administration and their printers. Mary reports regularly at staff briefings on student destinations, work placements and student outcomes at the senior level.

3. Describe how the nominee has initiated and implemented strong partnerships with groups in the community.

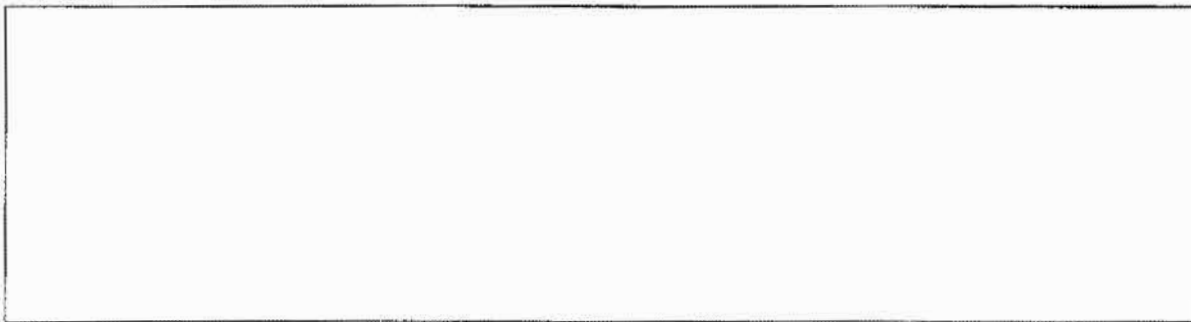
Mary's focus has always been on providing the best opportunities for the young people at our college. To achieve this she has forged strong links with parents. Each child's parents are involved in the MIP's plan and are asked to endorse each stage of its development. The following list outlines some of Mary's community links;

Local resident in the area for 20 years

- ❖ Has sat on various local committees including the weerama festival committee, Wyndham/Victorian fashion awards committee, involved in local council via these committees.

- ❖ Formed partnership with rotary and more recently with the lions club via the wyndham/costa mesa(USA) student exchange program.
- ❖ Knows local business owners on a personal level and encourages them all to support students in work experience/workplacement opportunities
- ❖ WRICA - actively assists in the organisation on the wyndham careers expo
- ❖ Sits on various subcommittees and reference groups within the western region and the Wynbay LLEN - ASBA's reference group and MIP's best practice.
- ❖ Presents to other regions - promoting the MIPS initiative - eg, Hume region, Northern region.
- ❖ Visits local Tafes regularly - personally meeting selection officers and other personnel who assist in the transition of students from secondary school to alternative pathways
- ❖ Ensures that all students are visited whilst on workexperience along with the support of various staff - personally thanks the employers for the opportunity!!
- ❖ Invites external agencies into the school and arranges the appointment for the student -
- ❖ Attends group interview with students for possible part time employment
- ❖ Writes to all employers thanking them for their continued support with work experience - sends a stamp self addressed envelope to ensure the student receives their evaluation report as part of their MIPS portfolio.

Mary's diligence and demeanour have allowed her to develop and maintain unprecedented support from groups within our community.



4. Provide details of how the nominee has supported and advocated a broad range of career paths to students.

Mary's understanding of career and further education pathways is outstanding.

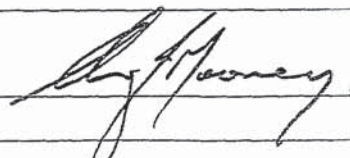
Mary developed the school's first alternative program at year 10 level "ALYT" (Applied Learning Year 10) This course built was built on the VCAL model and provided students with "hands on" approach to learning. Work placement is an integral part of this program. Mary has developed a pathways plan for these students to ensure they are able to remain in education or training. Mary meets with these students and their parents to discuss options at year 11 and 12 level. Mary also promotes the VCAL program to students and parents and this year has developed a pathway for these students in ASBA's. Mary regularly invites employer groups, including the defence and police force to speak to students on career options and is often given "first option" by employers when seeking apprentices.

Mary speaks regularly at student assemblies and interviews all senior students before course selection documentation is finalised. Mary attends all university and tafe open days - collecting information for the students who were unable to attend. Then puts a number of options for each student into play - to maximise their chances of success.

As well Mary follows up on every exit student - twice per year and contacts every year 12 student at change of preference time and again at first round offers - offering advice, encouragement and further assistance.

5. Please describe any additional ways in which you consider your teacher to have exhibited excellence in delivery of career education.

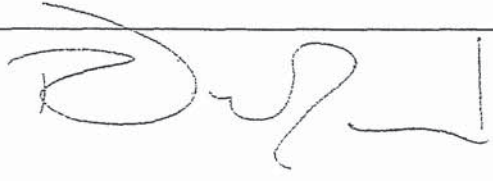
In 2002 Mary was awarded the centenary medal for her outstanding work in career education. Our school, our local network and the region proudly applauded the fact that her diligence and commitment had been recognised. Mary was also interviewed by the DET and lauded in their publication "best practise approach to MIPS" as being an outstanding practitioner. In recent times Mary presented at forums including Back to the future Later Years conference, MIPS best practice, and a various presentation for the Western region. Mary's relationship with employers, other schools and the broader community is such that she regularly advisors other students, parents and employers on career and pathway options. It is a credit to Mary that this College can readily place students into employment or training. Mary has an "open door" policy when it comes to advice and support and regularly assists staff and parents in preparing resumes and job applications. Mary also worked this year on developing the college Strategic Plan for 2007-2010. This included her setting targets for student outcomes in the senior years. It is difficult to describe the multitude of ways that Mary has assisted in the development and program at the college. Needless to say, through her efforts we are recognised as a leader in careers education and lauded by the community.

Individual Teacher Development Plan			Year: 2005
Graduate	Accomplished	Expert	Leading
Teacher: Mary Pateras		Facilitator: Chris Mooney	
Goal 1: Student Achievement:			
Target 1:	Year 12 Application process - VTAC		
Target 2:	Year 10 & 11 course selection process		
Target 3:			
Evidence:	Record keeping via the MIPS interview process Introduction of 2 new data bases that create more accurate and thorough record keeping. - <input type="checkbox"/> First Class <input type="checkbox"/> Work Expo/ MIPS		
Reflection:	Use of data bases have proved effective to date. Reports that are able to be generated benefit both the students, teacher and the VCE team.		
Goal 2: Curriculum:			
Target 1:	Review of year 10 careers Unit		
Target 2:			
Target 3:			
Evidence:	Copy of work used by all SOSE teachers in 2005		
Reflection:	Thanks to the assistance of Nicole Bertock the presentation of this unit is now in line with the high quality of all other college publications. The development and presentations of the Portfolios has improved significantly over the past 4 years.		
Goal 3: Learning Environment:			
Target 1:	Set up of new Careers Resource Center		
Target 2:			
Target 3:			
Evidence:	The layout of information Resource centre between the Senior office and careers office.		
Reflection:	This area is widely used and easily accessible to all senior students. Students often spend recess and lunchtimes using the room productively, sourcing the most current information available.		
Goal 4: Position of Responsibility (Job description):			
Target 1:	Oversee VET issues during term 3 in CM's absence – including VET attendance, assisting new teachers to VET – Engineering and Hospitality		
Target 2:			
Target 3:			
Evidence:	Attending VET cluster meetings during term 3.		
Reflection:	Glad Chris is back!!!!!!		
Facilitator Comments &/or Recommendations:			
Principal class endorsement:			

CGU Workers Compensation (Vic) Ltd
- 6 FEB 2008
REG. MELB MAIL ROOM

Individual Teacher Development Plan			Year: 2006
Graduate	Accomplished	Expert	Leading
Teacher: Mary Pateras		Facilitator: Chris Mooney	
Goal 1: Student Achievement:			
Target 1:	Year 12 Application process - VTAC		
Target 2:	Year 10 & 11 course selection process		
Target 3:			
Evidence:	Record keeping via the MIPS interview process Introduction of 2 new data bases that create more accurate and thorough record keeping.- <input type="checkbox"/> First Class <input type="checkbox"/> Work Expo/ MIPS		
Reflection:			
Goal 2: Curriculum:			
Target 1:	Review of year 10 careers Unit		
Target 2:	Facilitate the compulsory Safe@work module in preparation for work experience		
Target 3:	Team teach with SOSE and Tutor teachers in delivery of course selection process		
Evidence:	MIPs Resource Folders		
Reflection:			
Goal 3: Learning Environment:			
Target 1:	Set up of new Careers Resource Center		
Target 2:	Maintenance of Pod 1		
Target 3:			
Evidence:	The layout of the information Resource centre between the Senior office and careers office.		
Reflection:			
Goal 4: Position of Responsibility (Job description):			
Target 1:	Assist Jon Hart in the organization of "Earn and Learn" initiative		
Target 2:	Liaise with employers re: workplacements/work experience		
Target 3:			
Evidence:	Earn and Learn program charter signing. Polish program (Mock Interviews) Industry Visits to Alex Fraser and Readymix Organised work placement and work experience for 99% of all VET and Year 10 students & collation of employer evaluation reports.		
Reflection:			
Facilitator Comments &/or Recommendations:	Mary and I have met on several occasions to discuss her goals and the respective targets. Mary has made excellent progress in all her goals and in doing so has improved the educational outcomes and pathways for the cohort of students in the senior years.		
Principal class endorsement:			

CGU Workers Compensation (Vic) Ltd
- 6 FEB 2008
REC - MELB MAIL ROOM



Chapter 6

12. BCI Handouts in Mr. Newlands handwriting.
13. Email from staff member
14. Expert Witness Statement of Dr. Peter Cotton.
15. County Court Ruling - November 4, 2015

BCI School Report

Galvin Park Secondary College
Peter Newland, Principal

Part I: What was it like in your school immediately prior to BCI (end of 2006)
The school culture could be characterised as "us and them". Staff members were often blaming others (students, parents, leadership). Staff members felt as though they were powerless and that we were collectively "problem stuck".

The school's performance was static, data regarding student performance and key stakeholders' attitudes (staff, students and parents) had not improved over a 5 year period despite everyone feeling that we all worked very hard.

The leadership culture was seen to be very directive, little consultation, no staff input into directions taken.

Part II: What is it like in your school now?

The school culture is more homogenous in terms of a lessening in the "us and them" as it applies to the leadership culture. Staff members are more prepared to be open in leadership meetings as to their thoughts; there is a greater degree of trust. This "openness" is also filtering slowly through the staff more generally in other meetings and work situations. Whole staff meetings are more engaging (see Part IV A for details of their structure etc.) and allow for more input from staff to give a perspective on issues and topics. There has been some work started on how to give and receive feedback on professional matters which is assisting in the development of more effective teams.

The leadership culture is more attuned to how empathy can be created and developed and there has been a shift to improve the consultative processes.

At this point in time we are in transition from one state to a new improved state; there is no data to date indicating improved performance.

Part III: What activities were undertaken leading up to and including project selection?

A) The Project team was selected by all staff at a staff meeting. The voting sheet consisted of a staff list on one side and the criteria for selection and information regarding the process of selection on the other. This was handed out and the Principal verbally took the staff through the sheet and what we wanted to achieve. All staff members then cast three equal votes. The votes were tallied and the 6 highest teachers and highest SSO member were approached by the Principal to see if they were prepared to join the Project Team.

The Project team attended the training days and prepared for a whole day workshop for all staff members at a venue outside the school. The day was delivered by members of the Project team working in teams, supported by the BCI facilitator (Roger Dingle) and the Principal. The day included an overview of the BCI principles (Fab 4) and the research supporting the model. This was followed by an examination of the school's Opinion Surveys for 2006 (Staff, Parent and Student). Sessions were



Building Capacity for Improvement

Department of Education



Welcome to the Consolidation Day



learning to **lead**
effective **schools**

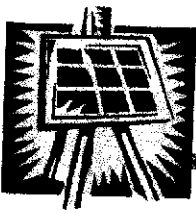
insight **SRC**

Workshop Outline

What Will We Be Doing?

Today's workshop is about moving from a project specific focus to a place where you feel confident implementing the BCI strategies more broadly to sustain improvement processes in your school.

- ▶ **Identify team needs and challenges**
- ▶ **Review and consolidate the key learnings from the program**
- ▶ **Celebrate and share key successes from your projects**
- ▶ **Establish strategies for continuing the momentum now and into 2008**
- ▶ **Prepare a draft report for your school**



Where We Started

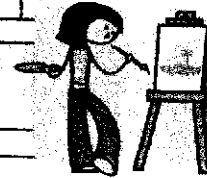
Let's review the beginning of BCI – on Flip Charts

Describe our school “pre-BCI” end of 2006.

- ▶ Our school culture: “us + Them” ← blame
- ▶ School performance: ~~no progress~~ no progress. & powerless, problem stuck
- ▶ Our leadership culture: ~~Directives~~ h'ship,



Draw a representation of the Transition

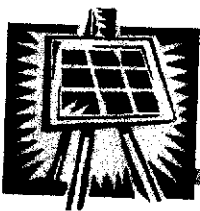


Communication

Where at?

- ▶ How successful was initial communication within our school?
- ▶ In retrospect, how could we have more effectively:
 - ▶▶ demonstrated empathy?
 - ▶▶ built clarity?
 - ▶▶ created engagement?
 - ▶▶ developed learning?

Now, be prepared to share your responses with other teams and seek feedback



Project Process Commences

On Flip Charts, answer the following:

Project Team Selection

- ▶ What worked? What aspects were staff happy with? ✓
- ▶ What didn't work? What aspects were staff unhappy with? Clarity of BCI objectives/process
- ▶ What did we learn from the selection process? Staff commitment ↑

Engagement

- ▶ Did everyone feel engaged? ✓ (engaged in some of people, not engaged in BCI) - response rate ↑
- ▶ What strategies did we use? library, explⁿ of criteria, job descripⁿ everyone @ once, 3 roles, open. - prepared to consider the criteria
- ▶ How could we have more effectively engaged all staff? Understandg of BCI. - people look^g for change



Project Selection

- ▶ Was it the right Project selection process? No. Yes, but didn't finish
- ▶ Was it the right Project topic? Student Management: Funneling.
- ▶ How could we have generated an even higher level of project ownership?

Now, be prepared to share your responses with other teams and seek feedback

Project Underway

Let's review Project planning, implementation and outcomes so far...



Project Process

- ▶ How have we tackled the project?
- ▶ How clear are our plans? How effective is our engagement strategy?
- ▶ What are the key milestones?

+ Forums
 + 15' 2 areas to pursue
 + Planner
 + Survey

OK, to stuff not.

Review
 St+Mgt
 - Planner
 - Exit principles
 CMP

Outcomes

- ▶ What has been the impact of our project activities (to date) on
 - ▶▶ School culture?
 - ▶▶ School performance?
 - ▶▶ Leadership practices?



Leadership Team

Feedback
 BCI Principles
 PISA
 Action Plan

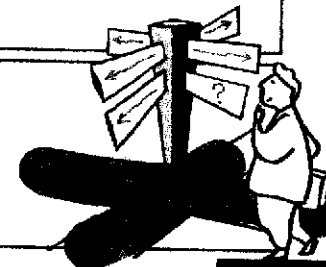
Future Challenges

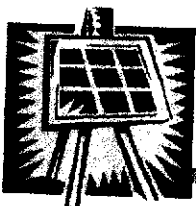
- ▶ What do you see as the outstanding challenges at this time?

Clarity for Staff - Review wk to date - DATA.
 - Revisit - Policy.
 - Rework

: 2008 AREA: ST MGT

TOPIC: CLASSROOM MGT - Engage staff in the rethinking
 UNIFORM. 21 - Weekly forum for staff.





Project Underway

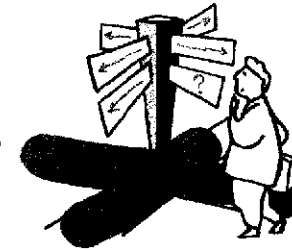
On Flip Charts, answer the following:

Empathy

- ▶ Does the project address key concerns of staff?

Clarity

- ▶ Are staff clear about
 - ▶▶ Project aims?
 - ▶▶ Who is/was responsible for what?
 - ▶▶ Progress?



Engagement

- ▶ Who is doing/did the work? PT / - Develop³
- ▶ How many staff involved? PT / Whole / - Imp¹
- ▶ How are decisions made? Who is making them? PT / Whole
- ▶ Are all staff heading in the same direction now? No.



Whole staff forums
to BCL Principles + Goals



Learning

Informal (LOTS)

- ▶ What feedback have you / the Project Team received? Form feedback from Staff Coaches
- ▶ What feedback have you / the Project Team provided? No, so maybe
- ▶ What processes did you use to support feedback and learning?
- ▶ What have you learned along the way? YES

process
Feedback to be improved.

LOTS



Now, be prepared to share your responses with other teams and seek feedback

The Wild Blue Yonder

Your Contribution

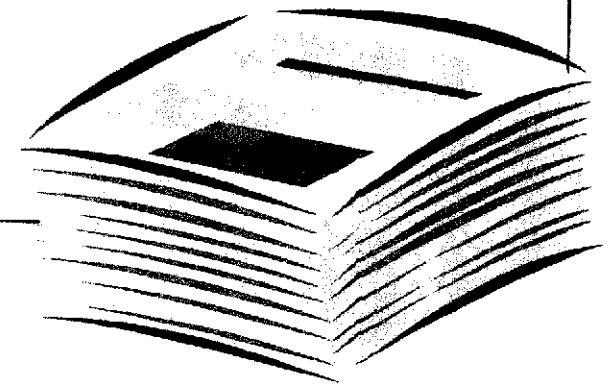
2007 was the fifth year that we have run the Building Capacity for Improvement program...and we know that the program, and the projects, have been challenging for your school, and yourselves as a team.

Although the formal group workshops have now concluded, your involvement in the program and the project team is set to continue into 2008. You will do this by continuing with your project, working with the results of your 2008 survey, and driving for further improvement in your school.

In addition, you have provided us with constructive feedback about each program phase. Based on that feedback, we have been able to make some significant changes over the life of the program. Your input has been critical to enabling us to continuously improve what we do.

The Report

- ▶ **What was it like in your school immediately prior to BCI?**
 - ▶ **What is it like in your school now?**
 - ▶ **What did you do to improve your school?**
 - ▶ **Future challenges?**
- and**
- ▶ **Feedback for Insight SRC**



From: Kra S
Sent: Monday, 2 February 2009 10:32 PM
To: Pateras, Mary M
Subject: Hi

Hi Mary, I hope you don't mind me writing to you and I am sorry about what has happened to you. I felt I needed to write to you

to explain how I feel about Peter Newland's conduct. I have only been teaching at Galvin for 3 and half years. During this

time I feel that I had related to students very well and did the best I could. I'm sure you already know but the school went into excess

staff and Steve Eadie, Anna Kelly, Pina Siragusano and myself were called as excess. Although the school had known it was

going into excess back in the middle of the year, they only notified staff three weeks prior to Christmas. The above staff (including myself)

were notified two weeks prior to Christmas. I had accepted that I was told I was excess until I found out a few things. Before this, teachers

could volunteer if they wanted to be excess and Tracey Mcewan did. On one day, as told to me and others by Tracey, Peter Newland

had contacted her advising/encouraging her not to be excess even though she had already volunteered. He told her that she was not

one of the staff he was wanting to remove. In any case, she changed her mind and remained at Galvin (she has now left in the first

week as she got a job closer to home). In Peter Newlands office, I had asked him why I am excess and he told me he could not comment.

As my husband is a lawyer and regardless of this, I have a right to know under the freedom of information act . I will take your advice to

join the union. Peter had collected Pina and Anna from the year nine space while they were having their year 9 graduation with students to

inform them of his decision. In the meantime, he had already hired just a month before, a graduate English teacher. This is truly a person without tact.

The four of us felt terrible in that time but all we received was a letter stating we were excess and not much else (as though we were second

class citizens). On the final day of school, Peter said goodbye to some contract teachers that were leaving and did not even acknowledge us

excess staff. Just a, Im sorry to the excess staff and I hope you can find a job somewhere in another school or something similar would have

been nice. I think if he is to run an entire school, he should at least treat his staff as humans and not numbers. I did find a 6 month position in

another school in Werribee and if this position is not extended or I don t find another position after it, I will need to return to my base school, Galvin.

Steve is back, filled in Tracy position this week as she left and Pina is back as some other English teacher left. I believe Anna Kelly is just doing

extras there. At my new school, I was not only mentioned twice in the staffroom and approached by the principal to ask how I was doing, I was asked

when my birthday is because all staff receive a birthday cake and celebration on their birthday in the staffroom. This is taking care and interest in your staff.

At Galvin, I did not receive a welcome to my new position when I started there as Peter forgot to mention me and not even a goodbye and wish you luck for

whatever happens.

I wish you the best for fighting for your rights.

Sandra

Dr Peter Cotton
Clinical & Organisational Psychologist

15 August 2015

Ms Mary Pateras

Expert Witness Statement
on work-related mental stress and psychological injury

Dear Ms Pateras,

As per your email of 27 July 2015 I have responded to your schedule of questions. I confirm that I have the relevant expertise to address the questions posed.

I certify that I have read the Expert Witness Code of Conduct contained in Form 44A of the Supreme Court (General Civil Procedure) Rules 2005 as authorised by the Victorian Parliament. I agree to be bound by the Code. To the best of my ability, this report has been prepared in accordance with the Code. A copy of my Curriculum Vitae is available on request.

1. What causes psychological injury in the workplace?

According to a recent Safe Work Australia report (*The incidence of accepted workers compensation claims for mental stress in Australia*, April 2013) the major reported causes of psychological injury claims across all Australian jurisdictions are: (a) 'work pressure' (i.e., excessive workload and unrealistic deadlines); and (b) 'work-related harassment &/or workplace bullying'. These dominant reported causes have remained consistent over the past several years.

Some research (e.g., Cotton P & Hart PM, 2003, *Occupational wellbeing and performance: An overview of organisational health research*, Australian Psychologist, Vol 38:2) has further identified low morale linked with poor quality work team climate and unsupportive leadership behaviours - as a key workplace driver of psychological injury workers compensation claims. This study included data from a large cohort of school-based teaching staff.

In particular, the 'declining morale trajectory' refers to the gradual

withdrawal and disengagement of an employee over at least a six month period in response to perceptions of lack of or poor support, and the progressive more negative re-evaluation of work experiences.

Consistent with these findings, a case study published in a new international positive psychology handbook (*Flourishing in life, work and careers*, Eds. R Burke, K Page and C Cooper, 2015), Hart, Cotton & Scollay showed that in a large secondary school with 84 staff, significant improvements in supportive leadership behaviors, co-worker support, participation in decision-making, and other school climate indicators were associated with a very significant reduction in workers compensation premium from \$771,000 to \$193,600 over a three year period.

2. How are psychiatric injuries identified?

In Victoria this typically occurs through a clinical assessment process. New psychological injury claimants are referred by Agents in the WorkSafe scheme for an Independent Medical Assessment (usually conducted by a Psychiatrist) to assess whether the presenting symptoms warrant a mental health disorder diagnosis and whether the workplace has significantly contributed to the symptoms (and do not fall under exemptions around 'reasonable management action').

In Australia mental health professionals most commonly use the DSM system (*Diagnostic and Statistical Manual of Mental Disorders-5* – published by the American Psychiatric Association) as the reference for determining whether an individual's presenting symptoms meet the relevant specified criteria for one or other mental health disorder.

3. How can the workplace effect the mental health and wellbeing of employees?

Work-related factors can cause the onset of mental stress, aggravate pre-existing mental stress or various individual psychological vulnerabilities, and potentially lead to the onset of a diagnosable mental health disorder (the most common psychological injury related mental health disorder diagnoses in the Victorian workers compensation scheme are Adjustment Disorder with Mixed Anxious and Depressed Mood; and Major Depression).

There is general agreement among compensation health researchers and professionals that poor or low levels of manager support adversely impact on employees with mental health symptoms, and also prolong work absence and delay return to work.

4. How should psychiatric injuries be addressed by the workplace?

Psychological injuries should be addressed in the workplace via the development of a support plan / or graduated return to work plan, with

worker involvement in determining milestones and progression of hours and duties. The plan should take into account medically indicated work capacity, and reasonable increments towards resuming pre-injury full duties and hours (if this is the indicated goal), as well as reasonable work accommodations/adjustments to achieve the same.

Immediate manager involvement in the return to work process, and perceived management support are regarded as being important factors contributing to successful return to work outcomes.

5. What are the key drivers of wellbeing and organisational performance.

Our research (e.g., Cotton and Hart, 2003 referred to above; Hart and Cotton, 2003, Exploring Police Stress in an organisational health framework; chapter in Eds. Winefield T and Dollard M, *Stress in the service professions*) indicates that organisational climate and leadership behaviours explain most of the variance in wellbeing-related and many performance-related outcomes.

6. Is there a clear link between leadership behaviours and the incidents of psychological injury. If so what are these links?

Low morale disposes individuals to evaluate themselves and their day-to-day work experiences more negatively. Morale buffers the effects of psychological distress. Hence when morale is low, psychological distress tends to have a more detrimental effect on physical and mental health, and is associated with increasing stress-related symptoms.

Another research tradition (*Perceived Organisational Support*, Eisenberger R, 2012, American Psychological Association – a book that reviews more than 20 years of POS research) also directly links leadership support with a range of stress and wellbeing-related outcomes.

7. Is there a correlation between negative and unsupportive leadership behaviours, poor workplace climate and the impact on successful return to work?

Yes.

A recent summary of research in this area (R. Franche, WorkSafe BC & Simon Fraser University, Australian Compensation Health Research Forum, November 2014) - indicated that workplaces variously characterised by the following factors, can prolong work absence and adversely impact on return to work outcomes:

- High demands/low control;
- Low respect & support at work;

- Abuse at work;
- Perceived injustice; and
- Bullying and harassment.

8. What is the risk to psychological injury without early HR intervention and conflict resolution processes.

The key risk is that the longer the duration of exposure to interpersonal conflict, the worse the mental stress or psychological injury can become (i.e., greater symptom severity and entrenchment of symptoms occurs as well as the likely development of maladaptive coping behaviours) – thereby requiring longer periods of work absence and treatment, and diminishing the prospect of successful return to work outcomes.

In recognition of this, workplace mental health experts have long advocated, over at least the past decade, ‘early intervention’ (i.e., early conflict resolution initiatives) with the goal of repairing work relationships before they go off the rails and become dysfunctional or irreparable (e.g., see Cotton P., invited article on *Workplace Mental Health and Wellbeing: An Overview of Key Trends*. Australian Psychological Society, InPsych December 2014).

9. What is your knowledge about the Building Capacity for Improvement program (BIC) conducted by DEECD over a number of years, including in 2007?

The research and consulting group I am associated with (InsightSRC) held this contract with DEECD over a number of years, as I recollect from 2006-2009 or thereabouts. Essentially this was a school improvement program focused on school climate and leadership.

BCI involved an assessment of school climate, leadership behaviours, and staff morale and distress, as well as the appointment of an external coach from InsightSRC to assist the school in developing a range of initiatives based on the school assessment.

It was initiated by DEECD to try to assist identified struggling/poorer performing schools to improve. Schools in the program were regarded as being more at risk for poorer staff and student wellbeing and performance related outcomes. This program included some content on the risks to staff wellbeing of low morale.

Please do not hesitate to contact me if I may be of any assistance in further clarifying matters discussed in this report.

Kind regards,

A handwritten signature in cursive script, appearing to read 'Peter Cotton'.

Dr Peter Cotton

BA(Hons), MA(Clin/Psych), PhD(Melb), FAPS

Clinical & Organisational Psychologist

Member APS College of Clinical Psychologists

Member APS College of Organisational Psychologists

Fellow, Australian Psychological Society

Member Australian Clinical Psychology Association

Senior Mental Health Clinician, WorkSafe and Transport Accident Commission, Victoria

Member, Advisory Group, Comcare Centre for Excellence in Mental Health and Wellbeing at Work

Member, Beyond Blue Expert Advisory Panel on Mental Health at Work

Mental Health Advisor, SuperFriend.

R U L I N G

HIS HONOUR: This is an application by the defendant that the report of Dr Peter Cotton, psychologist, dated 15 August 2015 be ruled inadmissible as the contents are not relevant to the issues in this proceeding or alternatively are matters which do not involve the bringing of requisite expertise of the witness to the issues in the trial.

Dr Cotton is a consultant psychologist and has various qualifications and experience in that field. He is a member of a number of psychological associations. I am satisfied he has sufficient expertise to give evidence in the area of psychological injury in the workplace.

However, large parts of his report of 15 August 2015 are no more than general statements concerning the risk of psychological injury in the workplace and how that injury is identified. It is well known that an employee may suffer psychological injury in a workplace for a whole host of reasons. Amongst them, intimidation, bullying, discrimination, isolation and victimisation; all matters referred to by the plaintiff in her amended statement of claim. It is another issue as to whether any such injury was due to the negligence of the employer.

It is further well known that if a worker who suffers psychological injury and is then returned to work in circumstances where there is insufficient support or assistance or where a worker is required to work inappropriate hours or under undue stress, that may cause a relapse or aggravation of that underlying psychological condition.

Chapter 7

16. Mr. Newlands' witness statement filed in the County Court

17. Mr. Mooney's witness statement filed in the County Court

18. Article in *School Governance* by journalist Kieran Seed.

**IN THE COUNTY COURT OF VICTORIA
AT MELBOURNE**

No. CI-12-03169

BETWEEN

MARY PATERAS

Plaintiff

and

STATE OF VICTORIA

Defendant

STATEMENT OF CHRISTOPHER MOONEY

Date of document 26 August 2015

Filed on behalf of the defendant

Prepared by

MINTER ELLISON

Lawyers

Rialto Towers

525 Collins Street

MELBOURNE VIC 3000

Solicitors Code 8510

DX 204 MELBOURNE

Telephone (03) 8608 2000

Facsimile (03) 8608 1000

Reference CXB DSP 30-7068020

1. I am an Assistant Principal at Point Cook Senior Secondary College, a role I have held since the beginning of 2008. Prior to that time I was employed at Galvin Park Secondary College, where I worked with Mary Pateras, the plaintiff in this proceeding.
2. I have seen a copy of the Further Amended Statement of Claim in this proceeding and I am aware that Mary has made allegations against me, namely:
 - (a) that I discriminated against her;
 - (b) that I failed to manage her performance reviews adequately.
3. For the reasons below, I reject Mary's allegations against me.
4. Before moving to Point Cook Senior Secondary College, I was the Senior Years Manager at Galvin Park Secondary College. I was in the role for approximately three and a half years. I was at the school for around 19 years in total, initially commencing as a classroom teacher and then progressing over time.

5. I was previously good friends with Mary and her current partner, Peter Stone. When I was the Senior Years Manager, Peter Stone was the Assistant Principal for the Senior School and Mary was the Careers Counsellor and Co-ordinator. I was effectively Mary's 'line manager', and Peter Stone was effectively my 'line manager'.
6. In 2007, Mary's position was reclassified as a Leading Teacher role, which is a higher classification. It is not just an increased pay grade; there is an increased level of work and responsibility. Leading Teachers are expected to form, be part of, and lead teams. They are also expected to have a more high-level vision of the direction in which the school is headed; Leading Teacher is one of the steps to becoming an Assistant Principal.
7. As part of Mary's application, she nominated me as a referee. I was happy to provide her with a verbal reference and did so when called upon by the selection panel comprised of Peter Newland, Jan Javni and Alison Armstrong.
8. I cannot recall the specific words I used in response to the selection panel's questions. However, I agree that I made comments to the following effect (using the words used by Mary in her interrogatories):
 - (a) that she had not performed at her best for the past 12-18 months;
 - (b) that some external relationships had suffered as a result;
 - (c) that in the last 12 months other issues had impacted on work and the team.
9. Those comments were not volunteered by me unsolicited; they were made in response to specific questions from the selection panel. I considered it my obligation, and important for my own integrity and reputation, to answer truthfully and I stand by the answers I gave. However, I believe that these comments only formed a small part of my overall discussion with the selection panel about Mary.
10. I want to be clear that when asked whether I would endorse Mary for the job, I said that I would. I also stand by this endorsement. Mary had been great at her job and was held by me and others in high regard. Although there had been things which had impacted on her performance, that was not to say that she was bad at her job; rather, she just was not at the high level at which she had previously been performing. I am aware that everyone goes through times during which work performance is affected

by things going on outside work, and I think that the selection panel understood my comments in this context.

11. I cannot recall ever discussing in detail with Mary the circumstances in which she ceased work in 2007. Staff absences were noted on a printed list but that only stated very generally the reason why. I do remember Peter Stone later telling me that Mary had been offered the job for which she applied, but that she had become distressed when asked a question by Peter Newland, and turned the offer down.
12. I note that at the end of 2007, as Senior Years Manager, work was extremely busy as students were sitting their VCE exams; furthermore, I was also planning my exit from the school, having already secured my current position at Point Cook Senior Secondary College. I believe that in Mary's absence, John Hart might have been helping out or taking on parts of her role.
13. I am aware that Mary has stated in her Statement of Claim that she telephoned me on 29 October 2007 and that we had a discussion about whether I had been contacted by the selection panel and what I told them, and that she also told me about her meeting with Mr Newland and the effect it was having on her. I do not recall this conversation. I have seen a printout of Mary's telephone records and it does show a call to me on 29 October 2007. However, that might relate to an occasion on which John Hart and I needed to pick up something for work from Mary, which meant that we had to visit her after school hours at her home in the Docklands.
14. Although we were previously good friends, I have not been in contact with Peter Stone or Mary since I left the school at the end of 2007. I understand that Peter Stone has ceased contact with a lot of his former friends from around this time.
15. In Mary's Statement of Claim she alleges that she and I had heated discussions in late August 2007 about her taking too much time off and this imposing excessive workloads on other members of staff. I do not believe any such discussions took place. I am not aware of this issue being raised by Mary with Peter Newland, and he never spoke to me about it.
16. I am not sure in what way Mary believes I have discriminated against her, but I totally reject that allegation. I endorsed Mary for the role she was applying for and was subsequently happy to provide her with a written reference when this was requested by her in early 2008.

17. I also reject the allegation that I failed to manage her performance reviews adequately. I note that I do not believe that any performance review was conducted in 2007, most likely because Mary was absent for a number of months at the end of the year.
18. I previously gave a statement to an investigator in respect of a complaint made by Mary in respect of these issues. I have recently reviewed my statement and I consider that it is accurate.

**IN THE COUNTY COURT OF VICTORIA
AT MELBOURNE**

No. CI-12-03169

BETWEEN

MARY PATERAS

Plaintiff

and

STATE OF VICTORIA

Defendant

STATEMENT OF PETER NEWLAND

Date of document 21 August 2015

Filed on behalf of the defendant

Prepared by

MINTER ELLISON

Lawyers

Rialto Towers

525 Collins Street

MELBOURNE VIC 3000

Solicitors Code 8510

DX 204 MELBOURNE

Telephone (03) 8608 2000

Facsimile (03) 8608 1000

Reference CXB DSP 30-7068020

1. I was the principal at Galvin Park Secondary College between 2003 and the middle of 2009. During that time I worked with Mary Pateras, the plaintiff in this proceeding.
2. I am aware that Mary has made a number of allegations about me in this proceeding, namely:
 - a. Failing to provide a safe place and system of work;
 - b. Failing to prevent victimisation and bullying by inconsistent action when compared to others;
 - c. Discriminating against the plaintiff;
 - d. Victimising the plaintiff;
 - e. Denying a promotion without just cause;
 - f. Bullying and humiliating the plaintiff;
 - g. Isolating the plaintiff from other employees;

- h. Failing to put appropriate measures in place to ensure a safe return to work for the plaintiff given her vulnerable psychological state.
3. For the reasons below, I reject each of Mary's allegations.
 4. I began my teaching career in 1979. I have worked in State schools for the whole of my career. Prior to joining Galvin Park Secondary College, I had been principal at school in Eaglehawk, near Bendigo.
 5. When I came to the school, Mary was already working there, as Careers Counsellor and Co-ordinator. The school was quite large, with approximately 1,200 students and 80 staff members, and our day-to-day dealings were limited. In her role, Mary would work under Chris Mooney, the Senior Years Manager, and Peter Stone, the Assistant Principal for the Senior Years.
 6. Mary and I were not friends outside of work, but I held her in high regard professionally. I was of the view that she was someone who could take the school forwards.
 7. In 2007, I was aware that Mary had quite a bit of time off work, on certified sick leave. However, I did not have any concerns about her performance.
 8. I am aware that Mary claims that she telephoned me on 28 August 2007, in relation to accusations that had been made by Chris that she was taking too much time off work which imposed an excessive workload on other staff members, and that these accusations were having an effect on her health. I am aware that she claims that I gave her an undertaking that I would talk to Chris. Those claims are not true; I am not aware of any accusations made by Chris at that time and I neither gave an undertaking or actually spoke to Chris about this issue. As stated before, I did not have any concerns about Mary's work performance.
 9. I am also aware that Mary claims she had previously received an email from me in or about June 2007 stating that her lack of presence had been noted, and that I insisted that she delete the email when she responded. I also refute that claim.
 10. In 2007, the school was undergoing a restructuring process. That is not unusual; leading teachers are generally appointed for three to five years, with those appointments scheduled to finish at around the same time. This allows the school to consider what roles need to be changed, with many leader teacher jobs being re-

advertised. As part of the restructure, it was determined that Mary's role would be reclassified, to Leading Teacher Senior Pathways and Transition Co-ordinator. That was a higher classification than Mary's current role, which attracted a higher salary and also increased expectations regarding leadership and responsibility.

11. It was certainly expected that Mary would apply, and would be a strong candidate. There was no expectation that there would be anyone else at the school who would be a better candidate; the only possibility for a better candidate might be if someone came from another school.
12. The selection panel for the new Leading Teacher role consisted of Jan Javni, a textiles teacher who worked in Mary's department; Alison Armstrong, a Leading Teacher who held a librarian role; and me. The selection panels make consensus decisions. As I recall, at least one member of a selection panel was required to have received training from the Merit & Equity Board, in relation to the selection process. I had received that training, and I believe that one or both of Jan and Alison had also been trained. In any event, the three of us had had previous experience of the interview and selection process.
13. The proper process was followed in respect of Mary's application. After written applications are received, the selection panels decide which candidates to interview. I organised and chaired each of the interviews, which is done to ensure a consistency throughout the process. Interview questions are determined in advance and are based on the stated selection criteria. After the pre-determined questions are asked, there is usually a break, which allows the selection panel to have a brief discussion and decide whether any follow-up questions should be asked.
14. I am informed that Mary's first interview took place on 17 October 2007. She did not handle the interview particularly well and the selection panel was not satisfied that she had addressed one of the criteria. Although the Leading Teacher position was a reclassification of her current role, it involved greater responsibilities with a new position description.
15. After Mary's interview, the selection panel spoke to Chris Mooney, who had been named as one of her referees. We then decided it would be appropriate to speak to Mary again, given that she had not handled the first interview well. I am informed that the second interview took place on 22 October 2007. The purpose of the second

interview, from the selection panel's perspective, was directed to the remaining selection criterion, and to give Mary an opportunity to address how she saw the new role and how it fit in with the directions in which the school was going. The second interview was not brought about because the selection panel had concerns about Mary's capacity to perform in the role, but rather because it was not clear that she understood what would be expected of her in the Leading Teacher position. I recall that again Mary did not handle the second interview very well, and at the end she stated that she could not say any more and left.

16. Nonetheless, the selection panel was satisfied that Mary had satisfied the selection criteria; she was the only candidate to do so. Given her performance in the two interviews, however, the selection panel had some concerns. I believe I said that the panel was allowed to use prior knowledge and, as we were sure that she had the capacity to perform the role, it should be offered to her. However, she should also be informed that she needed to fully appreciate the requirements of the Leading Teacher role and how they had changed from her current role.
17. I spoke to Mary later that day, in my office. I told her that she was the successful applicant for the Leading Teacher role. I wanted to speak to her about certain aspects of the role and its expectations. However, Mary did not want to talk about this and became quite upset. I suggested that we could continue the discussion about the next day, which would give her a chance to think about about the role overnight. I reject Mary's suggestion that I told her that her acceptance of the job was not in the best interest of the school, or that I insisted that she not accept the position, or that I put pressure on her to consider her acceptance. As stated, the selection panel had reached a consensus decision that Mary was the successful candidate (and the only candidate who met all of the selection criteria) and this was confirmed when I spoke to her.
18. I am aware that Mary had not been well during the interview process. I recall that at one stage Leanne Gagatsis, who was an Assistant Principal, informed me that Mary had been in hospital during the weekend prior to the second interview.
19. Mary subsequently went off work on sick leave. By way of email correspondence which Mary and I exchanged in the days and months thereafter, I expressed a desire to sit down with Mary and resolve any concerns she had, which appeared to come from a misunderstanding as to what I had been trying to explain to her. I confirmed

that she was, and remained, the successful application for the job. However, Mary refused to meet with me to discuss the issue, and ultimately lodged a complaint against me.

20. When Mary had been off work for some time, it became necessary to re-advertise the role, as it was already late in the school year. We accepted new applications and conducted new interviews. John Hart, who had applied at the time Mary did but had not met the criteria at that time, was the successful applicant on this occasion.
21. Mary was off work for the remainder of the 2007 school year. I believe that she did attend school on the first day of the 2008 school year, being 29 January 2008. However, her return took me by surprise; there was no expectation or understanding that she would be there, as far as I was aware. As such, nothing had been put in place for her coming to work. It should be noted that by that time Mary's role no longer existed. She would have needed to return as a classroom teacher, and there would have to have been some thinking and discussion about what she would do. That likely would have involved Leanne, who was responsible for timetabling. It is true that I did not speak to her on 29 January 2008; however, I considered that was appropriate as I did not want to inflame the situation, noting that at that time she had made a formal complaint against me and she had previously indicated she had no interest in trying to discuss any of the issues between us face to face.
22. I am aware that on 11 February 2008 Mary alleges that I ordered her off the school premises. I do not accept that; however, it is true that I suggested that in circumstances where she was on certified sick leave it was not appropriate for her to attend the school. Instead I suggested that we meet later that day, outside the school premises.
23. I am aware that Mary alleges that I would only allow her to collect personal belongings on weekends or after school hours. I reject this allegation. Mary sent me an email on 15 February 2008 requesting permission to enter the school to collect personal belongings and sort through her filing cabinets; I replied and stated that I did not have a problem with the request and that I would like her to go through her files with John Hart. Further correspondence related only to John's availability.
24. Later in 2008, a formal return to work was organised through the Western Regional Office, with the involvement of the union, and with Mary again being offered the

Leading Teacher Senior Years Transport and Pathways Co-ordinator role. I was involved in that process, including sitting in on a meeting in approximately September 2008. I am aware that Mary alleges that after she returned as part of that plan, I sent her an email asking her to stay back to complete certain work activities. That allegation is untrue.

25. Mary's return to work in October 2008 was unsuccessful. I left the school in approximately mid 2009; no further attempts were made by Mary to return to work prior to that time.

Does a school owe a teacher a duty not to cause psychological harm?

The Supreme Court of Victoria Court of Appeal (the Court) recently heard an appeal by a teacher formerly employed at a Victorian government school involving a claim that the school had breached its duty of care to her by causing her psychological harm.

In *Pateras v State of Victoria*, the Court dismissed the teacher's claim and found that in the circumstances of this case there had been no duty by the school not to cause psychological harm, or that any such duty had been breached.

While this case was decided on its particular facts, schools should take note of the issues it presents in dealing with staff who may have greater vulnerability to psychological injury.

The facts

Ms P commenced work at Galvin Park Secondary College (the College) in 1988, and from 2000 acted as their careers teacher. She was independently recognised as being a valuable and successful teacher.

In 2006 and 2007, Ms P had a significant amount of sick and carer's leave, arising from gynecological problems and caring for her son who contracted glandular fever. She had engaged a psychiatrist and a psychologist, and was given two weeks stress leave by her general practitioner in July 2007. While Ms P gave evidence that she told the College's Principal – Mr N – of her difficulties, she did not actually take the leave and did not bring the GP's medical certificate to the College's attention. No other staff were advised.

In late 2007, Ms P applied for a different teaching position at the College, attending two interviews with a selection panel in October. The selection panel included Mr N, who offered her the position in a discussion after her second interview. The other details of this conversation were disputed.

Ms P alleged that despite accepting the offer, Mr N repeatedly told her that her acceptance was not in the best interests of the College.

Mr N refuted this. His evidence was that after telling her of her success, he asked Ms P about certain aspects and expectations of the position, and she became upset. He suggested the discussion continue another day.

Ms P ceased work after this conversation. The next day, she sent an email to the selection panel, stating she felt 'forced into the position of being unable to accept the offer.' The same day, Mr N sent an email apologising for his 'approach' and asking Ms P to consider having a sit-down conversation the following week to resolve the appointment. Further emails passed between Ms P and Mr N, and other College staff, but she never took up the position.

Ms P then instituted a complaint process. The subsequent investigation found against her, and she sought a review of the determination by the Merit Protection Board. Finding in her favour, the Board's investigation found that Mr N had attempted to dissuade her from accepting the position, and advised she should be offered the position. In September, Mr N offered Ms P the position, which she accepted.

On October 8, Ms P returned to work, but failed to complete tasks allocated to her by Mr N despite staying back late, and subsequently suffered a panic attack. She was certified by her psychiatrist as not being fit to return to work, and in December 2009 retired on ill health grounds.

The issues

In initial proceedings before the County Court of Victoria, Ms P contended that as a result of these and related actions of the employer (the State of Victoria), she suffered psychiatric injury with various physical consequences including alopecia (hair loss).

The issues before the trial judge, Judge O'Neill, were whether:

- a relevant duty of care not to cause Ms P psychological injury existed on 22 October 2007 (the date of her second interview);
- Mr N's conduct in the discussion after the second interview involved a breach of that duty; and
- other staff had breached that duty through the complaints investigation and on Ms P's return to work.

If these matters were established, then then the State of Victoria would be vicariously liable for the breach of duty of care.

Judge O'Neill was not satisfied that, given Ms P's past history and conduct as known to the College, there was anything to indicate that she might suffer her significant psychiatric injury.

The appeal

In appealing against the decision, Ms P contended that Judge O'Neill had mistakenly applied the law: that her psychiatric injury was reasonably foreseeable and that there was a breach of a duty of care by the State of Victoria.

The duty of care had not been engaged

The test set by the High Court for when the duty of care not to cause psychiatric injury applies is if psychiatric injury to the particular employee is reasonably foreseeable. This involves considering the nature and extent of the work being done by the employee, and warning signs given by the employee, in the context of the employer/employee relationship.

In dismissing Ms P's appeal, the Court found that, reading Judge O'Neill's judgement as a whole, he had not misapplied the test. The Court stressed that an employer's duty of care does not extend to absolute concern for an employee's mental health, even in the most stressful occupation, but relates to what is reasonably foreseeable.

The duty of care, even if engaged, had not been breached

The Court reiterated the trial finding that Ms P's career ended largely as a result of a misunderstanding with Mr N and other College staff.

Ms P claimed that Judge O'Neill should have assessed the conduct of various staff as a whole in order to determining whether the State of Victoria had breached its duty. However to make the State liable in negligence, it was necessary to demonstrate tortious action by "any servant or agent" of the State, not the aggregate of allegedly responsible persons.

While College authorities and possibly the teachers would have known Ms P had significant time off work in 2007, to their knowledge this had nothing to do with stress or anxiety. Further, her difficulties in the interviews did not put Mr N or others on alert that having the subsequent discussion with her was likely to cause any psychiatric injury.

Rather than the actions being sufficient to result in a psychiatric injury, the Court found that at best, ‘she might be disappointed, offended or upset’, which could have been resolved by attempting a sensible resolution with Mr N.

What does this decision mean for schools?

The dismissed appeal presents an important lesson for teachers suffering stress or other psychiatric injury; they should ensure their supervisors and the school are aware of their problems – particularly by lodging any medical certificates with sufficient detail – to put the school on notice in respect of their duty of care.

The warning for schools arising from this case is to ensure that they and their employees do not behave negligently in relation to an employee who is suffering, or should be known to suffer, from a psychiatric condition. Where appropriate, the employee may need to be asked to provide further medical advice on their fitness for work with sufficient specificity on their ability to perform all of their normal tasks.

While this case was being determined in negligence, workplace health and safety laws require schools to take all reasonably practicable steps to provide a safe system of work, including eliminating or minimising the risk of injury. This duty includes the risk of psychological or psychiatric injury. Obligations under workplace health and safety law (and the risk of prosecutions) are in addition to any civil action that an employee may take.

How does your school manage the risk of staff suffering psychiatric injury?

About the author

Kieran Seed is a School Governance Reporter. He can be contacted

Chapter 8

19. Questions asked at First Interview

20. Exhibit 32



Leading Teacher

1. What principles underpin your beliefs about teaching, learning and the improvement of student outcomes that you would see as important to be fostered at GPSC?
2. Detail an example of your teaching in a manner that will provide clear evidence to the panel of the following:
 - how data was used to develop the teaching and learning processes
 - how the example applies the principles of learning and teaching
 - how the example led to improved student learning outcomes when compared to previous student performance.
3. If you were appointed to the position, outline what you see to be the three key initiatives you would need to undertake over the 3 year period. In doing so explain how your work would relate to the school's Strategic Plan and other leadership positions.
4. **Staff morale is a major focus at this school. As Senior Years Pathways and Transition Coordinator, what do you believe should be your role in enhancing staff morale?**
5. A) What do you believe to be the necessary elements for the development of a good team and the effective leadership of a team?

B) Can you detail a recent example of an effective team in which you have taken on a leadership role.

COUNTY COURT

at
Before His Honour
Judge O'Neill

Alro v SV
EXHIBIT 32

13/11/15

February 2008 9:05 AM

C
COMPLAINT

Sensitivity: Private

Zita,

This relates to the matter you have been assisting WMR with. Are you able to draft a letter on behalf of the Secretary for Tony's signature?

Carmel White
Manager, Conduct and Ethics - Human Resources Division
Department of Education & Early Childhood Development
ph: (03) 9637 2591
fax: (03) 9637 2430.

From: Bugden, Tony J
Sent: Wednesday, 13 February 2008 7:12 PM
To: White, Carmel T
Subject: FW: FORMAL COMPLAINT
Sensitivity: Private

Carmel

Could you arrange for a response to be drafted as requested below.

Thanks

Tony Bugden

From: Klonis, Mary A
Sent: Wednesday, 13 February 2008 2:02 PM
To: Bugden, Tony J
Subject: FW: FORMAL COMPLAINT
Sensitivity: Private

Tony

Peter has asked if you could reply to Mary Pateras on his behalf.

Thanks

Mary

Mary Klonis
Executive Assistant to Prof Peter Dawkins
Secretary
Department of Education and Early Childhood Development
Ph: 963 72999 Fax: 963 72690
Email: klonis.mary.a@edumail.vic.gov.au

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14/02/2008

McAneney, Zita C

From: White, Carmel T
Sent: Thursday, 14 February 2008 9:05 AM
To: McAneney, Zita C
Subject: FW: FORMAL COMPLAINT
Sensitivity: Private

Zita,

This relates to the matter you have been assisting WMR with. Are you able to draft a letter on behalf of the Secretary for Tony's signature?

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ph: (03) 9637 2591
fax: (03) 9637 2430

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Mary

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Email: klonis.mary.a@education.vic.gov.au

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From: Derham, Katie J On Behalf Of New, Bretton C
Sent: Thursday, 7 February 2008 5:47 PM
To: Dawkins, Peter J
Cc: Henderson, Katherine V
Subject: RE: FORMAL COMPLAINT
Sensitivity: Private

Dear Mary

Further to your advice to outline response in return email, please note:

07.11.07 Ms Pateras lodged grievance with Merit Protection Boards and with acting Regional Director WMR around selection process for Leading Teacher vacancy at Galvin Park SC
07.11.07 Acting RD WMR advised Ms Pateras that no DEECD action could take place until MPB determination
13.11.07 Chair MPB advised acting RD WMR that the Pateras grievance was being referred by MPB as a complaint for investigation
10.12.07 RD WMR advises Ms Pateras of MPB advice and the beginning of the investigation
14.12.07 RD WMR advises principal Galvin Park SC of complaints and seeks response
19.12.07 Investigating Officer advises Ms Pateras of investigation and process
06.01.08 Investigating Officers Report to RD
21.01.08 Ms Pateras advised during telephone call of progress of Complaint process. Ms Pateras further advised of process to address the HR matters she raised.
06.02.08 RD determination forwarded to Manager Conduct and Ethics Unit for drafting response

Please note that at each stage of the process Ms Pateras has been kept informed. This including details on the progress of the process in a telephone call of 21.01.08. Our records indicate that other than the original complaint lodged on 07.11.07 this has been Ms Pateras's only contact with the WMRO.

Ms Pateras has written to the Regional Director WMR on 04.02.08 outlining HR issues; alleging DEECD inaction over the holiday period and alleging discrimination on her return to work on 29.01.08. This is the first time these additional concerns have been notified to this office. The WMR will respond to these new complaints.

Regards
Brett

Bretton New
Assistant Regional Director
Western Metropolitan Region
Department of Education and Early Childhood Development
389 Royal Parade
Parkville 3052

Telephone: +61 3 9291 8500

From: Klonis, Mary A On Behalf Of Dawkins, Peter J
Sent: Tuesday, 5 February 2008 1:56 PM
To: Henderson, Katherine V
Subject: FW: FORMAL COMPLAINT
Importance: High
Sensitivity: Private

Katherine

14/02/2008

I would be grateful if you could provide Peter with the information referred to in the attached email and a progress report.

Kind regards

Mary

Mary Kionis
Executive Assistant to Prof. Peter Dawkins
Secretary
Department of Education and Early Childhood Development
Ph: 963 72999 Fax: 963 72890
Email: kionis.mary.a@edumail.vic.gov.au

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From: Pateras, Mary M
Sent: Tuesday, 5 February 2008 1:50 PM
To: Dawkins, Peter J
Subject: FORMAL COMPLAINT

Dear Peter,

As a long standing dedicated and hard working member of the DEECD, I am writing to you out of distress and concern through the inaction of the DEECD.

Detailed accounts of my complaint and mistreatment of me by Peter Newland - Principal at Galvin Park Secondary College - have been provided to Brett New, Katherine Henderson and Sue Conquest - Western Region.

The incident to which I refer happened on October 22nd 2007. The Personnel named above received my initial correspondence via registered mail on November 7th 2007.

Since the initial lodgement of my complaint I have received notification that the matter was to be investigated and have never been informed of the status of the investigation despite leaving distressed messages within the various departments that the above personnel are in charge of, including the employee health unit.

My inability to return to work falls squarely on the inaction of the DEECD and its employees. At this point in time I am at a loss to understand the appalling work processes and practices of members of your department and would be happy to provide you with the full details of the complaint and the subsequent treatment of me by Peter Newland at your request. Alternatively, this information can be made available to you from either Brett New or Katherine Henderson. The lack of concern from your staff, only further strengthens my resolve to pursue acknowledgement of Peter Newland's discriminatory actions and ultimately a just outcome that allows me the opportunity to move on with my life.

Yours Sincerely,
Mary Pateras

14/02/2008

Copeland, Andrew M

From: Smith, Graeme GJ
Sent: Wednesday, 15 December 2010 12:06 PM
To: Copeland, Andrew M
Subject: Mary Pateras

Dear Andrew,

I've looked through the file and this is what I found/didn't find:

- A copy of a letter from Katherine Henderson dated 26 August 2008 to Ms Pateras offering her the LT1 Senior Years Leader-Pathways & Transition at Galvin Park SC.
- A copy of a letter dated 26 August 2008 from KH to Peter Hibbins (MPB) explaining the outcome of the JBSA investigation and confirming the offer of the LT1 to Ms Pateras.
- A copy of a letter to Peter Newlands Principal of Galvin Park SC dated 27 August 2008 explaining the outcome of the JBSA investigation and confirming the offer of the LT 1 to Ms Pateras. It also says that Terry Lawless will visit the school and explain the MPB and investigation decisions to Peter and help the school develop better selection procedures.
- I found no mention of a return to work officer except for correspondence from Ms Pateras where she says she has never seen a return to work officer.
- I also found no evidence of a response from Ms Pateras indicating that she would or wouldn't accept the offer of the LT1.

Regards, Graeme

Graeme Smith
Senior Operations Advisor
Western Metropolitan Region
Department of Education and Early Childhood Development
Whitten Oval
Level 3
417 Barkly Street
West Footscray, 3102
Ph. 03 9 291 6500
Smith.Graeme.GJ@edumail.vic.gov.au

McAneney, Zita C

36

From: Newland, Peter G
Sent: Monday, 28 April 2008 10:56 AM
To: McAneney, Zita C
Subject: Note for Sue

Attachments: MPa notes for MPB 280408.doc



MPa notes for MPB
280408.doc (...)

Morning Zita,
as discussed on the phone this morning, I thought it may assist Sue if I offered the attachment as to what occurred between mary and myself. I don't believe that she would need to state any more than "this is what Peter Newland represented to me in my investigation"???

Regards,
peter

0417-136647

The meeting between Mary and I commenced when I told Marv that she had been successful in the selection process and that I was able to offer her the position which she accepted. I went on to state that I wanted to spend a few minutes going over what the job would entail. Mary's response was that she did not want to discuss the job and that she didn't understand why she should do so, that she had accepted the position. I replied that as the job was one of the new set of Leading Teacher positions introduced for next year I wanted to discuss with her how her position would interact with these new roles and what impact this would have on the job. Mary again stated that she did not want to discuss this at this time. My reply was that was ok we could touch base in 24 hours to go through it and in the meantime she could consider how she thought her role would interact with the new positions and other leadership positions in the College. Mary accepted that and left, the meeting lasted approximately 3 or 4 minutes.

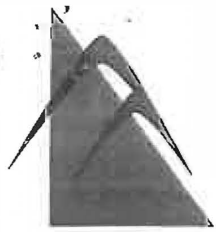
Peter Newland

Chapter 9

21. Panelists' notes

22. Julie Baker Smith Investigation June 2008

23. Personal reference from Mr. Mooney, 2007



Shaws Road, Werribee 3030. P.O. Box 304.
Phone: 9741 4911 Fax: 9741 9367 Email: galvin.park.sc@edumail.vic.gov.au
Website: www.galvinparksc.vic.edu.au

DH 27/3
3
08/12

Dear David,

Please find attached copies of panellists' notes of interview of Chris Mooney, referee for Mary Paterson.

The notes are contained on sheets with comments about other candidates. Each candidate has signed the copy to show the notes are complete.

Regards


PETER NEWLANDS

With Compliments

* Mary at her best is an exceptional candidate for the position of Senior Years Pathways & Transition

However, Mary has not performed at her best for the past 12 to 18 months, putting pressure on the Senior team to carry some (a proportion) of her workload. It is undesirable for this to continue in the future.

Some of the external relationships built by Mary have suffered as a result of her lower performance level.



^{referred}
Chris Mooney

~~Peter Krang~~ worked with 4½ yrs
~~Herbert~~ Knowledge, drive, vision
largest no. of ASBA's in cluster
WRICA fantastic work
MIPS best practice in the state
work placement VCAT student
just 3 years.
• continue at this level - last 12
months no, load on other members
of the team
• Can't have another 12 months like
this

This is a copy of the notes taken during the
referee check with Chris Mooney re Mary Paterson.

Jan Jarm 11/03/2008.

19/10/07

① MARY PATRICKS: TEL SENIOR PATHWAYS

CHRIS MOONEY

— ENORMOUS KNOWLEDGE, VISION, INCORPORATING NEW PROGRAMS

— WORK IN WRICA (CLUSTER CAP) → WELL RESPECTED,

→ FOR ADVICE.

— PUT MIP'S PROGRAM TOGETHER → 'BEST PRACTICE'

— WORK PLACEMENTS

— IN LAST 12 MONTHS OTHER 'ISSUES' IMPACTED ON WORK

~~+~~ WILL ~~BE~~ + IMPACT ON TEAM.

— HOPEING THIS WILL 'TURN AROUND'?

A. Jennings 11/3/08

COPY OF ALL NOTES MADE IN INTERVIEW WITH CHRIS MOONEY

RE: REFEREE CHECK OF MARY PATRICKS.

Mary Patras at her best.

- Great drive, vision, passion
- ASBA: ↑
- WRICA. Great drive
- MIPs: Best practice
- Work Placements: +
- Last 12 months, these issues reported



11/3/08

Copy of all notes of interview of referee Chris Mooney for
Mary Patras held 19/10/07.

CONFIDENTIAL REPORT

5 August 2008

Our Ref: 08024
Your Ref: Bretton New

Katherine Henderson
Regional Director
DEECD
Western Metropolitan Region
Level 4, 369 Royal Parade
PARKVILLE VIC 3052

Dear Ms Henderson

INVESTIGATION REPORT

School	Galvin Park Secondary College
Principal:	Peter Newland
Investigator:	Julie Baker-Smith
Commencement:	11 June 2008
Date Concluded:	5 August 2008
Purpose of the Investigation:	Mary Pateras, Experienced Teacher, Galvin Park Secondary College, complains that she was discriminated against by Peter Newland, Principal Galvin Park Secondary College, in her application for the position, LT 1 Senior Years Leader – Pathways & Transition.
Parameters of the Investigation:	To interview Mary Pateras and other witnesses as identified and to review all relevant documentation in accordance with our Investigation Plan dated 19/6/08.
Details of any reasons for delay:	The intervention of the second term holidays commencing 30/6/08 and the delay in obtaining Mary Pateras' statement, due to her distress in relation to these and other matters.



1. Background

Mary Pateras is employed as an Experienced Teacher at Galvin Park Secondary College (GPSC). She is currently in receipt of WorkCover payments. Her current position is Senior Transition and Pathways Coordinator which she has held for approximately 8 years. Pateras has been employed at GPSC for approximately 20 years.

Mary Pateras applied for the position LT1 Senior Years Leader – Pathways & Transition (commencing 2008) by an application in writing dated 10/10/07. According to the position description:

"The Pathways and Transition coordinator will provide leadership to the college community on all aspects of senior school pathways. A primary focus for the coordinator will be the effective implementation of careers education and the development of senior student Managed Individual Pathways Plans (sic)."

We are informed that the school received 3 applications for this position. The applications were referred to a selection panel for short listing. The selection panel was composed of Peter Newland (Principal), Jan Javni (Experienced Teacher) and Alison Armstrong (Teacher-Librarian). Two applications were short listed including Mary Pateras.

We understand that as Assistant Principal - Senior Years, Peter Stone would ordinarily have chaired this selection panel. Indeed, we understand that Stone prepared the job description, LT1 Senior School Leader – Pathways and Transition. Stone states that he "requested that I not chair the interview panel as that would appear to be a conflict of interest" because "for the last two years (Stone and Mary Pateras) have been partners and now live together".

Mary Pateras was interviewed for the position on 17/10/07. She attended a further interview on 22/10/07. Later that day Peter Newland and Pateras discussed the outcome of the selection process. It is this discussion which led to Pateras' complaint that she was discriminated against by Newland in her application for the position.

Mary Pateras claims that Peter Newland advised her on 22/10/07 that she was the successful applicant and that she would be offered the position. Pateras states that she accepted, however she states that Newland said to her that she "should take 24 hours to reflect and come back with a different answer". Pateras' opinion is that Newland was opposed to Pateras' appointment because of her relationship with Peter Stone, the



Assistant Principal Senior Years GPSC, and because she had recently taken significant amounts of leave from work. For these reasons Pateras believes that she was discriminated against by Newland.

In an email dated 23/10/07 from Mary Pateras to the selection panel members, Pateras recounted the events leading to the discussion with Newland on 22/10/07 and informed the panel "that I feel forced into the position of being unable to accept the offer".

Mary Pateras' email otherwise sets out the details of her complaint.

Mary Pateras forwarded an Application for a Grievance Review dated 7/11/07 to the Merit Protection Boards. Her stated grounds for review were "Discrimination ...", referring to an apparently attached letter dated 7/11/07 addressed to Bretton New, Assistant Principal Western Metropolitan Region. By letter dated 13/11/07 the Merit Protection Boards advised the Region "that the matter should be treated as a complaint rather than a grievance". The Merit Protection Boards referred the complaint to the Region for investigation. An investigation of the complaint was undertaken by Sue Conquest of Western Metropolitan Region, to whom Peter Newland reports. The investigation commenced on approximately 19/12/07 (this is the date Conquest advised Pateras that she would be investigating the complaint). The investigation report was acknowledged as received by the Region on 6/2/08 and Pateras was advised of the outcome by letter dated 20/2/08. The report rejected Pateras' claims about Newland's conduct, specifically¹:

- "The decisions made by the panel were not based on health issues."
- "Mr Newland and the panel were supportive of your interest in the position and that the questions asked at the second interview ... were appropriate."
- "The panel did not ask an interview question regarding staff morale."
- "Mr Newland did not behave in a discriminatory or improper manner towards you."
- "... you were the successful candidate for the position and ... you were offered and accepted the position 22 October 2007. However, you subsequently advised the panel in your email dated 23 October 2007 that you declined the position."

¹ From letter dated 20/2/07 from Katherine Henderson to Mary Pateras.



At the time of the selection process Mary Pateras reported to Senior Years Manager, Chris Mooney, and to Senior Years Assistant Principal, Peter Stone. Mooney reported to Stone, Stone reported to Peter Newland and Newland reports to the Region.

2. Methodology

We conducted this investigation by interview and by examining a range of documentation provided to us during the course of this investigation.

After our initial briefing with Bretton New we met and interviewed:

- Mary Pateras, the Complainant supported by Peter Stone;
- Peter Newland, Principal GPSC and selection panel chair;
- Jan Javni, Teacher GPSC and selection panel member;
- Chris Mooney, Assistant Principal Point Cook Senior Secondary College (formerly Senior Years Manager GPSC) and referee for Mary Pateras.

We sought to interview or speak with selection panel member, Alison Armstrong. We were advised that Armstrong is on sick leave from GPSC and unlikely to return to work in the foreseeable future. Armstrong initially indicated her preparedness to Peter Newland to be interviewed, however subsequently she advised Newland that she did not feel well enough to participate. We regarded Armstrong's evidence as significant and so we sought advice on how to proceed from Zita McAneney of the Merit Protection Boards. We were advised that we should make a further person to person attempt to contact Armstrong. We left a telephone message for her which was not returned, an email that was not answered and a letter which elicited an irate response by voice message from Armstrong's husband. We made no further attempts to contact Armstrong.

In the course of our investigation we were provided with the following documentation:

- The Regional file in relation to this complaint (Bretton New);
- Job description LT1 Senior School Leader – Pathways and Transition (Peter Newland);
- Mary Pateras' application for the above position (Peter Newland);
- Copy signed statement of Peter Stone provided in relation to Mary Pateras' WorkCover claim (Peter Stone);
- Mary Pateras' leave records 2006 & 2007 (Peter Newland);
- Selection panel report (Peter Newland);
- Individual selection report for Mary Pateras (Peter Newland);



- File of relevant documents prepared by Peter Newland, including:
 - Mary Pateras' letter of complaint 7/11/07;
 - Written response of Peter Newland provided to Sue Conquest dated 19/12/07;
 - Set questions Wednesday 17/10/07;
 - Panel notes of Mary Pateras' interview 17/10/03 (sic);
 - Panel notes of Mary Pateras' referee check 19/10/03 (sic);
 - Panel notes of Mary Pateras' follow up interview 22/10/07;
 - Panel members' statements re Mary Pateras follow up interview 22/10/03 (sic);
 - Copy Leanne Gagatsis' statement regarding Mary Pateras' health 17/10/07-22/10/07;
 - Copy Peter Stone's letter to CGU 24/1/08 (a copy of which was also provided to us by Stone);
 - Copy Peter Newland's statement in response 10/6/08;
 - Copy Peter Newland's mobile phone records 22/10/07;
 - Copy Mary Pateras' sick leave data 2007.

We have also considered the Department's² "Guidelines for Managing Complaints, Unsatisfactory Performance and Serious Misconduct in Relation to Teachers", last updated May 2006 and "Guidelines for Managing Complaints, Unsatisfactory Performance and Serious Misconduct in Relation to Principals", last updated May 2006.

Mary Pateras' complaint of discrimination is predicated upon a finding that her version of the meeting between herself and Peter Newland on 22/10/07 is correct. Our finding in this regard has required some consideration of the Department's³ Disability Action Plan 2005-2008 and Federal and Victorian discrimination laws.

2.1 Attachments

- Signed statement of Mary Pateras;
- Signed statement of Peter Newland;
- Signed statement of Jan Javni;
- Signed statement of Chris Mooney;
- Copy signed statement of Peter Stone;
- Mary Pateras' leave records 2006 & 2007;

² The Department of Education and Training as it was then known.

³ Ibid.



2.2 Approach to the Evidence

The standard of proof in investigations such as these is on the balance of probabilities. The case of *Briginshaw v Briginshaw* (1938) 60 CLR 336 is generally regarded as authority for the proposition that if a finding, on the balance of probabilities, is likely to produce grave consequences the evidence should be of high probative value.

3. Executive Summary

- Mary Pateras, the GPSC incumbent Careers Teacher, applied for the position, LT1 Senior Years Leader – Pathways & Transition, by an application in writing dated 10/10/07.
- Mary Pateras was short listed for the position along with one other.
- Mary Pateras attended a selection panel interview on 17/10/07.
- Mary Pateras' referee was interviewed by the selection panel on 19/10/07 during which the referee made adverse observations about Pateras' work performance in the previous 12-18 months.
- Mary Pateras' personal issues in this period included personal illness, the illnesses of close relatives and relationship difficulties. She was absent from work for 45.5 days in the period from the commencement of the 2007 school year to 22/10/07.
- Mary Pateras was asked to attend a second selection panel interview on 22/10/07 during which Peter Newland remarked that he was surprised that Pateras had applied for the position at all. Newland is now unable to recall those remarks.
- The selection panel determined that the position should be offered to Mary Pateras.
- Peter Newland thereafter discussed the position with Mary Pateras.
- We find that Peter Newland discussed the position with Mary Pateras in such a way as to dissuade Pateras from accepting the position. We find that Newland did so based upon his genuinely held concerns that Pateras' personal issues would mean that she was unable to fulfill the requirements of the position.
- The Department should seek legal opinion as to whether Peter Newland's actions amount to unlawful discrimination.



4. The Evidence

4.1 The first interview, Wednesday 17 October 2007

Set out below are the 5 key selection criteria for the position:

1. *Demonstrated high level understanding of initiatives in student learning including the Standards, the Principles of Learning and Teaching P-12 and Assessment and reporting Advice and the capacity to provide leadership in the alignment of these areas (sic).*
2. *Demonstrate outstanding classroom teaching skills and the capacity to support colleagues to continually improve teaching and learning (sic).*
3. *Demonstrated high level ability to monitor and assess student learning data at the individual, cohort and whole school level and to use this data to inform teaching for improved student learning.*
4. *Demonstrated high level written and verbal communication skills and high level interpersonal skills including a capacity to develop constructive relationships with students, parents and other staff and contribute to the leadership and management of the school.*
5. *Demonstrated commitment and capacity to actively contribute to and lead whole school improvement and initiatives, manage major curriculum or student activities and a commitment to ongoing professional learning for self and others to enable further development of skills, expertise and teaching capacity.*

Mary Pateras responded to each KSC in her written application for the position. We are informed by Peter Newland that the interview questions were framed around the KSCs. The interview questions, prepared by the panel, are set out below:

1. *What principles underpin your beliefs about teaching, learning and the improvement of student outcomes that you would see as important to be fostered by GPSC?*
2. *Detail an example of your teaching in a manner that will provide clear evidence to the panel of the following:*
 - *how data was used to develop the teaching and learning processes*
 - *how the example applies the principles of learning and teaching*
 - *how the example led to improved student learning outcomes when compared to previous student performance.*
3. *If you were appointed to the position, outline what you see to be the three key initiatives you would need to undertake over the 3 year period. In doing so*



explain how your work would relate to the school's Strategic Plan and other leadership positions.

4. *Staff morale is a major focus at this school. As Senior Pathways and Transition Coordinator, what do you believe should be your role in enhancing staff morale?*
5. (a) *What do you believe to be the necessary elements for the development of a good team and the effective leadership of a team?*
(b) *Can you detail a recent example of an effective team in which you have taken on a leadership role?*

Question 2 was sent to the short listed applicants approximately 5 working days before the interview in order for them to prepare a 10 minute presentation at interview.

The selection panel allocated approximately 45 minutes for the interview including a 5 minute break after which the panel heard a "closing statement" from the interviewee. Mary Pateras' interview was scheduled at 3.05pm on Wednesday 17/10/07. The panel took turns asking the questions.

Mary Pateras states that she felt fairly confident after the interview, however she feels that she "stumbled on" the question addressing "how my role would interface with the new leading teacher positions", apparently Question 3. In her 7/11/07 letter she also refers to Question 4 (staff morale), indicating that this was not an appropriate question, however she did not raise this in interview with us.

Peter Newland states that Mary Pateras "was extremely nervous and her responses were a little thin in some areas". Jan Javni states that Pateras "almost seemed unprepared for the interview". The notes of Alison Armstrong do not indicate how Pateras presented at interview and do not indicate how she scored or evaluated Pateras' responses to the interview questions. Indeed, it is only Javni's notes that rate Pateras' performance in accordance with the 'High', 'Medium', 'Low' rankings stipulated in the interview notes proforma. Javni rated Pateras 'M' for Question 1, 'L' for Question 2, 'M' for Question 3, 'L' for Question 4 and 'L' for Question 5 (a) and (b). Newland did not use this proforma or rating scale, instead writing his notes on a sheet of A4 and scoring the responses on a number scale up to 5, "5 being outstanding". He rated Pateras '4' for Question 1, '2' for Question 2, '2' for Question 3, '2' for Question 4 and '3' for Question 5 (a) and (b). Javni states that at the end of this interview the other interviewee "was possibly in front of Mary".



There is no evidence to suggest that Mary Pateras' personal life, including sick leave and other leave was discussed at this interview.

4.2 The referee interview of Chris Mooney, Friday 19 October 2007

Mary Pateras' application nominated 3 referees: Christopher Mooney, John Hart and Peter Krauz. Hart was the other applicant for the position and it was therefore not appropriate to obtain a reference from him. Mooney was interviewed by the panel on 19/10/07. Krauz was not contacted. According to Peter Newland, Krauz "is external to the school and it was felt that Chris' opinions were more relevant". Jan Javni states that the panel did not ask Krauz to attend an interview because "we were all aware of the wonderful work Mary did with Peter in the region".

Christopher (Chris) Mooney was interviewed by the selection panel on Friday 19/10/07 at 11:00am.

Chris Mooney states that as "(t)o the first 4 criteria Mary got top marks, an exceptional practitioner in her area. It was only in the last one that I raised ... concerns"

Chris Mooney observes that the panel's notes of this interview which we showed to Mooney are "accurate, albeit brief". He explains that "my interview with the panel ranged over 5 complex (key selection) criteria", that "(t)here were questions around the criteria and then clarifying questions" and that the whole process "took about 30-45 minutes".

The panel's referee interview notes feature the following comments:

- *"Great drive, vision, passion."*
- *"... best practice in the State."*
- *"Mary 'at her best' is an exceptional candidate ...".*
- *"... Mary has not performed at her best for the past 12 to 18 months, putting pressure on the Senior Team to carry some ... of her workload. It is undesirable for this to continue in the future."*
- *"Some of the external relationships built by Mary have suffered as a result of her lower performance level."*
- *"Can't have another 12 months like this."*



- *"In last 12 months other 'issues' impacted on work and impact on team."*
- *"Hoping this will turn around."*

Chris Mooney expressed disappointment to us that the notes of his referee interview which he felt should have been confidential have been provided to Mary Pateras. He explained that he has engaged in correspondence with Pateras that clearly indicates she is in possession of the interview notes. Mooney was therefore reluctant to provide detail to us about the "issues" he alluded to that had arisen in "the past 12-18 months". He did make the following comments to us in interview:

"Due to a whole range of influences Mary's ability to do her job over the previous 12-18 months had been compromised. I said something along the lines that there'd been a situation where there had not been a maximum work output, that I hoped this wouldn't continue into the next year and that it had had some effect on team performance.

"I was asked clarifying questions about this – e.g., who had picked up the work? And what had it kind of affected? Different panel members asked me these clarifying questions.

"I explained that as a consequence everybody else's workload had increased. It meant that extremely busy people were picking up extra work and initially that wasn't an issue but there were tasks that people didn't have the expertise to do and so things were taking longer than they should have because we were having to find out what to do. Morale in the team began to slip a bit- in the Senior Years team."

Chris Mooney states that "Mary's sick leave was not discussed in my discussions with the panel."

Chris Mooney also states,

"I was asked outright by the panel whether I would recommend Mary for the position and I did. I gave her a full endorsement. Was she the best person for the job? At the top of her game, undoubtedly and in fact I would have said that in these circumstances she was the best person in the state."

Chris Mooney commented to us that Mary Pateras' less satisfactory performance in the 12-18 month period referred to was not always linked to her absences from work but to factors that nevertheless impacted upon her performance. Pateras disclosed in



interview that she had taken time off from work to care for ill family members; her children and her father and uncle. She also indicates that more recently she herself had been ill. In addition, we understand that the breakdown of Pateras' marriage and her relationship with colleague Peter Stone has been a cause of stress and anxiety for Pateras and for Stone.

We are informed by Peter Newland that Mary Pateras was absent from work in 2007 for 45.5 days (345 hours) in the period to 22/10/07, compared to 12.6 days (95.73 hours) for the whole of 2006.

Mary Pateras was absent from work on sick leave on 18/10/07 (3.8 hours) and 19/10/07 (7.6 hours). Evidence presented to the Region's investigation of this matter indicates that Mary Pateras was unwell on 17/10/07, that she attended hospital on 20/10/07 and that on 22/10/07 she remained unwell.⁴ We accept this evidence which tends to be corroborated by Pateras' evidence that she was unable to attend the second interview with the panel originally proposed for Friday 19/10/07 due to "a prior medical appointment for an ultrasound".

4.3 The second interview, Monday 22 October 2007 9:30am

Peter Newland states that Chris Mooney's "referee interview suggested to us as a panel that there had been issues with Mary in the past 12-18 months, that things hadn't gone as well as hoped". He states,

"The panel then made a determination as to whether the short listed candidates had met the criteria and the judgment was that we still had some further follow up for Mary, especially in relation to criterion 5. This was indicated by Mary's responses in the first interview and by Chris' referee interview."

Jan Javni states that the panel discussed Mary Pateras' responses in the first interview "and we decided that we'd like the opportunity to discuss Question 5 again". She states, "We were particularly looking for her vision over the next 3 years should she be appointed."

We note that Peter Newland refers to "criterion 5" and Jan Javni to Question 5. There is however significant commonality between the KSCs and the interview questions.

⁴ A statement prepared by Leanne Gagatsis, Assistant Principal – School Operations, about her knowledge of Mary Pateras' health in the period 17/10/07-22/10/07.



Peter Newland states that the second interview was directed to a "specific query", "to demonstrate (Mary Pateras') capacity to actively lead whole school initiatives and activities with a whole of school focus".

The second interview took place in Peter Newland's office at 9:30am on 22/10/07. Newland states that Pateras "was clearly nervous". Newland also states that the panel had received information that Pateras "wasn't well".

Jan Javni explains that there were 2 main or "set" questions asked of Mary Pateras at the second interview and then 3 further questions "asked in response to Mary's answers to draw out more information"; in total 5 questions:

1. *Why did you apply for the position?*
2. *What is your vision over the next 3 years for Careers Education for the students at the College?*
3. *How can you improve on the current networks?*
4. *Leadership role over the next 3 years to improve networks?*
5. *Stagnation over the past 12-18 months?*

A statement made by Alison Armstrong dated 22/2/08 in relation to the Region's investigation of this matter recalls that 4 questions were put to Mary Pateras at the second interview:

1. *Why she applied for this position;*
2. *The Leading Teacher role in regard to changes in all Leading Teacher positions at GPSC;*
3. *Vision for the future;*
4. *The role in relationship to the new leadership structure for 2008.*

We consider that the questions are similar, however the question about "stagnation" is not referred to in Alison Armstrong's statement. The questions were prepared by the panel.

The evidence is that these interview questions were all asked by Peter Newland, in order to "engage with Mary in a conversation", while Jan Javni and Alison Armstrong took notes.

Mary Pateras recalls the first question, "*Why did you apply for the position?*", however she states that Peter Newland followed the question with, "... as it came as a bit of a



surprise to some of the panel members and your referees.” Pateras states that she told the panel that she would “understand their surprise if I was the woodwork teacher ... but I said I couldn’t understand their surprise in my situation.”

Peter Newland states,

“I do not recall that in asking that first question, why did you apply, that I said that I was surprised she had applied and so were her referees. I don’t recall saying that.

“I was not surprised that Mary applied. I fully expected her to apply. She was the incumbent and I would have been surprised if she didn’t.”

Whereas Jan Javni states,

“In relation to the first question asked by Peter Newland, why did you apply ..., there were some words used by Peter to the effect that the panel was surprised and/or that her referees were surprised that Mary had applied for the position. I was surprised to hear Peter say that.

“I was not surprised that Mary applied for the position. I totally expected it.

“I do not recall that Chris said he was surprised that Mary had applied for this position.”

Chris Mooney states that in his referee interview neither he or the selection panel “expressed surprise that Mary had applied for this position”.

Mary Pateras states she “was really at a loss that it came as a surprise” she would apply for the position, explaining that she “got a bit emotional and teary because I didn’t think it was a fair question”. Pateras describes how she attempted to answer the other questions about “leadership”, “networks” and her “vision” for the next 3 years, however she states that she was again “taken aback” when she was asked the final question about “stagnation”.

Jan Javni confirms that a question was asked about “stagnation” stating that the question arose from comments Mary Pateras had herself made in her first interview. Peter Newland states that the question “was prompted by information provided by Chris Mooney in his referee interview”.



We are unable to find any reference to “stagnation” amongst the selection panel’s notes of the first interview whereas in our view stagnation is the point made by Chris Mooney: “... *Mary’s ability to do her job over the previous 12-18 months had been compromised ... there’d been a situation where there had not been a maximum work output*” Mooney states that the panel’s clarifying questions lead to his further comments that “busy people were picking up extra work”, that “(m)orale in the team began to slip a bit” and that he “hoped it wasn’t going to continue”.

In our interview Chris Mooney attributed this “compromised ... work output” to “a whole range of influences” - influences Mooney was not prepared to discuss with us but which we understand include the personal relationship between Mary Pateras and Peter Stone, their respective family situations and Pateras’ health.

Mary Pateras states in her 7/11/07 complaint that in this second interview she “could not help but feel pressured to disclose more information than necessary about my personal circumstances” and that “(a)fter repeated questioning, I ... made it clear (to the panel) that my extensive absence due to illness during the past 12 months was completely out of character”. She states that she told the panel “that I did not think that it was appropriate my personal circumstances and my medical ailments ... should be discussed or taken into account in this process”.

Jan Javni states that Mary Pateras “spoke about her personal life which is not what we were asking and she became upset and ended up leaving the interview in an upset state.” Alison Armstrong, in her written response provided during the Region’s investigation, states that Pateras “raised the issue of her personal issues ... when it has not been asked”.

In our view it is not remarkable that questions about why Mary Pateras applied for the position (particularly with the rider of “surprise”) and about stagnation would elicit responses from Pateras about her sick leave and personal circumstances. Indeed, given the remarks made by Chris Mooney in his referee interview, this could very well have been the point of those questions.

Some 20 minutes into this interview Mary Pateras was no longer able to continue. She left the room in a state of upset.

It is the evidence of Peter Newland, Jan Javni and Alison Armstrong that “Mary was the only candidate who had met the criteria satisfactorily in the process”.



Jan Javni states that Peter Newland “was going to offer the position to Mary and outline how it would fit into the other leading teacher roles and the changed leadership structure of the college”.

Alison Armstrong’s evidence in the Region’s investigation of this matter was that the panel’s decision was that Mary Pateras would “be offered the ... position” and that “Peter Newland ... to discuss with Mary the role and time allowance (sic)”.

Peter Newland states it was his role as chair of the selection panel to inform Mary Pateras “that we would like to offer her the position and in doing so I would ... talk to Mary about the way the job would interact with the new leading teacher positions ...”.

4.4 Discussion between Mary Pateras and Peter Newland in Newland’s office, Monday 22 October 2007 approximately mid-morning

Peter Newland states that after the second interview he “happened to bump into Mary close to my office” and that he asked her to talk about the “outcome of the process”. Newland states that they entered his office and he “explained that the panel had determined that she met the criteria and we were able to make her a job offer”, which he states “Mary accepted”. Newland then explains the discussion that followed:

“I then went on to say something along the lines that ‘That’s fine but I want to take the opportunity to talk to you about the job, in particular its relation to the new leading teacher positions’. Mary indicated that she wasn’t in a state to do that ... and she queried why I would do that, if she had the job wasn’t that enough. I said all I wanted to do was sit down with her and explain how her job would interface now and the shift in its focus and its impact on teacher’s in their classroom and how that would happen. Mary indicated that she didn’t believe that she was able to do that and what was I really saying, ‘Do I have the job’? I said something along the lines, ‘Yes, Mary we’re making you a job offer but can we sit down for 10 minutes to discuss what’s involved in the job’. Mary indicated that she was unable to do that at this time (sic).

“I said, ‘That’s fine why don’t we agree to meet in 24 hours and talk about that then’ and in the meantime I asked her to think about this new job and how it would interrelate to the new set of leading teacher positions coming into play in 08.

“Mary said that was Ok, let’s do that and she left.”



Mary Pateras states that after the second interview she went back to work and she saw Peter Newland in the corridor. She states that Newland “mentioned something about the panel”. She states that she told Newland she “was no longer going to face the panel” and that she “would accept the panel’s decision”. She states that Newland asked her to come to his office and that when she responded that she had students waiting for her Newland said “... it’ll only take a moment, there are other people’s positions pending on your decision”. Pateras states that she followed Newland into his office and that she and Newland had the following conversation:

“He said that the panel had decided I was the successful applicant and that they would offer me the position. I thanked him and said that I looked forward to working with him for the next 3 years and that I had to go ... He asked me to sit down ... And he told me that I didn’t seem to understand. So I asked for clarification. I asked whether I was the successful applicant and he said that I was. And then I asked whether the panel had determined to give me the job. And he said yes. I said that I accept. And he said ‘no’. I asked him to clarify his position ... and he told me that he didn’t think it was in the best interests of his school that I accept this position and that I should take 24 hours to reflect and come back with a different answer. I looked at him and burst into tears. I asked him again to please tell me he’s joking ... He just opened the door and I walked out and I could see my kids waving to me expecting me to come back with their card and then I saw the front door and I walked out.”

In her 7/11/07 complaint, quoting her own email to the selection panel members sent on 23/10/07, Mary Pateras describes this exchange a little differently:

“We proceeded to his office – where he offered me the position – which I accepted. At this point in time he questioned my acceptance of the offer based on his inability to accept my commitment to the position offered and whilst I accepted the position, Peter insisted that I reflect and consider the offer, after three separate times of me telling him I was keen to accept the position, he refused to accept my stance and has asked me to consider the offer overnight (sic).”

Mary Pateras’ contemporaneous account of this exchange is more equivocal than the version she gave to us in interview. Nevertheless, she said then as she states now that Peter Newland would not formally acknowledge her acceptance of the offer and that Newland’s language and demeanour indicated that Pateras should consider the offer overnight and decline it.



There were no third parties present or apparently within earshot when this discussion took place in Peter Newland's office.

After our interview with Mary Pateras, Peter Stone handed us a copy of a letter he sent to CGU Workers Compensation signed by Stone and dated 24/1/08. The letter is clearly in support of Pateras' WorkCover claim, however it sets out the detail of a telephone conversation between Stone and Peter Newland on 22/10/07. According to Stone he received the call from Newland at approximately 11:00am, however Newland's telephone records show that a call was made to Stone's mobile telephone number at 2:17pm (duration 12:27). We are not sure what if anything turns on this time discrepancy.⁵

Peter Stone states (sic):

"At about 11:00am I received a phone call from Peter Newland asking if Mary was with me, I said "No she is at work" Peter replied that he had just had a meeting with her and she had left the College upset, that he had tried to ring her on her mobile but she was not answering. I asked what had happened. Peter explained he had had a meeting with Mary as a follow up to the interview, he was rather anxious. He had told her she was the successful applicant for the position, but he was not prepared to accept her "acceptance" of the position now and wanted her to take time to consider whether her acceptance was in the best interests of the College. He continued to explain that she had been away and naturally he had to consider the College and know that she would be able to fulfil the duties ... (T)hroughout the conversation, he would ask, "don't you think? ..." I had to" At one point in the conversation ... I replied I don't know Peter, you are the Principal and I suppose you have to do what you think is right. He replied, "No it is important to you, she works for you, and I need to know that she has considered the College's future in accepting the position (sic)".

Peter Newland states that he merely telephoned Peter Stone to inform him "that Mary had left the school upset and I was concerned that her state was such that she was unable to discuss the position". He adds that he "explained (to Stone) that I requested to meet again in 24 hours to discuss the role and at no stage did I say that I had refused her acceptance of the position."

⁵ It appears that Peter Newland telephoned Peter Stone when Newland was informed that Mary Pateras had left the school.



We are not sure how an offer of employment and an arrangement to discuss the detail of the offer can become so complicated. Mary Pateras was the incumbent in the then existing role of Senior Transition and Pathways Coordinator and she had gone through a fairly rigorous selection process, comprising a written application addressing the KSC and prepared against a detailed job description and then 2 panel interviews. Upon completion of this process the panel determined that Pateras had met the criteria for the position.

While it is the evidence of Jan Javni that "every successful candidate" she interviewed in various selection processes late in 2007 "was offered the position but 24 hours to think about it because of the new leadership structure and that time allowances had not been decided on", this is not the evidence of Peter Newland. He states that he made Pateras the offer and wished to "sit down for 10 minutes to discuss what's involved in the job" and that when Pateras did not wish to do so he states that he offered "to meet in 24 hours".

Peter Newland's account of his exchange with Mary Pateras in his office that morning concludes with Pateras apparently acquiescing to a meeting the next day and leaving Newland's office, whereas the evidence of Pateras, Peter Stone and subsequently Newland himself is that Pateras left the school that day (and in Pateras' evidence, Newland's office) in a state of distress. If, on Newland's evidence, Pateras left the meeting agreeing to meet him the next day, why then did she become distressed and leave the school?

Indeed, it is the evidence that Mary Pateras aborted the second interview due to her distress and we wonder why Peter Newland, who has acknowledged that Pateras found this interview "difficult"⁶, would make any attempt at all to engage Pateras so soon after that event.

Peter Stone corroborates Mary Pateras' account of the discussion between Pateras and Peter Newland based upon Stone's account of a reasonably contemporaneous telephone conversation with Newland. We acknowledge that Stone is motivated to corroborate Pateras, however to reject Pateras' account of this meeting we would also be required to reject Stone's evidence. We also make the observation that the duration of Newland's call to Stone, in excess of 12 minutes, suggests that detail beyond that advised by Newland was discussed.

⁶ In Peter Newland's statement in response to Peter Stone's letter to CGU Workers Compensation.



4.5 Selection Panel Documentation

We were provided with the selection panel report including the individual selection report for Mary Pateras. Pateras is nominated as the preferred applicant and the report is signed by each member of the selection panel, all dated 6/11/07. Peter Newland states that in the circumstances a letter of offer was not prepared for Pateras. He states that the position was held open for Pateras until 7/12/07 when the position was readvertised. The position is currently held by the second applicant interviewed by the selection panel.

4.6 Unsatisfactory Performance

We are informed that the performance issues referred to by Chris Mooney were not addressed by Mary Pateras' managers as unsatisfactory performance. We note that the Department's Unsatisfactory Performance policy dealing with Teachers⁷ requires sensitivity to be exercised when dealing with unsatisfactory performance caused by "issues of a personal nature, such as health, personal relationships". One of many reasons for sensitivity to be exercised is Federal and State discrimination laws.

4.7 Unlawful Discrimination

Mary Pateras complains that she was discriminated against by Peter Newland in her application for the position, Senior Years Leader – Pathways & Transition. She has not set out the grounds or attributes of this discrimination, however it appears from her interview with us that these include her ill health and her responsibilities as a carer. These matters may be grounds of unlawful discrimination.⁸

Mary Pateras states that her work performance in the 12-18 month period prior to the selection process was affected by her ill health and the ill health of her family members. We have previously described Pateras' significant number of days absent from work in 2007. If these matters had exercised Peter Newland's mind to persuade him to dissuade Pateras from accepting the offer of employment then Pateras may have grounds for a complaint of unlawful discrimination.⁹

⁷ Guidelines for Managing Complaints, Unsatisfactory Performance and Serious Misconduct in Relation to Teachers, last updated May 2006.

⁸ We do not purport to provide the Department with legal advice. The Department should seek properly qualified legal opinion on this and any other legal matters canvassed in this report.

⁹ Ibid.



5. Observations

- Our finding in this matter is dependent upon whether we accept Peter Newland's evidence that Mary Pateras merely misunderstood his offer of employment communicated in terms of Pateras taking 24 hours to think the offer over.
- We have considered all of the evidence and in our view it was Peter Newland's intention to dissuade Mary Pateras from accepting the offer and that he was motivated to do so by Pateras' work performance over the previous 12-18 months.
- We note that Mary Pateras' first interview performance was rated poorly by Peter Newland and Jan Javni.
- We note Peter Newland's comment in the second interview that he was "surprised" and that Mary Pateras' referees were "surprised" that Pateras had applied for the position at all. While we accept that Pateras' referee (only Chris Mooney was contacted) was not surprised about her application, our view is that Newland was probably referring to Pateras' personal issues that had affected her work performance, particularly during the 2007 school year. Likewise, the question about "stagnation".
- Chris Mooney's referee interview underscored Mary Pateras' unsatisfactory work performance in the 12-18 months prior to the selection process and despite Mooney's evidence that he felt Pateras was an outstanding applicant in all other respects, his adverse comments in this regard are well represented in the panel's referee interview notes.
- Peter Stone's evidence, balanced against his obvious partiality for Mary Pateras, cannot be overlooked. To find against Pateras we would also be required to reject Stone's evidence which corroborates Pateras' evidence, particularly the account she gave in interview with us.
- Peter Newland's evidence about the discussion in his office with Mary Pateras after the second interview is confusing. On one version he initiates discussion with Pateras about the position on the basis that Pateras is the selected applicant, an approach that is abandoned when it is finally clear to Newland that Pateras "wasn't in a state" to discuss more than the offer of employment itself. This discussion oddly takes place soon after the aborted second interview which Pateras, Newland otherwise acknowledges, "found ... to be difficult". Nevertheless, in this scenario Pateras leaves Newland's office agreeing to discuss the offer the next day. Responding to Peter Stone's claims about



Newland's phone call to Stone, Newland states he told Stone that Pateras had left the school "upset" and that "in this state" Pateras was unable to discuss the position so Newland "requested" they meet again in 24 hours. Pateras' evidence is that she had "burst into tears" in Newland's office.

- We note that Mary Pateras was experiencing ill health over the relevant period and that she was distressed during and after the second interview, however it is a significant leap to then say that Pateras' comprehension was so affected that she did not appreciate Peter Newland's remarks to her when they met to discuss the outcome of the selection process.
- We otherwise observe that it may not be good practice to routinely defer an applicant's acceptance of a job offer. We do not however find that this was the case in this instance.

6. Finding

In our view Peter Newland was motivated to dissuade Mary Pateras from accepting the position, Senior Years Leader – Pathways & Transition, and that he did attempt to do so by refusing her acceptance of the position and suggesting that she reconsider in the interests of the school. We also find that Newland at all times intended to act in the best interests of the school. Nevertheless, Newland's conduct perverted the selection process and has exposed the Department to a complaint of unlawful discrimination.¹⁰

7. Recommendations

We recommend that the Department consider our report and make its own determination as to whether:

- (a) The Department considers the allegations substantiated; and**
- (b) What further action might be taken or not, and what further action it will take.**

¹⁰ Ibid.



Qualifications

The comments made and conclusions drawn herein are based on information obtained during the course of this investigation. We do not purport to advise you on liability or the future conduct of this matter and in all respects defer to the advice of your legal advisers.

We thank you for your instructions and trust the information contained in this report is satisfactory and assists in the conduct of this matter.

Yours sincerely
JBSA

JULIE BAKER-SMITH
Principal
Enc.

TO WHOM IT MAY CONCERN

RE:MARY PATERAS

I have worked with Mary, in a number of capacities, at Galvin Park Secondary College since the beginning of 1990 until the end of 2007. During this time we worked together as colleagues in the Senior Years and as Year level Administrators at the Middle Years, as a Sub school leader I had the opportunity to observe and work with Mary in her role as a year level co-coordinator, and as the Senior Years Manager I had the opportunity to observe Mary in all facets of her role as the Careers Teacher. Mary has always impressed me as an accomplished and capable professional whose passion, commitment and dedication to the pupils in her care has made her a valued member of the college staff and an accomplished practitioner in the field of careers counselling.

Mary continually pursued new initiatives that enabled her to engage her students and allowed them to learn in an atmosphere that was friendly and comfortable, and recognised them as valued individuals. A commitment to assist every student she comes into contact with to reach their full potential has resulted in Mary developing programs that are at the cutting edge of innovative practice and she has been invited to conduct in-services for the benefit of careers teachers across the state. Mary's work on the Managed Individual Pathways initiative where she developed a program at Galvin Park Secondary College is an example of her tireless development of innovative curriculum resources which she happily shares with her colleagues and in turn inspires a constant flow of new ideas from other staff. Complementing her work as a careers teacher Mary has worked with staff in other key learning areas assisting teachers in their classes by working with small groups or individual students to maximise their chances of achieving success. Mary worked long hours beyond that normally expected of a careers teacher, counselling students and parents, doggedly pursuing the best options for students that sought her assistance. Through her naturally happy disposition and cooperative manner she easily developed a good rapport with all parents, staff and students within the college community.

An important part of Mary's duties when I first started working with her was the role of year level coordinator. Mary demonstrated a genuine interest and nurturing attitude to pastoral care and each individual in the year level, making contact with all parents and working in cooperation with subject teachers to ensure positive outcomes and supporting students when they sought her assistance. As a member of sub-school teams and the senior years team she has been an outstanding and positive role model for all her students, her commitment and conscientious attitude was recognised and appreciated by all staff and students. Mary's office was not only open to students but to any staff member that needed a moment to collect their thoughts or needed a sympathetic ear to share an issue with. Her great sense of humour, support and hard work ensured that we were able to focus on the positives and value our successes in a sometimes stressful environment. Mary was an enthusiastic, optimistic and supportive member of staff who often added spirit and colour to the working week.

Christopher Mooney

Assistant Principal

Point Cook Senior Secondary College

Chapter 10

24. Mr. Stone's letter to CGU, 2008
25. Email from Mr. Newland to staff dated 22 October 2007
26. Email and letter to Panel Members, October 23, 2007.
27. Mobile Phone Records
28. Draft letter from Ms. Henderson to Mr. Newland - Exhibit ZZ
29. Signed letter from Ms. Henderson to Mr. Newland

ATTENTION

33(1)

33(1)

RE: Mary Pateras work cover claim

Dear 33(1) ,

I am writing to you as a follow up to our telephone conversation yesterday, 23rd January.

As Assistant Principal, senior Years, Mary Pateras is directly responsible to me for her daily duties and work performance. For the last two years we have been partners and now live together in the Docklands, Melbourne.

In support of Mary's claim I need to clarify the events that occurred on the 22nd of October.

The advertised position of Senior Years Transition and Pathways was established by the College Leadership team to recognise the importance of this position in the College structure. It was my responsibility to write the job profile. As Mary had held the previous careers coordinators position for the previous 8 years, Mary and I worked on the new profile. While the "typical" duties remained much the same, the school's leadership restructure meant that there would be additional people the new Leading Teacher would work with. Mary I discussed these as well as discussing the budget constraints that would mean a reduction in time allowance for the new position. Mary had discussions with other staff at the College prior to her interview about what additional teaching she would undertake as part of the time allowance reduction if she were to be successful. At that point, Mary was excited about the possibility of promotion and returning to the classroom.

I requested that I not chair the interview panel as that would appear to be a conflict of interest and Peter Newland chaired the panel for this position.

On the 22nd I was absent from the College recovering from a bout of Bronchitis and was staying at a friends house not far from the College. At about 11:00am I received a phone call from Peter Newland asking if Mary was with me, I said "No she is at work" Peter replied that she had just had a meeting with her and she had left the College upset, that he had tried to ring her on her mobile but she was not answering. I asked what had happened. Peter explained that he had had a meeting with Mary as a follow up to the interview, he was rather anxious. He had told her that she was the successful applicant for the position, but he was not prepared to accept her "acceptance" of the position now and wanted her to take time to consider whether her acceptance was in the best interests of the College. He continued to explain that she had been away and naturally he had to consider the College and know that she would be able to fulfil the duties. Most of the time I listened. However throughout the conversation, he would ask, "don't you think?.." "I had to" At one point in the conversation, with Peter asking me "don't you think?" I replied I don't know Peter,

you are the Principal and I suppose you have to do what you think is right. He replied, "No it is important to you, she works for you, and I need to know that she has considered the College's future in accepting the position" I replied with something like, "yes that's true" At no point during my conversation with Peter did he say that he wanted to discuss the position or the time allowance with Mary. Peter finished the conversation by asking me to get Mary to ring him as soon as possible because he wanted to "clear the air". I told him I would.

Mary arrived at the house some time after, extremely upset and distraught. She was in tears and even after some prompting told me she didn't want to talk about it. Some minutes later after she had settled a little, she outlined the sequence of events that had occurred in Peter Newland's office.

I replied in words the effect. "Yes I sort of know what happened, Peter rang me" Over the next few days Peter rang me approximately 4 times asking if I could get Mary to contact him about this matter.

Subsequent information is in Mary's application for work cover.

On a professional level I can support Mary's work ethic and capacity. She saw this new position as an opportunity and in many ways a recognition of her years of commitment to the college, it's students and the community. She sees Peter's rejection of her acceptance of the position as a lack of faith and a slap in the face for all of her hard work. Mary strongly believes that she has been denied the opportunity to continue her work with the College and ultimately a chance to pursue future career advancement. I have no doubt that Mary is convinced that Peter Newland did not want her to accept the position and as such continues to be distraught on a daily basis.

At this point in time, I have applied for and been granted leave by Peter Newland for term one this year to support Mary on a daily basis.

I am prepared to write a personal statement outlining the impact of these events on Mary both personally and professionally if you so desire.

Regards



Peter Stone

Assistant principal – Senior Years

Galvin Park Secondary College

04 [REDACTED] - mobile

03 [REDACTED] - home

24/1/08

From: Newland, Peter G
Sent: Mon 10/22/2007 4:00 PM
To: DL Galvin Park Secondary College
Subject: Staff Forum No 4

Dear All,

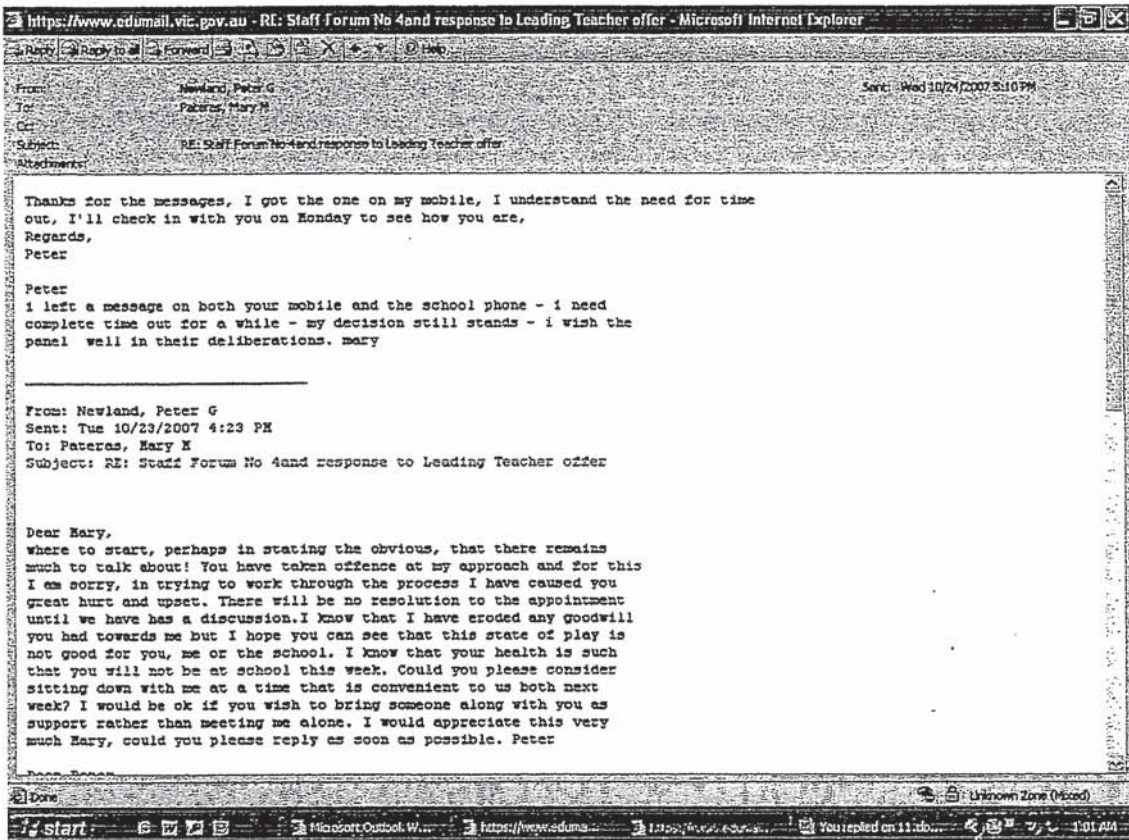
A reminder that our Forum this week starts at 3:15 Tuesday 23rd October in the YEAR 7 OLS. The Forum topic is "Developing Shared Staff Values". To improve organisational health we need to develop common understandings, one of the most fundamental is to identify and agree to a common purpose. What do we believe in, what do we see as our job, what is our responsibility and commitment to ourselves, each other and to the overall organisation? The agenda will be part of your handout tomorrow afternoon as it is still being fine tuned. Sessions delivered by the Leadership Team will cover the following;

- * identification of self beliefs,
- * review of current mission, vision and values statements
- * identification of any changes required
- * determination of agreed practices/behaviours required to support shared values.

It is anticipated that Forum 4 may not complete all of these items and will carry over into a subsequent Forum

Regards,

Peter Newland



From: Newland, Peter G

Sent: Wed 10/24/2007 5:10 PM

To: Pateras, Mary M

Cc:

Subject: RE: Staff Forum No 4and response to Leading Teacher offer

Attachments:

Thanks for the messages, I got the one on my mobile, I understand the need for time out, I'll check in with you on Monday to see how you are,
Regards,
Peter

Peter
i left a message on both your mobile and the school phone - i need complete time out for a while - my decision still stands - i wish the panel well in their deliberations. mary

From: Newland, Peter G

Sent: Tue 10/23/2007 4:23 PM

To: Pateras, Mary M

Subject: RE: Staff Forum No 4and response to Leading Teacher offer

Dear Peter, Jan and Alison

Thank you for the opportunity to clarify a number of issues for the panel, including why I had applied for the leading teacher position at Galvin Park Secondary College. At the outset it was made clear that my application for the position - according to the panel - came as a "bit of a surprise" based on prior knowledge of "some" of the panel members - and to my surprise - my referees. I found this discussion as part of the interview process, quite inappropriate and find it difficult to believe that this would be an acceptable part of the merit and equity process.

As I disclosed to the panel, although my decision to apply for the position was based on my personal circumstances and my financial needs – I assured the panel of my ongoing personal commitment to the position and elaborated on how my leadership would continue to enhance the work done by the senior school in support of student pathways.

After repeated questioning, I also made it clear that my extensive absence due to illness during the past 12 months was completely out of character and that my minimal absences over the last 18 years, was a more realistic testament to my commitment and contribution to my work.

I requested on numerous occasions that I did not think that it was appropriate my personal circumstances and my medical ailments (although known to the panel) should be discussed or taken in to account in this process and made it clear that I would accept the panel's decision based on my interview and meeting the criteria for the position on an even playing field with all other applicants.

Although I was happy and prepared to continue to discuss how my leadership in this position would support the college, I could not help but feel pressured to disclose more information than necessary about my personal circumstances and as a result – finished the follow-up interview by saying, I had nothing further to add apart from the famous quote as presented to staff in a briefing by Peter Newland, "despite, rumours about me not being committed to the school, I will assure the staff of a further three year commitment , unless my personal circumstances change"

I left the interview – feeling personally attacked and proceeded to the careers office and assisted a number of students with work experience enquiries – I was heading to my car for a folder when Peter Newland caught me in the corridor.....and mentioned something about the panel – I replied that I was no longer going to face the panel and would accept the panels decision – his response was – "don't you want to know the outcome" – to which I replied "yes" – we proceeded in his office – where he offered me

the position – which I accepted. At this point in time he questioned my acceptance of the offer based on his inability to accept my commitment to the position offered.

I continue to be concerned and disillusioned about Peter Newland's continued questioning of my commitment and whilst I accepted the position, Peter insisted that I reflect and consider the offer, after three separate times of me telling him I was keen to accept the position, he refused to accept my stance and has asked me to consider the offer over night.

I find this whole process rather absurd and if I was the successful applicant, I cannot understand the position the panel has taken in failing to acknowledge my acceptance. I feel that I have been placed in an intolerable position, being questioned about my commitment to a position I have dedicated myself to for the past 18 years. My drive has seen the establishment of a department recognised MIPs pathways program and through my hard work our students have seen successful outcomes following their years of study at the college. To be placed in a position of having to justify my work ethic and commitment is difficult to comprehend.

I have taken the day to reflect on all aspects of the interview process and in particular one of the key questions in the interview itself – relating to staff morale. As I indicated to the panel I firmly believe that staff moral begins with Administration themselves and then relies heavily on staff in leadership positions to positively reinforce decisions made for the benefit of the school. I pride myself in the fact that this has always been a philosophy that I have worked with and have spent a great deal of time in supporting staff in dealing with professional and personal issues over the last 18 years. I have been and continue to be an advocate for the college on a personal and professional level.

My own morale was completely destroyed by Peter Newland's persistence that my acceptance of the offer needed careful consideration over a period of 24 hours. He insisted that I would need to consider the offer in respect to the best interest of the college. Was my acceptance of the position not the "right answer" and in the best interest of the college? I have spent the day questioning my worth as teacher and a leader in the school.

I again reiterate, that my personal circumstances and my current state of health have no bearing on my ability to continue to fulfil the duties of a dedicated classroom teacher and leading teacher – obviously that is not how Peter Newland has assessed my contribution to the college and made that blatantly clear by insisting that I take time to reflect on the offer.



It is because of all these circumstances that I feel forced into the position of being unable to accept the offer. I wish the successful applicant the best and will assist in any capacity I am able to support the transition into this position.

Mary Pateras

18th February, 2008

To whom it may concern,

Attached is a copy of the log of calls made from the mobile phone number 0423 886 626. This is copied from the itemised account we receive from Telstra. We do not receive any information from Telstra in relation to received calls on any mobile phones or land lines.



Tracy Morrison
Acting Business Manager
Galvin Park Secondary College



Rem MobileNet National Direct Dialed Calls - Itemised continued

MobileNet National Direct Dialed calls continued

	Date	Time	Origin	Number	Rate	Min:Sec	Incl.
	MobileNet 0423 886 626 continued						
1688	18 Oct	07:55 am	Werribee	04173		0:58	0.
1689	18 Oct	08:45 am	Werribee	04173		0:50	0.14
1690	18 Oct	08:46 am	Werribee	97414		1:29	0.24
1691	18 Oct	08:52 am	WyndhamVale	04070		0:42	0.12
1692	18 Oct	09:00 am	WyndhamVale	04221		1:11	0.19
1693	18 Oct	09:07 am	WyndhamVale	97416		2:06	0.35
1694	18 Oct	01:07 pm	Werribee	97411		1:34	0.26
1695	18 Oct	01:11 pm	Werribee	97486		6:38	1.10
1696	19 Oct	07:46 am	Werribee	04014		0:08	0.01
1697	19 Oct	07:46 am	Werribee	04173		0:36	0.10
1698	19 Oct	07:48 am	Werribee	04185		1:02	0.17
1699	19 Oct	09:34 am	Werribee	04185		2:10	0.36
1700	19 Oct	09:36 am	Werribee	97411		1:04	0.18
1701	19 Oct	09:38 am	Werribee	97411		0:14	0.04
1702	19 Oct	09:38 am	Werribee	9		0:23	0.06
1703	22 Oct	09:55 am	Werribee	0418586		6:04	1.00
1704	22 Oct	10:31 am	WyndhamVale	97411355		0:49	0.13
1705	22 Oct	10:43 am	Werribee	0401		0:47	0.13
1706	22 Oct	10:44 am	WyndhamVale	04221		0:39	0.11
1707	22 Oct	12:39 pm	Werribee	04125		0:39	0.11
1708	23 Oct	08:44 am	Vic Harbour	04221		2:05	0.35
1709	23 Oct	08:46 am	Vic Harbour	0407057		4:17	0.70
1710	23 Oct	02:14 pm	Vic Harbour	97414911		7:35	1.25
1711	23 Oct	02:38 pm	Docklands	97414911		0:17	0.05
1712	23 Oct	04:04 pm	Werribee	97414911		1:04	0.17
1713	23 Oct	04:06 pm	Werribee	04185345		0:45	0.14
1714	28 Oct	07:17 pm	Docklands	04014400		0:27	0.06
1715	28 Oct	07:18 pm	Docklands	04173022		4:43	0.78
1716	29 Oct	08:36 pm	Vic Harbour	04125		4:24	0.78
1717	30 Oct	10:02 am	Werribee	97414911		2:55	0.78
1718	30 Oct	10:45 am	Werribee	96372000		15:21	2.53
	Total for 0423 886 626						\$27.63
	Total for MobileNet National Direct Dialed						\$290.31
	Total for GALVIN PARK SECONDARY COLLEGE						\$290.31

Mr Peter Newland
Principal Galvin Park Secondary College
PO Box 304
WERRIBEE 3030

Dear Peter

I refer to a decision of the Merit Protection Board ("MPB") dated 16 May 2008 in which the MPB recommended that an external investigation be conducted into a complaint regarding your conduct lodged by Ms Mary Pateras.

An external investigation has been carried out by Julie Baker-Smith and Associates Pty Ltd trading as JBSA. JBSA is a member of the panel of review officers established by the State Services Authority.

I have now received the report from JBSA and I am able to advise you of the findings.

The investigation has found that the selection panel determined that the position of LT1 Senior Years Leader – Pathways & Transition should be offered to Ms Pateras. In a meeting which followed the selection interview, you discussed the position with Ms Pateras. In the investigator's view, this discussion was carried out in such a way as to dissuade Ms Pateras from accepting the position.

The investigator found that you attempted to dissuade Ms Pateras by prevaricating over her acceptance of the position and suggesting that she reconsider her decision in the interests of the school. The investigator also found that at all times you intended to act in the best interests of the school.

As a result of the investigation, I have determined that Ms Pateras should be offered the position of LT1 Senior Years Leader – Pathways & Transition at Galvin Park Secondary College. Please ensure that you make a written offer of the position to Ms Pateras immediately.

I have advised Ms Pateras and the MPB regarding the findings of the investigation and my determination.

I have arranged for [Name, Position] to meet with you to discuss the investigator's report and its implications for the conduct of selection interviews and procedures at Galvin Park Secondary College in the future.

Yours sincerely

Katherine Henderson
Regional Director



**Department of Education and
Early Childhood Development**

**Office for Government School Education
Western Metropolitan Region**

Mr Peter Newland
Principal Galvin Park Secondary College
PO Box 304
WERRIBEE 3030

Level 4, 369 Royal Parade
Wool House
Parkville 3052
03 9291 6500
DX 212340

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I have advised Ms Pateras and the MPB regarding the findings of the investigation and my determination.

I have arranged for Mr Terry Lawless, Assistant Regional Director to meet with you to discuss the investigator's report and its implications for the conduct of selection interviews and procedures at Galvin Park Secondary College in the future.

Yours sincerely

KATHERINE HENDERSON
Regional Director
Western Metropolitan Region

27/08/2008

Chapter 11

30. Letter to Ms. Henderson November 7, 2007

31. Chapter 11 Witness Statement of Richard Westhorpe, 2015

32. Chapter 11 File Note from Registrar at MPB

33. Chapter 11 Letter and Email to Ms. Henderson, February 4, 2008

34. Chapter 11 Letter from Ms. Henderson dated 22 February 2008

35. Chapter 11 Witness Statement of Katherine Henderson.

Mary Pateras
1904/70 Lorimer Street,
Docklands, 3008
Phone: 0430388831

Bretton New
DEECD
Acting Regional Director
Level 4, 369 royal Pde,
Parkville, Vic 3052

Wednesday November 7, 2007

Dear Bretton,

It is with great despair and complete bewilderment that I find myself in the predicament of writing to you in regard to a matter that has caused me immense distress.

I have been a committed and passionate teacher for over 18 years at Galvin Park Secondary College. My association with the college began in 1989 as a student teacher after which I commenced employment as an ongoing teacher in 1990.

Over this time I have held the positions of; classroom teacher, head of department and welfare coordinator. I have also been an active member of almost each and every committee within the school, and an elected member of school council. In 2001 I was appointed as the MIPS and Careers Coordinator for the college.

I have showcased the college through my involvement in local council as a founding member of the Victorian fashion awards and continued my association through my assistance with the Weerama Festival committee.

I accepted a Centenary Medal of behalf of the college in 2002 in recognition of my "Contribution for outstanding service to education especially through career development programs." I have willingly shared MIPS resources via the DEECD website and presented at forums on behalf of the western Region and to the Hume region in MIPS best practice.

Throughout my time at the college I have supported a countless number of colleagues with personal issues, including attempted staff and student suicides, deaths, separation and divorce, declaration of staff in excess and potentially fatal medical ailments. As a result I have assisted these colleagues in successfully integrating back into the work environment.

I have willingly spent school holidays at the college working with students and availing myself via phone for year 12 students with assistance at critical times of the year in respect to VTAC applications, Portfolio Partnership Program applications and in assuring that all senior students' subject choices are appropriate to their interests.

My work at the College has also included working closely with all Leadership teams in meeting set Goals and Targets to ensure the College meets all accountability requirements.

My absences from work during the first 16 years at the college were minimal to say the least. However during the past twelve months my own personal health became a concern and I took certificated sick leave based on my doctor's recommendation. I am currently on sick leave.

My commitment, passion and drive have never been held in doubt, either by myself, my colleagues, my students or the broader educational community.

My distress over the recent sequence of events began with the College deciding to advertise the Careers position as a Leading Teacher 1 – Senior Pathways and Transition Coordinator. I was obviously to apply and believed that position warranted Leading Teacher status. I submitted my application and was asked to attend an interview.

The interview went well and I was happy with my response to the questions. The most demeaning and discreditable part of this process followed after the panel had requested a subsequent meeting to clarify a number of “issues”.

I state the sequence of events in an email, as sent to the panel members on October 22, 2007.

Dear Peter, Jan and Alison

Thank you for the opportunity to clarify a number of issues for the panel, including why I had applied for the leading teacher position at Galvin Park Secondary College. At the outset it was made clear that my application for the position - according to the panel - came as a “bit of a surprise” based on prior knowledge of “some” of the panel members - and to my surprise - my referees. I found this discussion as part of the interview process, quite inappropriate and find it difficult to believe that this would be an acceptable part of the merit and equity process.

As I disclosed to the panel, although my decision to apply for the position was based on my personal circumstances and my financial needs – I assured the panel of my ongoing personal commitment to the position and elaborated on how my leadership would continue to enhance the work done by the senior school in support of student pathways.

After repeated questioning, I also made it clear that my extensive absence due to illness during the past 12 months was completely out of character and that my minimal absences over the last 18 years, was a more realistic testament to my commitment and contribution to my work.

I requested on numerous occasions that I did not think that it was appropriate my personal circumstances and my medical ailments (although known to the panel) should be discussed or taken in to account in this process and made it clear that I would accept the panel’s decision based on my interview and meeting the criteria for the position on an even playing field with all other applicants.

Although I was happy and prepared to continue to discuss how my leadership in this position would support the college, I could not help but feel pressured to disclose more information than necessary about my personal circumstances and as a result – finished the follow-up interview by saying, I had nothing further to add apart from the famous quote as presented to staff in a briefing by Peter Newland, “despite, rumours about me not being committed to the school, I will assure the staff of a further three year commitment , unless my personal circumstances change”

I left the interview – feeling personally attacked and proceeded to the careers office and assisted a number of students with work experience enquiries – I was heading to my car for a folder when Peter Newland caught me in the corridor.....and mentioned something about the panel – I replied that I was no longer going to face the panel and would accept the panels decision – his response was – “don’t you want to know the outcome” – to which I replied “yes” – we proceeded in his office – where he offered me

the position – which I accepted. At this point in time he questioned my acceptance of the offer based on his inability to accept my commitment to the position offered.

I continue to be concerned and disillusioned about Peter Newland's continued questioning of my commitment and whilst I accepted the position, Peter insisted that I reflect and consider the offer, after three separate times of me telling him I was keen to accept the position, he refused to accept my stance and has asked me to consider the offer over night.

I find this whole process rather absurd and if I was the successful applicant, I cannot understand the position the panel has taken in failing to acknowledge my acceptance. I feel that I have been placed in an intolerable position, being questioned about my commitment to a position I have dedicated myself to for the past 18 years. My drive has seen the establishment of a department recognised MIPs pathways program and through my hard work our students have seen successful outcomes following their years of study at the college. To be placed in a position of having to justify my work ethic and commitment is difficult to comprehend.

I have taken the day to reflect on all aspects of the interview process and in particular one of the key questions in the interview itself – relating to staff morale. As I indicated to the panel I firmly believe that staff moral begins with Administration themselves and then relies heavily on staff in leadership positions to positively reinforce decisions made for the benefit of the school. I pride myself in the fact that this has always been a philosophy that I have worked with and have spent a great deal of time in supporting staff in dealing with professional and personal issues over the last 18 years. I have been and continue to be an advocate for the college on a personal and professional level.

My own morale was completely destroyed by Peter Newland's persistence that my acceptance of the offer needed careful consideration over a period of 24 hours. He insisted that I would need to consider the offer in respect to the best interest of the college. Was my acceptance of the position not the "right answer" and in the best interest of the college? I have spent the day questioning my worth as teacher and a leader in the school.

I again reiterate, that my personal circumstances and my current state of health have no bearing on my ability to continue to fulfil the duties of a dedicated classroom teacher and leading teacher – obviously that is not how Peter Newland has assessed my contribution to the college and made that blatantly clear by insisting that I take time to reflect on the offer.

It is because of all these circumstances that I feel forced into the position of being unable to accept the offer. I wish the successful applicant the best and will assist in any capacity I am able to support the transition into this position.

Mary Pateras

The days following the incident are a complete blur – all I can remember is staring into the distance, with the incident constantly being replayed before of my eyes- and through all this trying to justify "his" behaviour. Did I provoke the comments?

It is now clear that his comments and questions were irrelevant and unwarranted and I know that I did not deserve such publically demeaning treatment.

To be asked by the Panel Chair to consider whether accepting this position, "would be in the best interests of the College" is truly belittling and defies all logic.

It wasn't until October 25th that I had realised that this was nothing more than discrimination at its worst! I made anonymous calls to the Merit Protection Board, the Education Department, the Western Region and the Union in search for some guidance and solace.

A lady by the name of Betty at the Merit Protection Board was astonished and shocked by my story and found it difficult to even believe such a sequence of events had occurred. She firmly believed there was a case to answer. In the short term, she suggested that I file a formal complaint to the Board and seek counselling where I have already attended two sessions.

The Western Region are yet to return my calls, even after leaving two fairly distressed messages but I can appreciate that everyone is busy.

The Australian Education Union is considering supporting my case on compassionate grounds as a non financial member at the time of the incident.

I have also sought my own legal advice on the matter.

There have also been a number of other emails to and from Peter Newland that I have attached to this letter for your information.

As far as I am concerned Peter Newlands behaviour is inexcusable and discriminatory and completely defies the guidelines set under merit and equity and equal opportunity by openly and publically questioning my ability on unrelated and confidential personal and medical grounds.

I am currently on sick leave, and I did report the incident to my doctor immediately. My doctor completed a workcover report that I am reluctant to submit at this time despite that being the recommendation from the AEU. I have also informed the Human Resource Manager at Galvin Park Secondary College of a potential workcover claim.

The thought of having to return to work at Galvin Park Secondary College as a teacher in any capacity makes me physically ill. I have spent the last seven years telling students that a person changes their career 8 times during their lifetime on average. I have only just realised what a daunting thought that is! Nevertheless I know I have many transferable skills and there are many occupations in which I can continue to assist young people. However, because of the despicable predicament I am faced with, I am NOT prepared to work for an employer that treats its workers with open disdain and discriminates against their hard work on a dubious and immoral basis.

I look forward to a response in an effort to put closure to this most despicable incident.

Yours Sincerely,

Mary Pateras

IN THE COUNTY COURT
OF VICTORIA
AT MELBOURNE
DAMAGES AND COMPENSATION LIST
GENERAL DIVISION

CI-12-03169

BETWEEN

MARY PATERAS

Plaintiff

And

STATE OF VICTORIA (DEPARTMENT OF EDUCATION AND EARLY CHILDHOOD
DEVELOPMENT)

Defendant

WITNESS STATEMENT

Filed pursuant to the Order of His Honour Judge Saccardo dated 22 May 2015

Date of document: 28 May 2015
Filed on behalf of. The Plaintiff

Solicitors Code
DX

Prepared by:
Mary Pateras

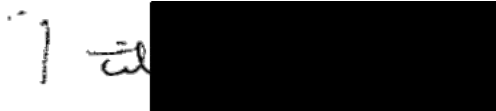
Werribee South. VIC 3030

Tel. No:

I Richard Westhorpe of Wyndham Vale Victoria 3024 MAKE OATH AND SAY as follows:-

- 1.I am unable to be a witness in the above proceedings for medical reasons.
- 2.I am able to state I can distinctly recall Mary Pateras giving a presentation to the year 10 team of which I was team Leader on the first day of the 2008 school year being 29 January 2008.
- 3.It is my belief that Mary Pateras was asked to give this presentation by Leanne Gagatsis who was the Assistant Principal Galvin Park Secondary College.
- 4.I understand that this statement may be used as admissible evidence to the Honourable Court

Signed:



File Note – Mary Pateras

Mary called wanting to know what was happening with her grievance of 1 February 2008. I spoke with the Senior Chairperson who stated that the region would be contacted by the MPB to find out how the investigation was progressing, which may negate the need to go to a hearing. I conveyed this to Mary who stated that she had spoken with Sue Conquest at the region. According to Mary, Sue said that she had completed her investigation and that it had been forwarded to Katherine Henderson, Regional Director, Western Region, for final sign-off.

Mary then stated she was considering going to the industrial relations commission in relation to the original matter and asked my advice. I indicated it was probably best to wait for the outcome of the investigation before proceeding further.

Rohan Jaremenko
7 February 2008

From: Pateras, Mary M

Sent: Thursday, 7 February 2008 12:59 PM

To: Conquest, Susanne SJ

Subject: FW: URGENT - RE: complaint against Peter Newland

Dear Sue

Further to our phone conversation 5 minutes ago - I forward the email and attachments as sent to Katherine Henderson which outline the events that occurred after your recommendation that I contact the schools HR manager in relation to my return to school on Tuesday 29th January 2008.

Mary Pateras

From: Pateras, Mary M

Sent: Mon 2/4/2008 2:36 AM

To: Henderson, Katherine V

Subject: URGENT - RE: complaint against Peter Newland

Dear Katherine,

Please find attached the follow up documents in relation to my complaint against Peter Newland. I have now referred the matter back to the MPB and will forward the details to Peter Dawkins and the Industrial Relations Commission in an effort to put closure to this incident.

Mary Pateras

Dear Katherine Henderson,

I am writing to you as a follow up to my initial correspondence dated November 7th 2007. In this letter of complaint against Peter Newland I outlined the circumstances surrounding my application for the position of Leading Teacher 1 Senior Pathways and Transition at Galvin Park Secondary College. I was granted an interview that took place on October 17th 2007. I was asked to attend a subsequent interview with the panel on October 22nd 2007. Within an hour of the subsequent interview I was offered the position by Peter Newland, who was also the chair of the panel. I willingly accepted the position. This should have been the end of the conversation. Peter Newland blatantly refused to accept my acceptance of the position he had just offered me. Even when I asked if he was joking, he kept his stance, still refusing to accept my acceptance of this position and insisted I reflect for 24 hours to ensure that my acceptance was in the best interest of "his" college. From my selection panel report I can only presume that the panel concluded that I was to be appointed to the position. I had no doubt and still don't, that Peter Newland did not want me to continue as a staff member of "his" College.

Based on Peter Newland's fictitious account of the conversation in relation to me accepting the position, my work cover claim was initially rejected. His continued lies and treatment of me is beyond belief and I will continue to fight to be heard about the injustice metered out to me. Because of his unwarranted treatment of me I was not only unable to continue in the job that I was trained to do and loved, but was denied the opportunity to apply for other leading teacher positions that became available at the College around that time. I can only assume that Peter Newland's discrimination against me and subsequent lies about our discussion on October 22nd 2007 are based on his perception of my totally non-work related medical and personal matters and an effort to maintain his own credibility and authority.

Since then I have sought assistance and guidance from a number of parties, including the Merit Protection Board and the AEU, both of which have been supportive. The AEU was of the opinion that this incident warranted a work cover application (which I have submitted) and the Merit Board indicated that I was entitled to re apply to them if I was not satisfied with the outcome of the investigation by the DEECD.

Now some three months later, I find it difficult to comprehend the lack of communication and support from the DEECD in this crisis situation. I have left countless messages with the DEECD employee health office for Kath Kennedy and/or Silvia Leber in particular, neither of whom have responded to date. Your reply dated December 12th 2007 explained that an investigation on the matter would be conducted by Sue Conquest, who subsequently called me on January 21st 2008 returning the message I had left for you in relation to the investigation. Sue indicated that she would endeavour to get back to me before the commencement of the 2008 school year. In hindsight had she had returned my call it may have avoided yet another very distressing chapter in the case of my own well being.

On January 21st I logged onto my payment advice, only to find that the Christmas holiday period had been deducted as sick leave. I sought clarification on this from Chris Greenwood at DEECD's HR services. Her advice was and I quote an extract

from an email sent on her behalf by Rob Parfrey. " As your work cover claim is pending the outcome of an appeal, this is recorded as Sick Leave with a workcover certificate on the payroll program (HRMS). This should not complicate the process. If you return to work on the first day of the school 2008 you do not meet the criteria to lose sick leave over the Christmas vacation period. However as you have been on extended personal leave, you should have a valid doctors certificate indicating that you are fit for normal duties. The leave should then be reversed by the school and your personal leave credits would be automatically reinstated."

I had tried to explain this departmental policy via phone to Tracey Morrison – Human Resources Manager at Galvin Park Secondary College on Wednesday 22nd of January – who kept insisting that I was not entitled to return to the college on the first day in order to get my personal leave credits reinstated and the only way this could occur is if CGU approved my workcover claim. It wasn't until I got this information to her in writing did she acknowledge that the College would accept that I was returning to work on January 29th 2008. It was in fact Tracy Morrison, who insisted I submit a work cover claim covering me until the 2nd of February 2008 although I had previously supplied a medical certificate dated until the 29th of December 2007. I had hoped that by then the DEECD would have already taken this matter seriously enough to reach a resolution. I forward the emails to and from Tracey Morrison for your information.

The events of Tuesday 29th January 2008 and others that followed on Wednesday 30th January 2008 are detailed in the letter I wrote to Peter Newland on Thursday 31st January 2008. I also attach this for your information. I am at a complete loss as to how this matter has been left in the "too hard basket" for so long.

Due to the DEECD's inability to resolve the issue I have been forced to utilise my sick leave and will soon be forced to take my long service leave in an effort to support myself during this difficult time. I will be seeking compensation from the Department for denying me the opportunity to continue in my profession, my loss of credibility and standing in the Educational Community and ill health resulting from not only my rejection and subsequent denial of events by Peter Newland, but lack of support and guidance from the DEECD.

As my ongoing pleas for support and help have been ignored by the DEECD, I will be pursuing this issue with Peter Dawkins (DEECD Department Secretary), The Industrial Relations Commission and again with the MPB.

I have never claimed an inability to work, as a matter of fact I have continued to assist my students and the senior school staff with on going support since October 22nd 2007 from my home base. However since my attempted return to work and letter of complaint I have been treated with such distain, I realise that any further attempt to return would be to the detriment of my own health and my children's wellbeing. I cannot work for an employer that discriminates and treats its long standing dedicated employees with such little respect or care for their wellbeing.

Regards,
Mary Pateras

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Wednesday 30th January 2008

Dear Peter,

My continued assistance in support of students and staff whilst on sick leave has been made clear in previous emails to you. You have in fact, via email responded by thanking me for my offer of support and encouraged staff to stay in contact with me.

Therefore, you are well aware I have remained in constant contact with various members of staff and students in an effort to provide on going support and professional advise for the year 12 cohort of 2007 in particular. My work with these students necessitates hundreds of calls at peak times of the year in respect to VTAC applications. A school mobile had only been assigned to me in late 2006/ early 2007 to support my role as the careers teacher. I requested access to a school phone in light of the fact that prior to this my own mobile phone bill exceeded \$400 at these times. My assignment and use of a school mobile was negotiated through discussion with Kerri Bartels.

Today, I was still working in conjunction with John Hart on securing final offers for two students (Melissa Van Aston and James Damjanovski) trying to plea their case on compassionate grounds with various personnel at Victoria University. It was imperative that these discussions with the selection officers at VU occurred today as this may have ensured the students an offer tomorrow - January 31st, 2008 the official date for round 2 offers.

I knew that John Hart and Jenny Richards would be extremely busy today and I tried to avoid contacting them outside of recess and lunch time. However, the matter was extremely urgent and I required information from them in support of the students and consequently called both of them on more than 5 occasions.

I had left the school mobile phone number for the selection officers at VU to get back to me on – only to discover at approximately 4pm today when I attempted to follow up on why the selection officers had not returned my calls that coverage on the school mobile had been cut or denied. I can only presume this had been actioned from someone at the college. Telstra were unable to verify this for me today, however I will enquire again about it tomorrow. My intention was always to return the mobile phone to Kerri Bartels at the end of the VTAC application process which officially ends on February 14th 2008.

My continued efforts to support these students has always been in their best interests and the interests of the College and in effort on my part to ensure John Hart had all the support he may need in the transition to this complex position – assistance that I'm sure he has appreciated and he himself has sought on various occasions.

I assumed that the College appreciated my continued support as I have not received any directive to suggest otherwise. Had you at any stage informed me that my continued support or use of the school phone was inappropriate then I would have ceased my involvement and contact with staff even against my better judgement and returned the mobile phone immediately.

Rest assured that I will still would have followed up with the students on my personal mobile despite the cost to me personally and as I had previously done in my role as the careers teacher.

On another matter:

On Tuesday 29th January, when I reported to work for the first time since October 22nd 2007 I would have assumed that as Principal of the college you would have enquired about my well being and welcomed me back - either personally or in front of the staff. But once again it was made blatantly clear to me that I was not welcome and that my grievances and complaints about your unwarranted and inappropriate treatment of me on October 22nd 2007 were an opportunity for your continued efforts to disenfranchise me from an ongoing career at Galvin Park Secondary College.

You were also aware of the somewhat "heated" emails and discussions with Tracey Morrison as I sought clarification about my sick leave and holiday pay entitlements. The information Tracey was providing was contrary to the information that the HR department at DEECD had articulated to me via phone. It wasn't until I had this verified in writing for Tracey did she acknowledge my entitlement to return to the college on January 29th 2008 providing I presented a certificate from my treating doctor declaring me fit to resume normal duties on this day. Which I did and when I did there was no "hello, Mary" simply "I presume you have a certificate for me!"

Arriving at the school I was treated with much "chagrin" by some staff asking "why I was there?", "what was I doing there?" I was no longer on a staff list, a team list, and had no timetable or allotment assigned to me.

It was clear that you had no intention of wanting me to return to the school! I had been made well aware of your insistence I not continue at Galvin Park Secondary College in any capacity, on October 22nd 2007 when you continuously refused to accept my acceptance of the Leading Teacher 1 Senior Pathways and Transition position. A position you offered me! Even when I asked if this was some kind of joke you kept your stance on the matter and insisted that I reflect on my acceptance of the offer to ensure it was in the best interest of "your" college!

While this continues to be extremely distressing to me on a professional and personal level, I am now becoming more and more disillusioned by your attitude towards me as I know I have always been a committed and supportive member of staff, always prepared to support your decisions no matter how unpalatable to staff. To have you deny the contents of our discussion on October 22nd 2007 and state that I was "unwell" and "misunderstood" what you were trying to articulate is ludicrous. To suggest that I had called in sick on the day of October 22nd 2007 is a blatant lie, unjustifiable and reaffirms my decision to never be able to work for an employer who openly discriminates against staff and who is prepared to lie to protect his own position to the detriment of his staffs well being.

I really don't know how I survived the day. I guess I took some comfort in the fact that I was still working with students on their university offers and a number of them came to personally see me at the college, and that the majority of staff were genuinely concerned and greeted me with a smile. At the end of the day I had a follow-up appointment with the departmental psychologist and later with my Doctor. I contacted Peter Nash on Wednesday morning reported my absence. I will forward my certificate as well as the mobile phone to Tracey Morrison today - Thursday 31st of January 2008.

Mary Pateras

Ref: WMR00006056

Ms Mary Pateras,
1904/70 Lorimer Street,
DOCKLANDS 3008

Dear Ms Pateras,

Thank you for raising your concerns regarding allegations of inexcusable and discriminatory behaviour by Mr Newland.

I have followed the Department of Education and Early Childhood Development policy and procedures in dealing with this matter. I have conducted a thorough investigation which included reviewing all documentation provided to me and conducting interviews with Mr Peter Newland and a member of the selection panel.

Following my investigation, I have determined the complaints do not have substance. I have formed this opinion based on my findings outlined below:

- in applying for the advertised position the panel formed the opinion that you did not fully understand the extent of the role of the new position.
- the decision of the panel to conduct a second interview was due to the inability of yourself to provide sufficient evidence that you met one of the selection criteria. This process is consistent with guidelines for selection panels.
- questions asked at the second interview relating to Criteria 5 and the clarification of the leadership role were appropriate.
- Mr Newland and the panel were supportive of your quest for the position and the second interview was to provide you with an opportunity to provide further evidence in support of selection criteria 5.
- no questions asked at the interview or questions asked of referees related to your personal circumstances or medical conditions.
- reference to an interview question regarding staff morale was incorrect. Mr Newland however, did send an email to all staff advising of a staff meeting to discuss issues around staff morale which had arisen from the Building Leadership Capacity program the school was currently involved in.

- Mr Newland's suggestion to defer the meeting to discuss the outcome of the interview process for 24 hours was made when he recognised your (nervous state.)
- documentation (provided , including that) from yourself indicates that during 2007 and particularly at the time of the interview there were issues regarding your health.

As a result of this I will be taking no further action in relation to this matter.

If you would like to discuss your concerns further please contact me.

Yours sincerely

KATHERINE HENDERSON
Regional Director
Western Metropolitan Region

__ / __ / 2008

**IN THE COUNTY COURT OF VICTORIA
AT MELBOURNE**

No. CI-12-03169

BETWEEN

MARY PATERAS

Plaintiff

and

STATE OF VICTORIA

Defendant

STATEMENT OF KATHERINE HENDERSON

Date of document 26 August 2015

Filed on behalf of the defendant

Prepared by

MINTER ELLISON
Lawyers
Rialto Towers
525 Collins Street
MELBOURNE VIC 3000

Solicitors Code 8510
DX 204 MELBOURNE
Telephone (03) 8608 2000
Facsimile (03) 8608 1000
Reference CXB DSP 30-7068020

1. I was the Regional Director for the Western Metropolitan Region of the Department of Education and Training between approximately November 2007 and December 2012.
2. I have been provided with a copy of the Further Amended Statement of Claim in this proceeding and I am aware that the plaintiff, Mary Pateras, has made a number of allegations about me in this proceeding, namely:
 - a. Failing to respond to the plaintiff's complaints about the ultimatum in a timely manner and following the defendant's policy in handling complaints of government registered teachers;
 - b. Failing to respond adequately or at all to the plaintiff's complaints about Mr Newland's conduct on 29 January 2008;
 - c. Failing to ensure a mediation between the plaintiff and Mr Newland took place;
 - d. Failure to prevent the situation from escalating;

- e. Failing to investigate the precise nature of the complaints and follow up on complaints with appropriate intervention as specified in the defendant's Guidelines for managing complaints and serious misconduct in relation to Principals 2006.
3. I have no recollection of the events described by Ms Pateras in the Statement of Claim. I have been provided with copies of various further documents, including:
- (a) a letter from Ms Pateras to Mr Bretton New dated 7 November 2007;
 - (b) a letter from Mr New to Ms Pateras dated 7 November 2007;
 - (c) a letter from Mr Ian Adams to me dated 13 November 2007;
 - (d) a letter from me to Ms Pateras dated 10 December 2007;
 - (e) a letter from me to Mr Newland dated 14 December 2007;
 - (f) a letter from Ms Sue Conquest to Ms Pateras dated 19 December 2007;
 - (g) handwritten notes of Ms Pateras in respect of discussion with Ms Conquest on 21 December 2007;
 - (h) Investigation Report of Ms Conquest dated 16 January 2008;
 - (i) handwritten notes of Ms Conquest in respect of telephone discussion with Ms Pateras on 21 January 2008;
 - (j) a letter from Ms Pateras to me dated 4 February 2008;
 - (k) a letter from me to Ms Carmel White dated 6 February 2008;
 - (l) a letter from me to Ms Pateras dated 6 February 2008;
 - (m) a letter from me to Ms Pateras dated 20 February 2008;
 - (n) a letter from Ms Beverley Teese to me dated 17 March 2008;
 - (o) a letter from me to Ms Teese dated 7 April 2008;
 - (p) Merit Protection Board Determination dated 16 May 2008;
 - (q) report of Jbsa to me dated 5 August 2008;
 - (r) a letter from me to Ms Pateras dated 26 August 2008.

4. Despite perusing these documents, many of which are addressed to, or signed by, me, I continue to have no recollection of the events described by Ms Pateras in the Statement of Claim.
5. Nonetheless, having perused the documents, I reject each of the allegations Ms Pateras has made against me. From the documents, and despite the finding of the Merit Protection Board (with which I cannot agree, based on these documents), it would seem to me that the complaint was appropriately handled. In particular:
 - (a) The matter was referred to me by the Merit Protection Boards as a complaint;
 - (b) I asked that Ms Conquest, a Senior Education Officer, investigate the complaint;
 - (c) Ms Conquest prepared an Investigation Report which made findings;
 - (d) I accepted the findings set out in the Investigation Report, which was communicated to Ms Pateras by way of letter dated 20 February 2008.
6. From the documents I have seen, I would not accept that there was any unreasonable delay in the investigation of Ms Pateras' complaints, which I note spanned the Christmas and New Year period. I note that in my letter dated 7 April 2008 I explained that this was one factor which contributed to the delay; another was my recent appointment to the role of Regional Director.
7. I would not accept that there was any failure to follow policies with respect to the investigation. Ms Pateras does not specify in the Statement of Claim in what regard there was any such failure. I note that in my letter dated 7 April 2008 I stated that "this investigation was conducted in accordance with DEECD policy and procedures".
8. I would not accept that the lack of any formal interview of Ms Pateras during the investigation process caused it to be seriously flawed. Ms Pateras was notified by letter from Ms Conquest dated 19 December 2007 that there was sufficient detail of her complaint but that she could contact Ms Conquest. It seems to me that Ms Pateras in fact spoke to Ms Conquest on two occasions, on 21 December 2007 and 21 January 2008.
9. I would not accept that the investigation was to deal with Ms Pateras' complaints about Mr Newland's conduct on 29 January 2008. I note that my letter to Ms Pateras

dated 6 February 2008 explained that a determination by the Merit Protection Board would need to be made in respect of the "additional matters" before further action could be taken by my office. I also note that the subsequent investigation carried out by Jbsa did not deal with this issue. It would seem to me that my investigation dealt with the matters raised by Ms Pateras, which were subsequently the subject of a second investigation by Jbsa.

10. I would not accept that in investigating the complaint it was my role to organise a mediation between Ms Pateras and Mr Newland. I am not sure what Ms Pateras believes I should have done to "prevent the situation from escalating".

Chapter 12

36. Ms. Hendersons letter to MPB

37. My Statement to MPB with Supporting Documents.

38. MPB Grievance Upheld

39. Ms. Conquest's witness statement in the county court



**Department of
Education and Training**

RECEIVED

18 SEP 2008
MERIT PROTECTION BOARD

Western Metropolitan Region

Level 4
369 Royal Parade,
Parkville, Victoria 3052

Telephone: (03) 9291 6500
Facsimile: (03) 9291 6555

DX: 212340

Ms Beverly Trease
Registrar
Merit Protection Boards
Level 9 Spring Street
MELBOURNE 3000

SP

Dear Ms Trease

I write in response to your letter received on 18 March 2008, requesting information in relation to a grievance lodged with the Merit Protection Board by Ms Mary Pateras.

In reaching my decision regarding the complaint lodged by Ms Pateras, I provide the following information regarding the implementation of the Department's procedures for the management of complaints against principals. As you would be aware, the responsibility for the management of complaints against principals rest with the Regional Director.

Investigation timeline

On receipt of the referral of the complaint from the Merit Protection Board dated 13 November 2007, I wrote to Ms Pateras advising her that following advice from the Merit Protection Board I would be investigating the complaint. I then requested that Ms Sue Conquest, Senior Education Officer investigate the complaint on my behalf.

The chronology for the management of the complaint is as follows:

- 7 November 2007 Ms Pateras lodged grievance with Merit Protection Boards and with Mr Brett New, Acting Regional Director, WMR, about the selection process for a Leading Teacher vacancy at Galvin Park SC
- 7 November 2007 Mr New advised Ms Pateras that no DEECD action could take place until MPB determination
- 13 November 2007 MPB advised Mr New that the Pateras grievance was being referred as a complaint for investigation
- 10 December 2007 Ms Katherine Henderson, RD, WMR advised Ms Pateras of MPB advice and the beginning of the investigation
- 14 December 2007 Ms Henderson advised Mr Peter Newlands, Principal, Galvin Park SC of complaints and sought response
- 19 December 2007 Ms Sue Conquest, SEO as Investigating Officer advised Ms Pateras of investigation and process
- 6 January 2008 Ms Conquest provided Investigation Report to Ms Henderson
- 21 January 2008 Ms Pateras advised during telephone discussion with Ms Conquest of progress of investigation
- 20 February 2008 Ms Henderson advised Ms Pateras of the outcome of the investigation.

Investigation process

I wrote to Mr Newland on 14 December 2007 formally advising him of the complaint and invited him to respond to the issues raised by Ms Pateras by 19 December 2007. A copy of Ms Pateras's letter was provided to Mr Newland for information and response.

Ms Conquest wrote to Ms Pateras on 19 December 2007 advising her that I had requested that Ms Conquest investigate the complaint Ms Pateras had lodged against Mr Newland. At this time Ms Pateras was on sick leave so Ms Conquest's letter invited her to contact her should she wish to speak to her in relation to the complaint.

On 19 December 2007 Ms Conquest met with Mr Newland to discuss his response to the allegations raised. A note taker attended the meeting. At this meeting Mr Newland provided Ms Conquest with a copy of his prepared letter of response. Ms Conquest read his letter prior to commencing meeting discussions with Mr Newland. Mr Newland's letter of response was received at this office on 2 January 2008.

At this meeting some questions sought clarification of the appropriateness of questions asked at the second panel interview on 22 October 2007 as a significant area of Ms Pateras's complaint focused around the conduct of the second interview. Ms Conquest's Investigation Report indicated that she was satisfied that the panel had conducted the process in accordance with fair and proper selection procedures.

Ms Conquest met separately with Ms Javni a teacher at the Galvin Park Secondary College. Ms Javni was a member on the selection panel referred to in this complaint.

Invitations to Ms Pateras to provide further information

At each stage of the process Ms Pateras was kept informed. In Ms Conquest's letter dated 19 December 2007, Ms Pateras was invited to contact Ms Conquest should she wish to speak to her.

I am informed that Ms Pateras telephoned the WMR Office on 21 January 2008 requesting to speak with myself in relation to the status of the investigation. Ms Conquest returned the call on my behalf the same day and informed Ms Pateras that I was currently considering information provided to me. During the conversation Ms Pateras spoke about her time and commitment to Galvin Park Secondary College and sought assistance from Ms Conquest in relation to her WorkCover and sick leave processing. During this conversation Ms Pateras did not make any reference of her desire for a meeting to provide any information and a suggestion and offer of a meeting to discuss her issues raised by Ms Conquest during the phone conversation was declined.

This was the first occasion on which Ms Pateras responded to Ms Conquest's invitation in her letter dated 19 December 2007 to contact her should she wish. Ms Pateras claims that she made numerous calls to WMR Office and that they were never returned. However WMR Office records indicate that the only calls received from Ms Pateras were on 25 October 2007 and 21 January 2007. Both these call were responded to by regional personnel. The call on 25 October 2007 was referred to Kath Kennedy, Senior Performance and Development Officer who was unable to speak to Ms Pateras as an incorrect mobile number had been provided.

In responding to Ms Pateras's grievance Ms Conquest has read the documentation you have provided with your letter of March 17, 2008 and has advised me of the following discrepancies in Ms Pateras's documented account of phone conversations.

In relation to sick leave Ms Conquest did not give an undertaking to investigate the issues raised by Ms Pateras in this regard but stated that she was unable to provide advice in this area and Ms Pateras should contact the business manager at the Galvin Park SC

In her grievance application, Ms Pateras makes reference to the non receipt of a report. However, Ms Pateras was never informed by Ms Conquest that she would receive a report.

Ms Pateras provided significant and relevant information in her letter of complaint. Ms Conquest considered all of this information during her investigation and I reviewed it as part of the decision making process. It was open to Ms Pateras at any time to provide to Ms

Conquest any further information that she wished to. It was not necessary to make repeated requests to Ms Pateras to submit further information.

Length of time

In relation to the length of time taken to respond to Ms Pateras's original complaint, all efforts were made to ensure the process proceeded expediently. I am aware that Brett New, Assistant Regional Director has spoken to you in relation to this matter and explained the factors which contributed to the delay. These included the handover of information following my appointment to the position of Regional Director in early November and the absence on leave of relevant personnel during the January vacation.

This investigation was conducted in accordance with DEECD policy and procedures. I reviewed all the documentation provided to me including Ms Pateras's complaint and the attached documents, minutes from the meetings conducted with Peter Newland, Principal, and Jan Javni, teacher on the selection panel and Ms Conquest's Investigation Report. I have attached for your information a copy of the Investigation report and also the minutes of the investigation meetings with Mr Newland and Ms Javni.

Other concerns raised by Ms Pateras with WMR

Ms Pateras wrote to me on 4 February 2008 outlining HR issues, alleging DEECD inaction over the holiday period and claiming discrimination in her return to work on 29 January 2008. This was the first time these additional concerns have been notified to this office.

The Department has not discriminated against Ms Pateras. Her complaint has been managed as it would be for any employee who lodges a complaint. Ms Pateras has not been prevented from continuing her profession during the investigation. Ms Pateras is able to resume her duties subject to the provision of a clearance medical certificate from her treating doctor.

Should you require any further information please contact my Personal Assistant, Katie Derham, telephone 9291 6500.

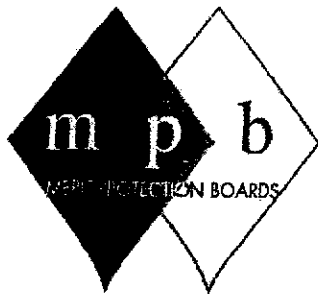
Yours sincerely



KATHERINE HENDERSON
Regional Director
Western Metropolitan Region

7/4/2008

Encl. Investigation Report- Galvin Park SC
Investigation Meeting Minutes P Newland
Investigation Meeting Minutes J Javni
Response by Peter Newland

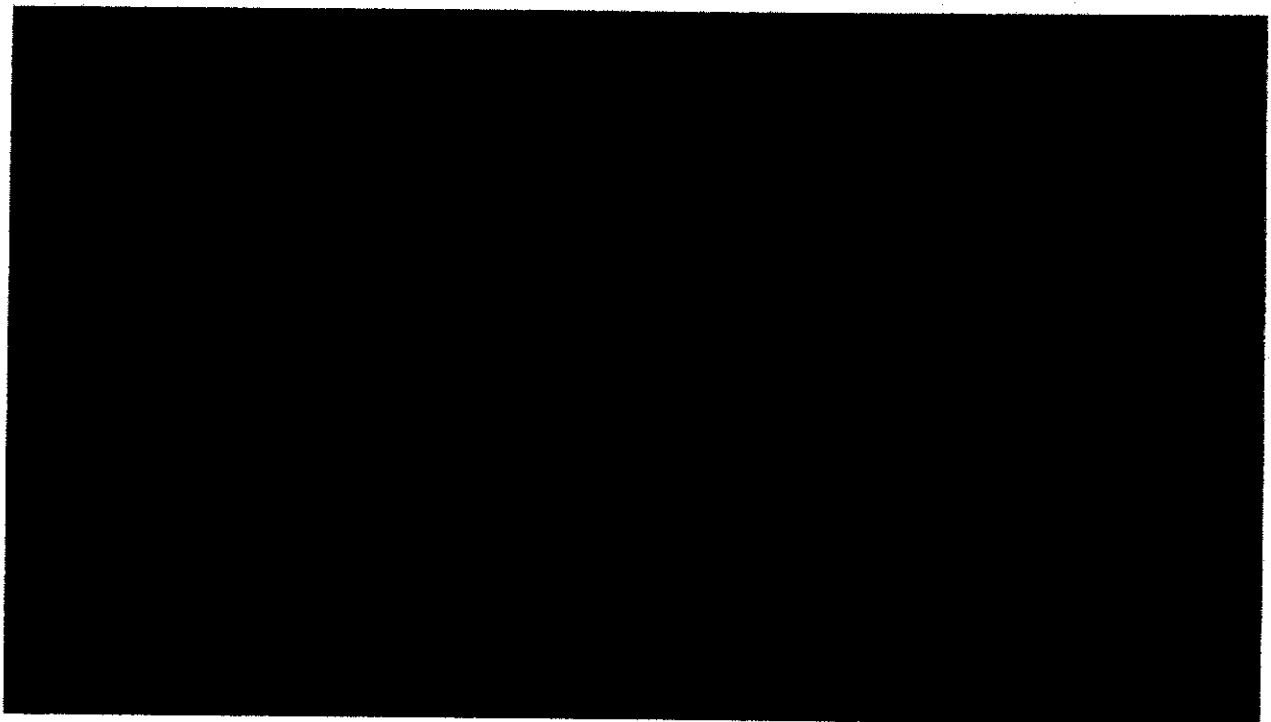


Meeting: Friday, 16 May 2008

PERSONAL GRIEVANCE REVIEWS
(Teaching Service)

Board	Peter L Hibbins	Senior Chairperson
	Gavan R Schwartz	Secretary's Nominee
	Clare M Berger	Minister's Nominee

TIME	NAME	SCHOOL WHERE GRIEVANCE	DECISION
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2.15pm	Ms Mary Pateras [T] Agent: Mr Peter Stone - Partner	WMR, DEECD	UPHELD
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- Investigation Process

Departmental Representative: Ms Sue Conquest [T as P], SEO, WMR, DEECD
Mr Terry Lawless [T as P], SEO, WMR, DEECD

M E R I T P R O T E C T I O N B O A R D S

My Personal grievance lodged with the MPB provided extensive documented evidence of the apparent flaws and failings of the DEECD's investigation. I am here today at this Board Hearing to verbally outline how this investigation is in breach of and infringes upon service orders and departmental policy and to address some of the points in Katherine Henderson response to the MPB (dated 7th April 2008) in relation to the conduct of the investigation.

Specifically the conduct of DEECD investigation is in breach of:

Teaching Services Order 186 – Part 5.1.11 (4) The grievance be addressed promptly:

The process of addressing the complaint was unreasonably slow and did not have regard to all the circumstances. My complaint was first lodged with my School Principal on the 23rd of October 2007 and formally with the Regional Director on 7th November 2007. I received the outcome of the investigation on 25th February 2008. This equates to some 16 weeks.

It is unacceptable that Katherine Henderson justifies the role change of personnel and absence of relevant personnel as a reason for the delay in action. This is simply an indication of poor management in organisational change. Taking into account that they were going to be absent over January, the matter should have been delegated as a priority. When an employee lodges a complaint it is substantive in nature to that person and should be treated promptly to avoid the unnecessary escalation of the situation. In this instance common sense should have prevailed and there should have been some resolution to the matter prior to the commencement of the 2008 School Year.

This investigation also infringes on the following processes in accordance with DEECD policies:

1. Guidelines for managing complaints against Principals.

Under Guidelines applicable to all matters (pages 6 & 7) – implementation of procedures – It states the implementation of procedures should:

- Prevent the unnecessarily escalation of the situation

The investigation was not dealt with the seriousness it deserved. The regional Director at the time was aware that when my complaint was lodged there was a Workcover claim of stress pending on this matter being addressed promptly. I was reluctant to submit my Workcover claim as I had faith that my employer would intervene, provide support and appropriate referrals at this critical stage.

I am now receiving compensation following conciliation where the ACCS recommended pursuant to section 57(1) (a) that the Workcover agent and the employer pay weekly payments of compensation and medical and like expenses in accordance with the Accident Compensation Act. Workcover was never a solution for me it was a necessity. This liability is a direct result of the DEECD lack of action in this crisis situation and clearly demonstrates the failure of the Regional Director to adhere to this policy and “prevent the unnecessary escalation of the situation. This is supported by my treating Doctor and Psychologist – I table my Psychologist report and an extract from my treating Doctors report.

- Occur in a timely manner

In my experience any large organisation who was genuinely concerned about their accountability to employee health and wellbeing would have acted in a timely manner, publicly publish specific timelines in relation to investigations and conflict resolution processes. I would be interested to hear how the DEECD define "a timely manner"

- Ensure the provision of natural Justice to all parties.

I don't believe the investigation applied the Principles of natural justice as a "fair go all round" was not accorded to all parties in accordance with Workplace relations Act 1996, which states "the principles of procedural and substantive fairness underpin any investigation into a Principals performance and conduct"

According to Katherine Henderson's letter to the Registrar of the MPB, the Principal was given:

- an opportunity to provide, a written statement
- opportunity to be interviewed and elaborate on the incident.
- an opportunity to call a witness to provide a statement
- the witness be interviewed in relation to the investigation.

Subsequently a member of staff was interviewed but only in relation to the circumstances surrounding the investigation. This staff member was not a witness to the actual incident this investigation was to address.

My provision for natural justice in the DEECDs investigation was based on a letter I had written under duress and in an extremely anxious state as a result of DEECD personnel not returning numerous distressed calls I had made over a period of 5 days following the incident.

Despite discussing and offering further information via a telephone conversation with Sue Conquest on the 21st of January 2008, I was told this was not necessary as enough detail was provided in my written statement and the findings of the investigation were now being considered and finalised by the Katherine Henderson. On the 4th of February I wrote to Katherine Henderson with additional concerns about the matter under investigation. I rang Sue Conquest and again enquired about the progress of the investigation and asked why she had not returned my call prior to the commencement of the 2008 school year, as she had indicated she would. Sue Conquest emailed me back stating "I will contact you as soon as I am able to provide you with further information" – Needless to say I have never heard from Sue Conquest in relation to this matter since that email. I table the email as sent by Sue conquest on the 7th of February 2008.

Under the heading **Formal Process** of this policy it states the need for:

- **Establishing the precise nature of the complaint – (p14)**

The investigation Conducted by Katherine Henderson and Sue Conquest has not established or addressed the precise nature of the complaint.

On page 15 this policy it states to:

- **Consider other relevant matters to assist in clarifying the complaint. This may involve examining personnel records and other documentation, requesting a written statement from any witnesses or other persons and where necessary interviewing those people.**

During my telephone conversation with Sue Conquest on 21st January I spoke at length about my complaint in relation to the DEECDs investigation and told her that other documentation was now available that may clarify and assist in the investigation. I was told again that my written complaint provided significant detail and it would not be necessary at this time. Contrary to Katherine Henderson letter to the MPB I did not ask Sue Conquest to investigate the issues surrounding my return to work to the first day of the 2008 school year, I simply sought advice on the matter. Sue told me that it was a long time since she was Principal and advised me to direct my concerns to the business manager at the school. This topic of conversation was by far the least significant during the call lasted some 20 minutes. I table a Statutory Declaration from Peter Stone who was present and in hearing at the time of this conversation.

The next policy I am referring to is the DEECD Workcover policy.

2. Workcover Policy Guide –Appendix I

- **Risk management and occupational Rehabilitation Program statement:**

It reads as follows:

- Should one of our workers incur a work related injury where they are unable to continue their normal work we will provide the necessary assistance for them to remain at work, or return as soon as possible. In all circumstances the welfare of injured employees must be considered of paramount importance

- The rehabilitation Program the DEECD will:

Where suitable duties cannot be provided within the employee's workplace, reasonable attempts will be made to find other locations where the duties can be provided

- Where disagreements about the return to work program or suitable duties arise we will work together with the injured worker....."

- Following any workplace injury our return to Work coordinator will:

Contact our injured worker and their treating practitioner to implement the commitment outlined in the risk management program and our return to work policy.

I appreciate that this document is up for review in August 2008 – However at the time of my injury I was clearly told by Meagan (an administrative staff member at WMR) that Kath Kennedy was the Employee Health office and that she would be in contact with me for advice and support. Contrary to Katherine Henderson's claim in her correspondence to the MPB that only two records indicate that I called the WMR

- One on the 25th of October 2007
- One on the 21st January 2008

I also called on the 26th of October -and was given the same scenario about the incorrect phone number being recorded – despite my phone number being clarified for Kath Kennedy on the 26th of October 2007 - no return call was made.

I table a phone account clearly indicating I had also called the WMR on the 26th of October.

~~On the 21st of February 2008 I was further advised by Sue Conquest that Kath Kennedy would eventually be in touch with me within 20 days of my Workcover claim being accepted. It has now been 50 day on Workcover and there has been with no contact from my employer or a representative from the DEECD.~~

~~Katherine Henderson and Sue conquest were both well aware of the complete relationship and communication breakdown between the Principal and myself in accordance with this policy then one would assume that I should have been contacted in relation to remaining at work. Katherine Henderson makes reference to this in her letter to the MPB stating that "Ms. Pateras has not been prevented from continuing in her profession during the investigation" Had Ms. Henderson or anyone from the DEECD have monitored the situation carefully then perhaps guidelines in this policy may and should have been put into practice. Had Ms. Henderson promptly addressed the additional matters I raised with her as ongoing to this investigation then perhaps I could have remained at work during the investigation thus preventing the situation from escalating.~~

~~Had a risk management and return to work plan been put in place on my return to work on the 29th January 2008 then perhaps I could have remained at work during the investigation. This is in fact also a breach of section 156 of the Accident Compensation Act 1985.~~

The next Policy document is:

3. Workcover Policy Guide – Appendix 3

- **Rehabilitation and DEECD Suitable Employment Offer – reads:**

“The most effective form of injury management is characterised by early intervention”

“While the need for early referral to a rehabilitation provider will depend upon the particular nature and circumstance of each injury, a referral is generally made: If the employee is currently suffering from a work related stress condition.”

“In these instances an early referral can and should be made even if the employee’s Workcover claim has not yet been submitted to CGU”

Needless to say - No such action was put in place in my circumstance and clearly according to departmental policy it should have been.

It was left up to me to find the relevant information to refer myself to the EAP and the OSA group for counselling in consultation with Beverly Terresse’ assistance from the MPD

In closing I would like to read from the Dignity and respect Statement as endorsed by the Secretary Prof. Peter Dawkins.

“The DEECD is committed to providing safe and supportive work environments where diversity is valued and everyone is treated with respect fairness and dignity. Discrimination, and other forms of harassment, bullying, violence and threatening behaviour are unacceptable. The DEECD will act to ensure that the safety, security, health and wellbeing of all employees are protected.”

As a long standing employee of the DEECD it was always my understanding that I had a duty of care not to create or increase risk to another person. I believed the DEECD owed me a duty of care, The DEECD have breached their duty of care and as a result have caused me harm.

My work as an educator provided my life with structure, a sense of identity and self worth. It was the foundation of my mental health, personal and social relationships and my sense of contribution and belonging to a broader community. For 6 long months now I have felt victimised ridiculed and demeaned. My life revolved around Galvin Park Secondary College, with students, staff and parents of the school community. I worked tirelessly for the school and never for myself. My rewards were always in the form of success for my students. To be treated in this manner and denied the opportunity to continue working in a field that I have demonstrated outstanding success in is truly shattering. I have no doubt that had the DEECD handles the complaint in an expedient manner, had provided support and options, had they listened to my concerns with empathy and impartiality then there would have been a more positive and just outcome for all concerned.

Thank you for the opportunity to present my grievance.



11 APPENDIX 1

Risk Management and Occupational Rehabilitation Program Statement

DEPARTMENT OF EDUCATION AND TRAINING

RISK MANAGEMENT AND OCCUPATIONAL REHABILITATION PROGRAM

The Department of Education and Training is committed to providing a safe and healthy workplace for all workers. In the event of a work related injury we will take all necessary steps to ensure the injury does not happen again. Should one of our workers incur a work related injury where they are unable to continue their normal work we will provide the necessary assistance for them to remain at work, or return to work as soon as it is safe to do so. In all circumstances the welfare of the injured employee, other employees and students must be considered of paramount importance. All employees are expected to assist and cooperate in ensuring that this program is followed.

We will do this through risk management and occupational rehabilitation and our commitments are as follows:

RISK MANAGEMENT PROGRAM

DOE will:

- Take all practicable steps to identify, assess and control any known or potential risks to workers and visitors.
- Encourage the early reporting and recording of any symptoms of an injury or disease related to the work we undertake.
- Ensure that an injured worker receives appropriate first aid and/or medical treatment as soon as possible.
- Investigate all incidents, accidents, injuries or near misses to identify their cause(s) and prevent them happening again.
- Comply with all our legal obligations, including notification of incidents to Worksafe Victoria when required.

OCCUPATIONAL REHABILITATION PROGRAM

DOE will:

- Assist our injured workers to remain at work or return to work at the earliest opportunity.

Specifically our RETURN TO WORK POLICY is that:

- Return to work planning will commence as soon as possible after an injury, consistent with medical advice.
- Remaining at or early return to work following injury is a normal expectation of this workplace.
- Treatment, return to work activities and any reasonably necessary occupational rehabilitation services will begin as soon as they are necessary.
- Appropriate suitable duties, including modified or alternative duties which do not jeopardise the well being of the employee, other employees or students, will be provided, as part of the return to work program.
- Where suitable duties cannot be provided within the employee's workplace, reasonable attempts will be made to find other locations where these duties can be provided.

- An individual return to work plan will be established with any worker who is unable to work for 20 calendar days or more. This plan will be developed at the earliest opportunity, in consultation with our injured worker and their treating practitioner.
- Consultation and communication with all workers and / or representative worker(s) in the development and review of our occupational rehabilitation program and individual return to work plans will occur.
- Where disagreements about the return to work program or suitable duties arise, we will work together with the injured worker and, where applicable, union representing them, in an endeavour to seek resolution.
- Confidentiality of worker's information obtained during their return to work or while undertaking occupational rehabilitation services will be maintained.
- Participation in a return to work plan will not, of itself, prejudice any injured worker.

RETURN TO WORK CO-ORDINATOR:

Our return to work coordinator is: _____

Telephone: _____

Our return to work coordinator will attend the following training: (contact CGU on 8630 1348 to arrange)

Following any workplace injury our return to work coordinator will:

Contact our injured worker and their treating practitioner to implement the commitments outlined in the risk management program and our return to work policy.
Determine the need for any occupation rehabilitation assistance in consultation with our injured worker and their treating practitioner, and offer the injured worker a choice of one of three approved occupational rehabilitation providers.

APPROVED OCCUPATIONAL REHABILITATION PROVIDERS

The injured DOE employee has a choice of one of the following nominated approved occupational rehabilitation providers: (Refer to attached list)

Telephone: _____ or

Telephone: _____ or

Telephone: _____

APPENDIX 3.

Rehabilitation and DEECD Suitable Employment Offer

Rehabilitation and return to work

Early referral to rehabilitation

The most effective form of injury management is characterised by early intervention.

To help ensure that DEECD employees receive the most effective injury management support employees who require rehabilitation support should be referred to an Occupational Rehabilitation Provider (ORP) at the earliest opportunity.

While the need for early referral to a rehabilitation provider will depend upon the particular nature and circumstances of each injury, a referral should generally be made:

- if the employee has been absent from work for ten days or more because of a work related injury or illness;
- if the employee is currently suffering from a work related stress condition, back injury or voice loss condition;
- there are other issues which may be an impediment to the employee's return to work.

In these instances an early referral can, and should be made, even if the employee's WorkCover claim has not yet been submitted to CGU Workers Compensation.

The rehabilitation provider's early involvement and assessment will help ensure that:

- appropriate rehabilitation support is provided for the employee at the most critical stage of the injury recovery process;
- planning can commence for any workplace modifications or adjustments that may be required to assist the employee's return to work.

If you are uncertain whether an early rehabilitation referral is appropriate, advice can be obtained from the Department's Medical Advisory Service on 9692 7756 or CGU Workers Compensation (Vic) Ltd on 8630 1204.

DEECD Suitable Employment Offer and re employment obligations

Section 155A of the Accident Compensation Act 1985 requires employers to provide injured workers with suitable employment for a total period of 12 months while they have a partial capacity for work from the time they commenced receiving WorkCover weekly payments.

This means:

- Providing a position which is the same or equivalent to the pre-injury position if they are no longer incapacitated;



MERIT PROTECTION BOARD DETERMINATION

Re: Personal Grievance Review (Teaching Service)
 School: Western Metropolitan Region
 Appellant: Ms Mary Pateras
 Description: Investigation Process
 Date of Determination: Friday, 16 May 2008

GRIEVANCE UPHELD

The Board was satisfied that Ms Pateras was able to provide grounds for review and therefore orders that a new investigation into her complaint be conducted in accordance with DEECD guidelines (Guidelines for Managing Complaints, Unsatisfactory Performance and Serious Misconduct in relation to Principals).

In making its determination the Board formed the view that the investigation conducted by Western Metropolitan Region was seriously flawed in that;

- The investigator failed to establish the precise nature of the complaint,
- The investigator determined not to interview the complainant. (In the Board's view, interviewing the complainant in this matter would have assisted in clarifying the precise nature of the complaint.)
- The investigator commenced the investigation prior to advising the complainant that she had been appointed as investigator,
- The complainant was not kept informed of the progress of the investigation.
- The investigation took in excess of 16 weeks to complete.

In consideration of these issues, the Board recommends that the new investigation be conducted by an investigator external to Western Metropolitan Region.

Membership of Board:

Peter L Hibbins	Senior Chairperson
Enza Calabro	Secretary's Nominee
Clare M Berger	Minister's Nominee

Peter L Hibbins
Senior Chairperson (a/g)

M E R I T P R O T E C T I O N B O A R D S

Level 9, 35 Spring Street, Melbourne 3000 Telephone (03) 9651 0290 Facsimile (03) 9651 0299

**IN THE COUNTY COURT OF VICTORIA
AT MELBOURNE**

No. CI-12-03169

BETWEEN

MARY PATERAS

Plaintiff

and

STATE OF VICTORIA

Defendant

STATEMENT OF SUSANNE CONQUEST

Date of document 28 August 2015

Filed on behalf of the defendant

Prepared by

MINTER ELLISON

Lawyers

Rialto Towers

525 Collins Street

MELBOURNE VIC 3000

Solicitors Code 8510

DX 204 MELBOURNE

Telephone (03) 8608 2000

Facsimile (03) 8608 1000

Reference CXB DSP 30-7068020

1. I was the Senior Education Officer for the Western Metropolitan Region of the Department of Education and Training between 2005 and 2008. I then became the Regional Network Leader for the Region, a position I held until retiring in 2014.
2. I have been provided with a copy of the Further Amended Statement of Claim in this proceeding and I am aware that the plaintiff, Mary Pateras, has made a number of allegations about me in this proceeding, namely:
 - a. Failing to investigate her complaint adequately;
 - b. Failing to establish the precise nature of her complaint;
 - c. Failing to afford procedural fairness and interview her;
 - d. Failure to keep her informed of the progress of the investigation;
 - e. Failing to undertake the investigation in a timely manner and follow the Defendant's Guidelines for managing complaint, unsatisfactory performance and serious misconduct in relation to Principal 2006.

3. I have also been provided with copies of various further documents, including:
 - (a) a letter from Ms Pateras to Mr Bretton New dated 7 November 2007;
 - (b) a letter from me to Ms Pateras dated 19 December 2007;
 - (c) Statement of Mr Peter Newland dated 19 November 2007;
 - (d) Notes from meetings dated 19 November 2007;
 - (e) Handwritten notes of Ms Pateras in respect of a discussion with me on 21 November 2007;
 - (f) Investigation Report dated 16 January 2008;
 - (g) Email to me dated 21 January 2008 with my handwritten notes of a telephone discussion with Ms Pateras;
 - (h) a letter from Ms Katherine Henderson to Ms Pateras dated 20 February 2008.
4. Having perused the documents, I reject each of the allegations Ms Pateras has made against me.
5. From the documents and my recollection of Ms Pateras the investigation I undertook was in accordance with Department policy and it was a complaint that I strenuously believe I handled appropriately. I do not accept that there was any failure to follow policies with respect to the investigation. Ms Pateras does not specify in the Statement of Claim in what regard there was any such failure.
6. Part of my role was to investigate complaints against principals and so the matter would have been referred to me by Katherine Henderson or Bretton New to investigate. I undertook the investigation in accordance with Department policy, which was I believe the Department's Guidelines for managing complaint, unsatisfactory performance and serious misconduct in relation to Principal 2006. I interviewed Mr Newland and Ms Javni and I recall I also invited Ms Pateras to meet with me, which she declined. I prepared an Investigation Report, and I believe this was communicated to Ms Pateras by way of letter dated 20 February 2008.
7. From the documents I have seen, I would not accept that there was any unreasonable delay in the investigation of Ms Pateras' complaint, which I note spanned the Christmas and New Year period. I recall I endeavoured to finalise the investigation as

much as possible before my Christmas leave commenced in December and I managed to interview both Mr Newland and Ms Javni before such leave. It was my usual practice to take most of January off as annual leave, returning to work towards the end of that month.

8. I do not accept that I failed to establish the precise nature of the plaintiff's complaint. I notified Ms Pateras by letter dated 19 December 2007 that there was sufficient detail of her complaint, which was to investigate the alleged inexcusable and discriminatory behaviour of the Principal. I believe that the Investigation Report I prepared responded to the matters raised in her letter dated 7 November 2007.
9. Ms Pateras claims I spoke to her on 21 December 2007. I have no recollection of the conversation.
10. I do recall returning Ms Pateras' call on 21 January 2008. As my notes of the conversation confirm, I informed Ms Pateras how the investigation was progressing and I also invited Ms Pateras to meet with me which she declined. My notes further confirm that I referred Ms Pateras to the School's Business Manager to discuss her enquiry in relation to sick leave, and that I indicated that once her WorkCover claim was approved then Kath Kennedy would be the person at the Western Metropolitan Region office who would oversee this. My notes do not record any discussion about her a planned return to work on 29 January 2008 and I have no recollection that this was discussed.
11. I have been informed that documentation supports that I also spoke with Ms Pateras on 7 February 2008 and further that an email exchanged occurred. I have no recollection of either the conversation or the email exchange but state that as my role was to investigate the complaint only, Ms Pateras' email would have be referred to the appropriate person within the Region as it was not my role to do anything beyond investigating her complaint. I also know that the Region would at times seek guidance from the legal department so it is possible that the advice from the legal department was that the Region should not intervene as the plaintiff's email suggested that she had lodged a grievance with the Merits Protection Board and the Industrial Relations Commission.
12. I have also been informed that Ms Pateras claims I attended her hearing at the Merits Protection Board on 16 May 2008. I have no recollection of ever attending her

hearing and in fact have no recollection of ever having met Ms Pateras. I recall I have attended a hearing at the Merits Protection Board on one occasion only and that did not relate to Ms Pateras.

Chapter 13

40. Emails to HR Manager
41. Circumstance Investigation Report
42. Emails to and from Ms. Gagatsis
43. *Email and letter to CGU from Mr Newland*
44. *Email from CGU to IME Dr. Dharwadkar*
45. Email from CGU to Mr. Ray Boyd, January 2008

From: Morrison, Tracy A
Sent: Mon 12/17/2007 11:17 AM
To: Pateras, Mary M
Subject: RE: Workcover Certificate of Capacity

If you provide the work cover certificate until 2/2/08 your payments will not cease over the holidays.

Tracy Morrison

Personnel Manager

Galvin Park Secondary College

From: Pateras, Mary M
Sent: Monday, 17 December 2007 10:59 AM
To: Morrison, Tracy A
Subject: RE: Workcover Certificate of Capacity

Tracy

I have just received confirmation from the union that Peter Newland has rejected my workcover claim - my advise from the union is to still provide you with the certificate until 2/2/08 as you had originally suggested. This matter is obviously going to take some time to resolve. I presume that my payments will not cease over the holidays - in light of the fact that I have also provided you with a medical certificate until 21/12/07. Could you please clarify this for me. I have an appointment with my doctor tomorrow, the union has asked that I take copies of the email the email below and any other information you are able to provide to my doctor.

Thanks Mary

From: Morrison, Tracy A
Sent: Wed 12/12/2007 3:23 PM
To: Pateras, Mary M
Subject: Workcover Certificate of Capacity

Your workcover certificates cover you up to and including 10/1/08. To receive pay for the remainder of the holiday period I need a workcover certificate that takes you through to 02/02/08. Tell the doctor that the department are willing to accept long term workcover certificates over the Christmas break because of office closure.

Tracy Morrison

Personnel Manager

Galvin Park Secondary College

From: Morrison, Tracy A
Sent: Thursday, 24 January 2008 3:26 PM
To: Pateras, Mary M
Subject: RE: Workcover Certificate of Capacity

I have just had confirmation from the Human Resources section of the department. Returning to work on 29th January will not make a difference to your sick leave being used over the holidays. The only way your sick leave will be reinstated is if your Work cover application is approved by CGU. If it is approved f the leave will be converted to Workcover leave, which does not use your sick leave at all. This is department policy, it is not a school level decision.

Tracy Morrison

Personnel Manager

Galvin Park Secondary College

From: Pateras, Mary M
Sent: Wednesday, 23 January 2008 11:17 AM
To: Morrison, Tracy A
Subject: RE: Workcover Certificate of Capacity

Hi Tracy

As per telephone conversation yesterday - I can appreciate it's a frantic time for all admin. staff at the college during this week. I have located the information you briefly relayed to me via phone - and - as you indicated - an employee is required to have been on duty for four weeks of the preceding school term in order to be eligible for pay for public holidays plus one week.

I will continue to seek clarification for my own piece of mind on this matter tomorrow - I appreciate that it is book selling day and you will be busy - so any further information you are able to provide would be appreciated.

From: Pateras, Mary M
Sent: Thursday, 13 December 2007 2:11 AM
To: Morrison, Tracy A
Subject: RE: Workcover Certificate of Capacity

Tracy

further to my previous email - i should hope that the remainder of my paperwork is still NOT sitting on your desk strategically positioned for all to see.

this is a PRIVATE and CONFIDENTIAL matter - please treat it as such

Mary

From: Morrison, Tracy A
Sent: Wed 12/12/2007 3:23 PM
To: Pateras, Mary M
Subject: Workcover Certificate of Capacity

Your workcover certificates cover you up to and including 10/1/08. To receive pay for the remainder of the holiday period I need a workcover

certificate that takes you through to 02/02/08. Tell the doctor that the department are willing to accept long term workcover certificates over the Christmas break because of office closure.

Tracy Morrison

Personnel Manager

Galvin Park Secondary College

----- End of forwarded message -----

Joanne Matthews

From: Joanne Matthews
Sent: 24 December 2007 11:10
To: 'masco@optusnet.com.au'
Subject: Mary PATERAS Job #:267306

Attachments: MPa Workcover additional information 211207.doc



MPa Workcover
additional infor...

Hi there,

The employer has e-mailed me some information in relation to the claim for M Pateras. He has advised he will be going interstate over the holiday period.

Regards,

Joanne Matthews
Senior injury claims consultant
cgu workers compensation (Vic) limited

T +61 (0)3 8630 1219
F +61 (0)3 8804 9426
E Joanne.Matthews@iag.com.au

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www.cgu.com.au

PLEASE CONSIDER THE ENVIRONMENT
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-----Original Message-----

From: Peter Newland [mailto:newland.peter.g@edumail.vic.gov.au]
ent: 21 December 2007 15:54
o: Joanne Matthews

subject: Further information re investigation of Mary Pateras Workcover Claim

As discussed,
thanks Joanne,
regards,
Peter

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21/12/07

Joanne Matthews
CGU

Further information re investigation of Workcover claim of Mary Pateras

Dear Joanne,

Following our conversation earlier today, I thought the following information may be useful for those investigating the claim. It builds on and includes information attached to the Employer's Claim Report.

Mary Pateras was shortlisted and interviewed on Wednesday 17th of October for the LT1 Senior Years Pathways and Transition Coordinator, one of 11 Leading Teacher positions at the College of which 7 of them are new; Middle Years (MY) Transition, (MY) Student Voice, (MY) Teaching and Learning Senior Years (SY) Student Voice, SY Pathways & Transition, SY Student Voice, Literacy and Numeracy.

One of Mary's designated referees was interviewed on Friday 19th of October and the panel then considered whether or not Mary had met the following selection criteria:

- 1. Demonstrated high level understanding of initiatives in student learning including the Standards, the Principles of Learning and Teaching P-12 and Assessment and reporting Advice and the capacity to provide leadership in the alignment of these areas.*
- 2. Demonstrate outstanding classroom teaching skills and the capacity to support colleagues to continually improve teaching and learning.*
- 3. Demonstrated high level ability to monitor and assess student learning data at the individual, cohort and whole school level and to use this data to inform teaching for improved student learning.*
- 4. Demonstrated high level written and verbal communication skills and high level interpersonal skills including a capacity to develop constructive relationships with students, parents and other staff and contribute to the leadership and management of the school.*
- 5. Demonstrated commitment and capacity to actively contribute to and lead whole school improvement initiatives, manage major curriculum or student activities and a commitment to ongoing professional learning for self and others to enable further development of skills, expertise and teaching capacity.*

Against the various elements of the selection process (written application, interview, referee check and prior knowledge) the panel was not satisfied that Mary had provided enough evidence to meet Criterion 5. The panel agreed that Mary be asked to attend a follow up interview on Monday 22nd of October which would focus specifically on Criterion 5.

Demonstrated commitment and capacity to actively contribute and lead whole school improvement initiatives, manage major curriculum activities and a commitment to ongoing professional learning for self and others to enable further development skills, expertise and teaching capacity.

Specifically:

Demonstrated ...capacity to actively... lead whole school...initiatives...curriculum activities.

Monday 22nd October Follow up interview

The panel put a general question (Why have you applied for the job?) as an opening to allow Mary to clarify where she felt the role was currently, her vision for the role, including discussion of any challenges that needed to be recognised and how she would respond to them.

The panel asked further questions designed to allow Mary's thoughts and plans to be articulated clearly. At the conclusion of the interview the panel determined Mary's responses in terms of the criterion and concluded that on balance across the elements of the process (written application, interview, referee and prior knowledge), they were satisfied the criterion was met.

The panel agreed that Mary be notified by the Panel Chairperson that we were able to make a job offer. The panel wanted Mary to consider the following elements of the role before she accepted;

- How the role interfaced with the new LT1 positions in the Senior Years and Middle Years Sub Schools over the next 3 years and in particular how transition across the College was to be achieved.
- How the role aligned with the LT2 positions and the Principal Class over the next 3 years.

When Mary was approached and asked to meet with the Panel Chair she was reluctant to do so as she had commitments and believed that she had nothing more to say. It was explained that the purpose of the meeting was to provide the outcome of the panel's deliberations. In the meeting I attempted to explain to Mary that the panel wanted to offer her a job and in doing so discuss the above points so that she was aware of the expectations associated with the position before accepting. Mary was uncomfortable in the meeting, was not prepared to discuss any matters related to the role and indicated that she was happy to accept the position. Mary failed to understand that I wanted to discuss the position to fully clarify its scope before she accepted. Once it became clear that Mary did not wish to enter into discussion, I asked that we meet again in 24 hours. At all times my approach was one designed to put Mary at her ease, hence the decision to defer in the hope she would be able to engage with me in the discussion was entirely appropriate.

At no times did the panel or I behave inappropriately, there was no personal attack, at no time did the panel or I make reference to Mary's health or personal circumstances. At all times the panel and I operated in a manner designed to allow Mary to be successful by scheduling a follow up meeting and expecting that she was clear about the new role and it's relationship to the new Leading teacher positions. Mary's

inability to cope with the process is not evidence that the process itself or my behaviour was inappropriate or discriminatory. Mary did not appreciate the fact that the position was significantly different from the Careers Special Payment position that she held as it was now one of 11 Leading Teacher positions. I believe that Mary's incapacity to cope with the meetings was a result of significant health issues she was suffering at this point in time. Her health on Wednesday 17th of October (date of the first interview) was such that it caused Leanne Gagatsis, AP School Operations, to advise her to consider rescheduling the interview. After my last meeting with Mary on Monday the 22nd I was further informed by Leanne that Mary had been in hospital over the weekend 20-21st October and called in sick for Monday the 22nd, and then presented to the follow up Interview. Mary's demeanour and behaviour throughout the complete selection process indicated that she was uncomfortable and nervous. I have expressed my regret to Mary via email on a number of occasions that she was unable to complete the final meeting because she found it difficult. In doing so I do not accept that the meeting was inappropriate, unreasonable or premeditated to cause anxiety or stress, indeed quite the reverse, it was an attempt to deal with a stressed, anxious person with compassion. My regret is driven by the fact that my best efforts to support Mary have not been enough for her to cope despite her health being poor at this time. Mary has been on significant sick leave prior to this event totalling 326.40 hours during 2007

Peter Newland
Principal,
Galvin Park Secondary College

Joanne Matthews

From: Joanne Matthews
Sent: 24 December 2007 11:10
To: 'masco@optusnet.com.au'
Subject: Mary PATERAS Job #:267306

Attachments: MPa Workcover additional information 211207.doc



MPa Workcover
additional Infor...

Hi there,

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Regards,

Joanne Matthews
Senior injury claims consultant
cgu workers compensation (Vic) limited

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PLEASE CONSIDER THE ENVIRONMENT
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-----Original Message-----

From: Peter Newland [mailto:newland.peter.g@edumail.vic.gov.au]
Sent: 21 December 2007 15:54
To: Joanne Matthews

Subject: Further information re investigation of Mary Pateras Workcover Claim

As discussed,
thanks Joanne,
regards,
Peter

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12/12/2007

I absolutely reject the notion that Mary's stress and strain is the result of any action taken by myself as part of the selection process for the Leading teacher position entitled "Senior Years Pathways and Transition." The meeting referred to in the claim occurred after a follow up interview by the selection panel. The panel asked further questions designed to allow Mary's thoughts and plans to be articulated clearly as to her plans for the position. At the conclusion of the interview the panel determined Mary's responses in terms of the criterion and concluded that on balance across the elements of the process (written application, interview, referee and prior knowledge), they were satisfied the criterion was met.

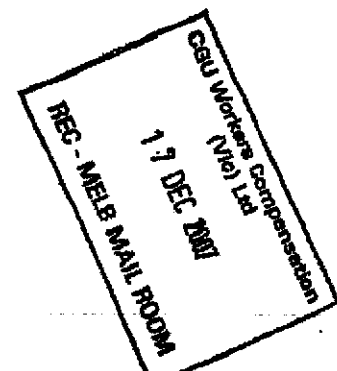
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The stress and anxiety that Mary has endured was in evidence before this meeting and the preceding interviews. Mary's demeanour and behaviour throughout the complete process indicated that she was uncomfortable and nervous. I firmly believe that this claim is spurious and does not take into account personal non work related experiences that have led to Mary being stressed and anxious in 2007. Mary has been on significant sick leave prior to this event during 2007 totalling 326.40 hours (see attached report). I do not support this claim.

P. Newland
Principal



Karen Braganza

From: Karen Braganza
Sent: 27 March 2008 15:45
To: 'newland.peter.g@edumail.vic.gov.au'
Subject: Urgent RTW plan for MARY PATERAS CL: 04070082867

Attachments: RTW PLAN FORM-tmp-v1 00.doc

Dear Sir/Madam,

We refer to the above worker's claim for compensation and your obligations as an employer.

It is a requirement that a Return to Work (RTW) plan is completed by an employer after a claim reaches 20 or more calendar days of incapacity. A completed plan is required as soon as practicable.

To assist with your obligations, I attach a blank Return to Work plan for your completion. Please supply, a copy of the completed plan to CGU as matter of urgency.

Please note that a Return to Work plan is required for all claims where the period of incapacity exceeds 20 days even if the claimant has since returned to work.

Should you have any queries, please do not hesitate to contact the writer.



RTW PLAN
RM-tmp-v1 00.doc (

KAREN BRAGANZA
SENIOR INJURY CLAIMS CONSULTANT
CGU WORKERS COMPENSATION (VIC) LIMITED
INSURANCE AUSTRALIA GROUP (IAG)

T +61 (0)3 8630 1190 xtn 31190
F +61 (0)3 8804 9426

E karen.braganza@iag.com.au

Do you need training to be a WorkSafe approved Return To Work Coordinator? Click [here](#) to view the 2008 CGU Training Calendar.

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**PLEASE CONSIDER THE ENVIRONMENT
BEFORE PRINTING THIS EMAIL.**

Joanne Matthews

From: Joanne Matthews
Sent: 17 January 2008 15:07
To: 'Ray, Boyd B'
Subject: Mary Pateras 04 07 82867 - IME extract

Hi Boyd,

The above claim was rejected based on the circumstantial evidence provided in report from MA Sedawie. The information in statements does not support that this is w/r. The allegation wkr made that she was being pressured into a meeting with the Principal to reject the offer made to her, is not substantiated by the witness statements. The employer indicated no meeting took place after the panel review to interview her. The Principal wanted to meet with her to ensure she had an understanding of the role as there were a couple of responsibilities that were additional to the role she was doing. She refused to meet him & felt that he was harrassing her. The allegation that he wanted her to not accept the job cannot be confirmed because she refused to meet & discuss anything with him.

ne decision was to be reviewed upon receipt of medical information.

xtract of medical report from Dr Dharwadkar.

His report is based on the perception of events that she described which as per above are not supported by the info in the circs report. The IME states that she said she was upset & felt he wanted her decline the position. It was his opinion that she perceives the predominant stressor as related to the subsequent meeting with her principal where he was attempting to talk her out of a job which he recently had offered her and the worker perceived that the Principal was trying to make her decline the position. The barriers to RTW are the industrial issues related to her perception that she was inappropriately asked to decline her position. she has no incapacity at present. Employment is only a minor contributing factor. The mental condition is not wholly work related- it is very unlikely she would have not suffered from the condition if the non work related factors were not present.

Based on the IME report we are maintaining the decision to deny liability.

If you have any queries, please do not hesitate to contact me.

Kind Regards,

Jo

JOANNE MATTHEWS
SENIOR INJURY CLAIMS CONSULTANT
CGU WORKERS COMPENSATION (VIC) LIMITED

T +61 (0)3 8630 1219
F +61 (0)3 8804 8426
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www.cgu.com.au

PLEASE CONSIDER THE ENVIRONMENT
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DR. NITIN DHARWADKAR

M.B.B.S., M.D., F.R.A.N.Z.C.P.
Consultant Psychiatrist
Hon. Senior Lecturer
Department of Psychological Medicine
Monash University

MELBOURNE CLINIC

Suite 12, 140 Church Street
Richmond Vic 3121
Provider No: 618544B
Email: dharwadkar@optusnet.com.au
Phone 9090 7789, Fax 9886 7093

ND:cg

Dated: 15 May 2008

CGU Workers Compensation
GPO BOX 2090S
MELBOURNE VIC 3001

Dear Sir / Madam,

CONFIDENTIAL PSYCHIATRIC REPORT

For use by Company and its Legal Representatives Only.

Not to be made available to Claimant without Authority.

Re: Worker: Ms Mary Pateras
Date of Birth: 6 October 1962
Claim Number : -----
Employer: Department of Education
Date of Injury: 22 October 2007
Date of Examination: 15/05/2008
Place of Examination: at 12/140 Church Street Richmond 3121
Duration of interview: 30 minutes

26 MAY 2008

This report is to be read in conjunction with my earlier reported dated 14/01/2008.

I saw Ms Paretas on 15 May 2008.

I had available to me the following documents:

- Workcover details

To note that I am returning all the documents (attached to this report) which you had sent me about this worker.

I am also attaching the patient details form-duly signed by this worker before the interview.

PREAMBLE

I established firstly with this person that the purpose of our consultation was to supply a report to your office in relation to the claim. I explained to this person that any information given in the course of the interview was not confidential and would form the basis of a report to the Insurer/Lawyers and could be disclosed to a court in a future time.

Work Record

She has been on work cover leave since 22 October 2007.

"I attempted to return to work on first day of Term 1 – 28 or 29 January 2005 and my employer was aware I was coming. I was ignored by the Principal. Did not appear on any staff/team lists and no time table was given to me".

"I participated and contributed to the day's meetings. I did not return to work the next day. I should imagine I would be working if I was given a job profile on the first day".

"There is a complete communication breakdown with the Principal".

"He refused to accept my acceptance of Leading Teacher position he offered me on behalf of the panel. He forced me to decline it".

Current Medical Attendants

- Sees her General practitioner
- Sees a Psychologist 2 to 3 weekly since 26 October 2007

26 MAY 2008

Current Medication, Treatment

Luvox 100 mg nocte since February/March 2008.

Present Daily Routine

"I manage to do all the home chores, I do the shopping, I don't go visiting friends, I talk to friends on the phone only if I have to, I live with a partner (since 12 months), he is absolutely supportive, we got our motorbike licence together – recently in April 2008 – occasionally watch news on TV. I go almost daily to the family home on weekdays – get three children organised for the day, make breakfast, lunch, take them to school and pick them up from school. For my 21 year old daughter – assist her with her paramedic course".

Alcohol/Drug Abuse History

Nil significant, except 5 cigarettes daily since February 2008 – "when the Department wrote to me saying my complaint about the Principal has no substance".

Direct Questioning

She reported the following:

- Appetite: "I am sure I have put on weight, I am eating more".
- Sleep: "I sleep a lot"
- Memory: Okay to disturbed.
- Concentration: Okay to disturbed.
- Irrational Thoughts: Nil
- Voices: Nil
- Mood: "I am completely numb of any feelings".
- Anxiety or depressive symptoms/other psychological responses:
 - Periods of crying
 - Reactive depressive periods
 - Preoccupation with work issues

25 MAY 2008

Confidential Psychiatric Report
Re: Ms Mary Paretas

- No panic attacks
 - No phobias
 - Lowered energy
 - Decreased motivation
- Libido: "I don't remember whether this is affected".
 - Somatic Anxiety Symptoms: "My eye twitches, my lips quiver".

Physical symptoms reported :

Nil reported.

Menstrual History

- Regular at present
- History of having a curate to regulate periods as I had irregular periods since January 2007

Effects on Functioning

- Family: Partner is supportive
- Social Activities: Decreased, stopped painting since 2 years.
- Driving: "I do drive, I have had a lot of parking fines as I am forgetful".

Premorbid Personality

"I have a lot of compassion and so to the detriment of myself I would go out of my way to help others, I had a sense of purpose and had a standing in my community, I used to Paint a lot".

Mental State Examination

On mental state examination she appeared teary, agitated, alert, cooperative.

Affect – Mildly Anxious and Mildly Depressed with a predominantly Reactive component

Range of Affect was good

Communicability of Affect was good

Affect appropriate to thought content

No Hallucinations

No delusions, No formal thought disorder

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28 MAY 2008

Confidential Psychiatric Report
Re: Ms Mary Paretas

Thought Content

No major depressive themes

No generalized anxiety symptoms

Preoccupation with work issues

Low motivation for return to work at the Pre Injury workplace

"I am not sure whether mediation would help now"

"I did try for a mediation but it did not eventuate"

Concentration: good

Memory: no gross deficits

Test and social Judgement Not Impaired

Insight Considerable

Assessment :Adjustment disorder with Anxiety

The following is in response to your specific questions as per your letter dated 7/4/08-attachment2-questions attached to this report:

8.01:She has capacity for preinjury/suitable duties at an alternative workplace.

It appears that an adequate/appropriate medication has not taken place-if an appropriate mediation had taken place ,it is very likely that she would be at work doing her preinjury duties at present.

8.02:An appropriate mediation between the principal and the worker would be helpful in facilitating a successful return to work plan-however it appears that this is unlikely to happen now.

8.03:nil applicable-as no Return To Work Plan was made available to me

8.04:contained in the body of this report

8.05:Yes

8.06:The work stressors are :a.The worker's perception that the principal "forced" her to decline the job position

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28 July 2008

Confidential Psychiatric Report
Re: Ms Mary Paretas

b.Lack of an adequate/supported return to work plan- by her employer- when she attempted a return to work in Jan08

8.07:Employment has been only one of the contributing factors to her psychiatric condition.The psychiatric condition is not wholly work related-it is very likely that she would **not** have suffered from a mental disorder if **the non work** related contributing factors(stress associated with her chronic medical condition and stress associated with her separation) were **not** present

8.08:Yes the work related condition has improved but not yet in complete remission-she would improve once she starts working

8.09:She would have incapacity to work with her principal if the past issues have not been resolved through an appropriate mediation process.

8.10:Yes

8.11:Yes

8.12:Yes

8.13:Nil applicable

8.14:Yes,employment has aggravated a preexisting vulnerability

8.15:She has capacity to return to work at an alternative workplace and has capacity to return to her pre injury workplace if the issues with her principal are resolved through conciliation

8.16:Yes

8.17:Employment materially contributes to her current incapacity to return to work with her principal

"The contents of this report are true and to the best of my knowledge and belief based on information available to me to the present date".

Yours faithfully

Dr Nitin Dharwadkar

Consultant Psychiatrist

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26 MAY 2009

**M. A. SEDAWIE
& Company**

ACN 004 920 567 ABN 59 630 886 318

INSURANCE ADJUSTERS & INVESTIGATORS

TEL: 9482 6699, 9482 5916, 9482 5917 FAX: 9482 2399

DI

CONFIDENTIAL REPORT PREPARED FOR THE VICTORIAN WORKCOVER AUTHORITY
AND THE ADVICE OF ITS SOLICITORS - PRIVILEGED

Our Ref: WC.28346
Our Provider No: 24/1

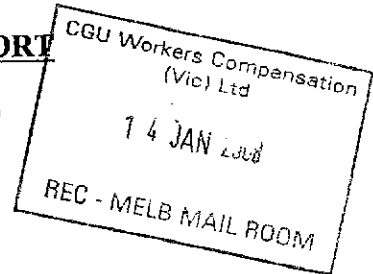
Date: 9th January, 2007

CGU Workers Compensation
(Victoria) Limited.
DX 605
MELBOURNE

Attention: Nguyen Tran

CIRCUMSTANCE INVESTIGATION REPORT

"Prepared in contemplation of litigation"



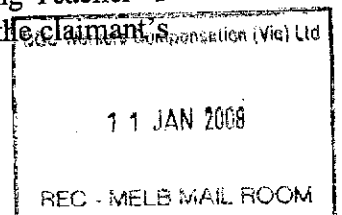
Dear Madam,

Re: Claimant: M. PATERAS
Claim No: 04 [REDACTED]
Employer: 34017402 Galvin Park Secondary College
Job No: 267306

SUMMARY OF KEY FINDINGS

The claimant in this matter commenced as a Teacher at Galvin Park Secondary College in 1990 and since working there in a full time capacity she appears to have built up a good reputation. Her career progressed well so that by 2001 she was classified as an Experienced Teacher and had progressed to the top of that particular scale. At this time in 2001 she became the Careers Teacher at the College full time.

She experienced some outside work stressors which were significant and these included separation from her husband approximately 2 years ago and what seemed fairly severe personal health concerns from about late 2006, early 2007. In 2007 in particular she lost in the vicinity of 7 – 8 weeks from work in total due to personal health concerns. The Career responsibilities that she had she continued to work in and monitor, assisting in this way whilst she was absent from work due to health concerns. This Careers extra payments position in which the claimant had worked full time for 6 years was to be eliminated as such in favour of a new more senior role, this being a Leading Teacher -1 position in 2008 and this would incorporate a number of role aspects from the claimant's Career position.



SUMMARY OF KEY FINDINGS

(Cont.)

The claimant submitted an application for the position and underwent a selection process which saw her attend a Panel interview on 17th October, 2007. The Panel then made enquiries from a referee and after further deliberation the Panel requested the claimant to attend a second interview to more fully address the last of 5 Criteria that the successful applicant was required to meet. That is she had already met the first 4 Criteria. The claimant felt particularly pressured by the line of questioning at the second interview on 22nd October, 2007 and as a result, as she would say, she divulged some details of her physical health issues in particular.

The Principal, Peter Newland, Panel Chair rejects that the claimant was pressured to divulge any personal information at interviews, although she herself volunteered some.

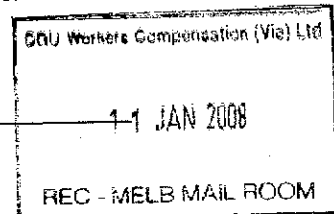
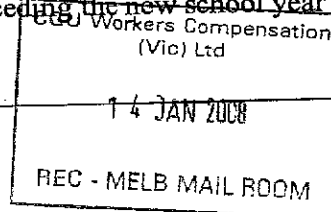
After the second interview the Panel determined that the claimant had now met the 5 Criteria and was the successful applicant for the Leading Teacher – 1 position to commence in 2008. The Principal, Peter Newland advised the claimant at a brief meeting in his office around 30 – 40 minutes after the second interview that she had met the criteria. He further said to the effect that before she accepted the position he would like to discuss some elements of the role she was offered for her to commence in 2008. The claimant verbally accepted the role and did not want to discuss the matter any further then, whereas the Principal wanted her to consider certain elements of the new role as they had not been fully clarified or discussed with the claimant.

The claimant's perception is that she was not being asked to reconsider or reflect for 24 hours before accepting the position whereas she felt she had already accepted the position which was verbally offered to her at this time. This shattered the claimant and affected her morale. She became extremely agitated and upset in the first instance.

The Principal's assertion basically is that as already indicated in his letter to you, that as the claimant did not want to discuss any further matters he indicated that the two should meet again in 24 hours. The intention was then to conduct discussions and probably confirm with the claimant that she, in a later email sent to the claimant by the Principal on 3rd December, 2007, (a document that is in your possession also) the Principal refers to 'insistence that you take 24 hours to consider the job was driven by the fact that the last meeting between us (22nd October, 2007) was not providing either of us an opportunity to understand each other'. Thus the said meeting of 22nd October, 2007 concluded without proper discussion or resolution with the claimant becoming extremely upset and ceasing work altogether.

The claimant has not resumed to date and she subsequently had interaction with a number of advisers and also the Principal who via the email in particular tried to explain the purpose for which he had requested a meeting with the claimant after the second interview. The Principal would normally have interviews with new appointees to Leading Teacher positions in the months preceding the new school year 2008.

M. A. SEDAWIE & CO.



SUMMARY OF KEY FINDINGS

(Cont.)

The Principal, who was also the Panel Chair was comfortable and happy in the decision of the Panel to offer the claimant the position for which she had applied and had confidence that she would fill the role satisfactorily but basically wanted to follow up and discuss certain elements of the new role with her as it was an extension and effectively a promotion in comparison to the role which she had held for the past 6 years or so.

The following points also appear to be worthy of note in considering this matter.

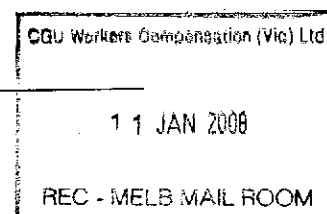
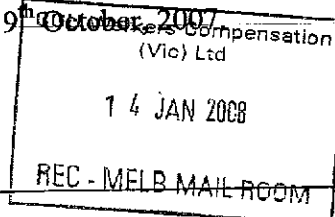
As per the Principal's letter to you dated 21st December, 2007 information did come to light that the claimant was not well on the day of the first interview 17th October, 2007 and had been advised by an Assistant Principal at the time to consider request a rescheduling of her interview. Although not confirmed for us in his letter, there is an indication that the claimant attended hospital over the weekend of 20th/21st October, 2007 and then called in sick on Monday 22nd October, 2007. This was the date of the second interview and the claimant did however attend. If the claimant was unwell it may have contributed to her possible inability perhaps to cope with a further meeting, however, brief with the Principal at around 10.15.am. on the morning of 22nd October, 2007 so that she then did not go through a rational discussion process with the Principal and in any case became agitated and upset with her perception of what was indicated at the time so that she was unable to continue work. The Principal in any case is of the understanding that the claimant was not scheduled to actually work on that day whereas the claimant said that she did attend work and had interaction with students and then was unable to continue subsequent to the brief meeting with the Principal.

Finally, the Selection Panel determined that the claimant was the most suitable applicant so that she was offered the position on Monday 22nd October, 2007, this verbally indicated to her in the brief meeting with the Panel Chair (Principal) at about 10.15.am. Exact details of the interaction between the two individuals are difficult to ascertain but in any case the claimant became extremely upset and emotional and found she could not continue the meeting and therefore returned home. She has not been able to resume work since.

Note: On Wednesday 9th January, 2008 we had further telephone interaction with the claimant and she indicated the following in response to our further questions.

She had not called in sick on the Monday 22nd October, 2007. Over the previous Thursday and Friday she had not been well and although there had been no pain she had had a lot of bleeding so that she had been scheduled to see a Specialist and undergo an Ultrasound on Thursday 18th October, 2007. The equipment broke down at the Medical Centre in Werribee so that she ultimately underwent relevant examination on Friday 19th October, 2007. She therefore did not work on 19th October, 2007.

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SUMMARY OF KEY FINDINGS

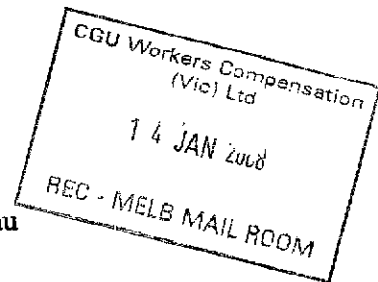
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On the weekend 20th / 21st October, 2007 she presented for further medical attention including a Specialist and she did talk to the Assistant Principal, School Operations about her absence the previous week for the two days and the attention she received over the weekend. It is the claimant's assertion that she presented as normal at work on Monday 22nd October, 2007 and had no pain and was able to attend the interview and then the brief meeting with the Principal subsequently. The claimant notified the College of her absence by telephone speaking to the Assistant Principal, L. Gagatsis on the afternoon of Monday 22nd October, 2007.

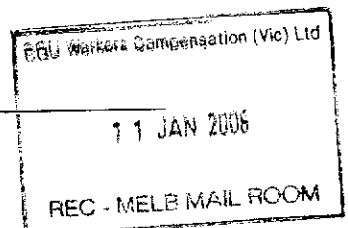
She further clarified her role at the College by indicating that in 2001 she was appointed Careers Teacher, .5 of full time so that she then also taught in classroom subjects .5 of full time. Two years later she was appointed full time to the position of Careers Teacher in the circumstances there was an increased student population at the College and therefore greater demands on the role of a Careers Teacher.

EMPLOYER

Company Name: DEECD – Galvin Park Secondary College
Address: Shaws Road, Werribee 3030
Nature of Business: Secondary Education
Contact Person: Peter Newland
Position: Principal
Telephone No: 97414911
Email: newland.peter.g@edumail.vic.gov.au

**CLAIMANT**

Name: Mary PATERAS (Nee Gioftision)
Address: [REDACTED], Werribee 3030
 (Postal Address: 19 [REDACTED] Street, Docklands 3008)
Telephone Number: 97418118 Mobile: 0430 [REDACTED]
Date of Birth & Age: 6th October, 1962 → 45 Years.
E-Mail: pateras.mary.m@edumail.vic.gov.au



CLAIMANT

(Cont.)

Occupation: Secondary Teacher

Nationality: Australian - born in Greece.(coming to Australia when she was 6 years of age.

Language Spoken: English

Marital Status:/ Dependents: The claimant separated from her husband approximately 2 years ago. Divorce proceedings apparently are continuing.

Hobbies/Activities: The claimant indicated gardening, reading, painting and art generally.

Description: Approximately 167cm. tall and of a medium build. She has a fair to brown complexion and long dark past shoulder length hair.

Additional observations: The claimant was interviewed at the home of an acquaintance/friend, this being at Unit 1904 / 70 Lorimer Street, Docklands 3008. As referred to previously the claimant's gives this address as her mailing address.

LEGAL REPRESENTATION

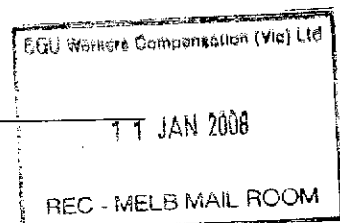
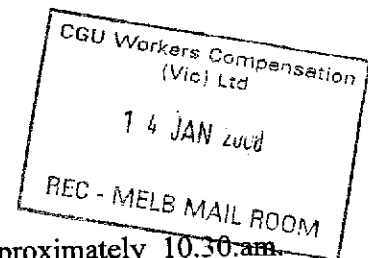
In documentation already provided to you in this matter and included in your instructions the claimant sought legal advice after treatment she perceived she had received in this matter. At this time, as the claimant advised she is not legally represented in the matter of this WorkCover Claim.

INJURY DETAILS

Nature: Stress, Anxiety

Date & Time: Monday 22nd October, 2007 at approximately 10.30 am.
The claimant would also say there was development of an anxious state of mind over the 3 or 4 working days preceding this date.

Place: Galvin Park Secondary College.



Incident Register No: No Incident Report form was able to be obtained from the employer at this time.

REPORT OF INJURY

Apparently the claimant via the e-mail conveyed she was unwell once she returned home during the morning of Monday 22nd October, 2007. She subsequently forwarded an ordinary medical certificate in the first instance indicating that she was unfit for all work. In due course a WorkCover Certificate of Capacity and WorkCover Claim form was received.

DATE OF CESSATION & RESUMPTION

The claimant ceased duties at approximately 10.30.am. on Monday 22nd October, 2007. She has not resumed to date.

REHABILITATION PROGRAM

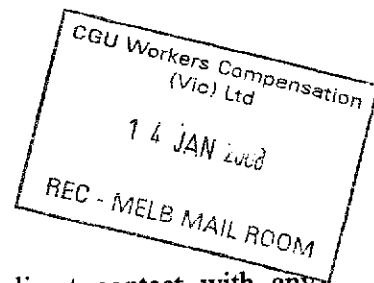
Not discussed with the employer at the time of our inquiries.

EMPLOYMENT DETAILS

At this stage we have not had direct contact with any employer representatives so that we have not been able to obtain any documentation pertaining to employment details under various headings in this report.

Commencement Date: The claimant commenced at Galvin Park Secondary College in 1990.

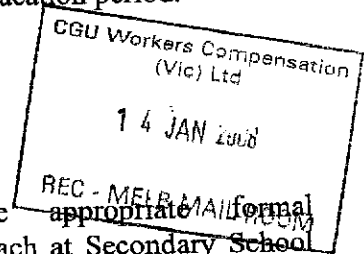
Position and/or Duties: The claimant in a full time teaching capacity has taught in a number of areas over the approximate 17 year period she has worked at this College. They include Art, Fashion Design, Textiles, Woodwork, Foods and SOCE (Study of Community and Environment). The claimant has had a classification of Experienced Teacher for some years and has been at the top of the scale Since 2001 she has been in the position of Careers Teacher. In this capacity she guides, counsels and advises students in following career paths and assist in preparing relevant applications. It requires her to retain open lines of communication with students at a senior level, particularly from mid December onwards and then also in mid January of each year when applications are due for courses that students wish to apply for. Over the last several years the claimant has worked as Careers Teacher specifically in her full time capacity.



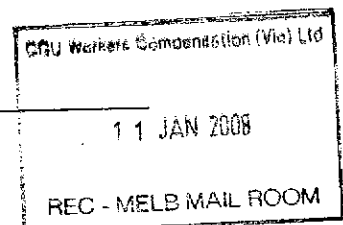
EMPLOYMENT DETAILS

(Cont.)

- Hours of Duty:** The claimant works a 38 hour week. The daily hours can vary according to the particular demands of the day including the need to attend meetings.
- Wages:** Employer's claim report indicates that the claimant's hourly rate is \$33.52. It is also indicated that her pre-injury average weekly earnings were \$1,331.00.
- Attendance Record:** The claimant indicated that in the 16 years or so prior to 2007 her attendance record was very good so that she had built up in the vicinity of 200 days sick leave entitlements. Through 2007, due to personal medical concerns of a physical nature the claimant indicated she lost in total in the vicinity of 7 – 8 weeks off work.
- The College Principal, Peter Newland indicates in his letter to you dated 21st December, 2007 that the claimant through 2007 lost 326.4 hours off work on sick leave.
- As referred to previously we have not been able to obtain any documentation pertaining to the employment as the College is closed for the relevant vacation period.
- Leave Requests:** Not obtained to date.
- Concurrent Employment:** Nil known of.
- Training/Qualifications:** The claimant possesses the appropriate MA/ formal qualifications to enable her to teach at Secondary School level.
- Warning notices/
Performance issues:** Nil known of.

**EMPLOYMENT HISTORY**

- Past Employment/Duties:** The claimant indicated that before commencing as a Teacher in 1990 she had worked in a business, now closed down, this being Bazaars of South Yarra. This was in the area of fashion design of wedding dresses in the main.
- Prior Claims:** Nil according to the claimant.



MEDICAL

Treating Practitioners: Dr. R. Milone 9 Princes Highway, Werribee 3030.
Telephone: 97411355

Crookes Graham Consulting, Betty Gurovski,
(Psychologist), 7 Princes Highway, Werribee 3030.
Telephone: 97423500.

CIRCUMSTANCES**Pre-Injury**

The claimant indicated that prior to very recently when she ceased work she had never experienced any stress/anxiety related condition which had resulted in her seeking medical attention. She commenced as a Teacher at Galvin Park Secondary College in 1990 and has worked there continuously since, save for the periods of time off work relating to Maternity Leave.

The claimant in recent documentation outlines some of the work she has been involved in with the College in addition to her normal classroom teaching duties. Performance Reviews she would say were satisfactory over the years and the Principal to whom we spoke would concur with this. We have requested all relevant employment documentation from the employer in the circumstances that the College is closed for the vacation period. The claimant made steady progress in her career and attained Experienced Teacher Classification and moved to the top of that scale apparently around 6 or 7 years ago.

In approximately 2001 she attained the position of Careers Teacher, full time at the College and she has worked in this role since. This was a Careers Special Payment position which entitled her to yearly payment in excess of the designated wage for a Teacher at the top of the Expert Teacher scale. In working successfully in this role the claimant held this position continuously since 2001.

The claimant separated from her husband approximately two years ago and although this was a stress factor, as with any person the claimant would say she was able to work through this particularly with the very strong support of her close knit immediate family as well as her work colleagues and friends. Although divorce proceedings have commenced, according to the claimant has been retained with her husband as the two share the marital home still and share responsibilities for their three children. The claimant continued to perform her duties in the role of Careers Teacher in a satisfactory manner.

CIRCUMSTANCES

(Cont.)

From about late 2006, early 2007 the claimant, as she indicated to us, experienced significant health concerns which resulted in her losing in the vicinity of 7 – 8 weeks in total through 2007. The claimant did volunteer some information to us at the time interview including that her periods were very heavy and with related change of life issues she lost the periods of time off work as mentioned. The Principal in his documentation indicates that the sick leave taken through 2007 prior to cessation of duties in late October, 2007 was 326 hours.

Although this may have had impact upon the claimant's ability to perform her role to the full it is her assertion that the College would have coped well as she maintained close contact with work colleagues involved in the particular area of Careers. There was e-mail communication, telephone contact and work colleagues directly attended upon the claimant at her home also to discuss work related matters. The claimant has a friendly, outgoing, even magnetic type of personality so it may well be the case as she indicates that this interaction continued to occur during her absences. The claimant makes the point that she was basically not physically able to attend College at such times when she felt particularly unwell.

In speaking to the Principal he did not have detailed or direct knowledge of the role that the claimant's position was covered during her absences but no issues came to his attention to cause him concern. The Principal was confident that the Senior Assistant Principal at the College and the Leading Teacher of Senior Years management continued to liaise with the claimant during her absences and contingency plans would have been enacted to cover her absences.

The College decided that the Careers position that the claimant had occupied as a Special Payments Position, would be advertised as a Leading Teacher – 1 Position, Senior Pathways and Transition as this newly created role was designated. The claimant held the classification of Experienced Teacher so that the LT1 position was at a higher more senior level. The position was advertised in September/October, 2007 and the claimant submitted an application.

She was one of the applicants who was interviewed for the position and in her case this was on Wednesday 17th October, 2007. The various elements of the selection progress included written application, interview, referee checks and prior knowledge of the applicant.

Subsequent to the interview the Panel, upon deliberation and also after talking to one of the referee's was not satisfied that the claimant had provided enough evidence to meet Criterion 5 out of the 5 selection criteria. She had clearly satisfied the 4 other criteria. The claimant was given ample notice either on Thursday 18th or Friday 19th October, 2007 that the Panel requested she attend a follow up or second interview on the following Monday 22nd October, 2007

CIRCUMSTANCES

(Cont.)

On the Wednesday 17th October, 2007 when the claimant had attended for interview an Assistant Principal School Operations, Ms. Leanne Gagatsis had observed the claimant to appear unwell so that she had advised her to consider asking the Panel to re-schedule the interview but the claimant had gone ahead and went through the process so satisfactorily, save for the fact that she was asked to attend a second brief interview.

According to the Principal the claimant called in sick on Monday 22nd October, 2007 after she had apparently spent several days in hospital over the weekend. This information also apparently has come from the Assistant Principal School Operations and we have not been able to contact her for comments at this time. In any event the claimant decided to attend for the interview that had been scheduled for 9.30.am.

It was the claimant's contention when we spoke to her that she attended for her normal day's work on 22nd October, 2007. It is her assertion that she felt under pressure at this second interview in particular and this was because she felt that the Panel were alluding to the aspect that her personal health situation and her absences in this regard might impact upon her ability to perform successfully in this new Leading Teacher's role. It was the Principal's view that there was no direct questioning intended or required in respect to the claimant's personal health issues but that the claimant herself divulged some aspects of this and the reasons for absences. The new Leading Teacher's position was an advancement on the role that the claimant had performed for the past 6 years and as referred to it was the case that the Panel wanted clarification of certain aspects relating to Criterion 5 in particular and more specifically that she demonstrated capacity to actively lead whole school initiative curriculum activities.

The Panel were satisfied that the Criterion No. 5 in particular was now met by the claimant at interview and it was agreed that subsequently the Panel Chairperson, being the Principal, Peter Newland, would notify the claimant of her success in this regard so that a job offer would be made. However, and as articulated in the Principal's documentation already forwarded to you, the Panel wanted the claimant to consider several elements of the new role before she accepted. These elements may not have been fully covered during interview and it was to emphasis to the claimant the extensions of her former role, that the role now as Leading Teacher would be expanded and there would be greater interfacing and aligning of that role with the more senior Leadership position in the College.

Injury

According to the claimant after she left the meeting she went to the Careers Office and talked to some students and that at around 10.15.am. she moved out to her car to obtain some folders. According to the Principal when he approached the claimant in the corridor it was his understanding that she was going home and that she already had some folders in her hand.

CIRCUMSTANCES

(Cont.)

There may have been some misunderstanding by the claimant of what was said and the exact details are not known but in any case the Principal did ask the claimant to come to his office so that he could explain the outcome of the Panel's deliberations to her.

Once in the office the Principal explained to her that she had met Criterion 5 and would now be offered the position. The exact progress of the conversation is not altogether clear but the Principal did indicate he wanted her to consider or discuss with him certain elements of the role before she accepted. The claimant took this to mean that the Principal had little confidence in her to perform the job and her comments included to the effect that she verbally accepted the position and there was no need for further discussion. The Principal's line is that he wanted to discuss elements of the new role with her and it was simply the start of further discussions that would ensue over the next few months in the planning period before the claimant would start in the new Leading Teacher role, effectively a promotion for her, at the commencement of 2008. Again the Panel as a whole had decided that the claimant was the most suitable for the new position.

The claimant became agitated and upset so the Principal indicated to the effect that with further discussion now not being possible the claimant should take 24 hours and then come back to him for further discussion about the points he wished to make. The claimant takes the view that she was asked to reflect the position of which she had been offered and although she gave a verbal indication that she was accepting the position it is her perception that she was asked to review her decision or not make a decision until reflecting for 24 hours. The Principal asked that they meet again within 24 hours but after the 5 minute or so meeting the claimant left and returned home in an extremely agitated and upset state of mind.

The claimant sought solace and advice from others, particularly members of her family. It appears she attended her Doctor on the following day, 23rd October, 2007 and according to the Principal initially an ordinary medical certificate was issued. The claimant asserted at this initial examination a WorkCover Certificate was issued, but she did not want to submit this, thinking she might sort out the issues in her mind and be able to return to work.

The claimant initially notified the College by e-mail apparently that she would be absent and taking sick leave from 22nd October, 2007, but this document we have not sighted.

Whereas and as evidenced by documentation already forwarded to you by the claimant she believes that the Principal's persistence that her acceptance of the job offer needed her careful consideration over a 24 hour period, it is the Principal's view that he basically wanted to discuss the newly offered position with her to fully clarify its scope before she accepted. However, with the claimant not wishing to enter into discussion he requested they meet again in 24 hours.

CIRCUMSTANCES

(Cont.)

In any case the claimant's confidence and morale was severely impacted upon and she became unwell to the point where she sought medical attention the following day.

According to documentation provided by the Principal in particular the claimant was already unwell over the previous 4 or 5 days and as referred to an Assistant Principal had actually advised the claimant to try to have the initial interview rescheduled to a later date. The same Assistant Principal also apparently did advise the Principal at a later date that the claimant had called in sick for the Monday but the claimant had made the decision to attend the second interview in any case.

As per documentation provided to you by the claimant she subsequently sought advice from various sources and her anger in what occurred as she perceived it at the brief meeting with the Principal in particular on the morning of 22nd October, 2007 are evidenced in e-mail documentation exchanges between her and the Principal subsequent to cessation of duties. This is apart from other aspects of her feeling unwell including that she would say were severe stress/anxiety related symptoms resulting from what she called a bizarre discussion with the Principal.

The claimant has not returned to work since ceasing on 22nd October, 2007 and she clearly, as per e-mails forwarded, does not intend to do so as she feels incapable and the thoughts of returning to this particular work environment makes her ill.

LIGHT/ALTERNATIVE DUTIES

Not discussed with the employer at the time of our inquiries.

SCENE OF ACCIDENT

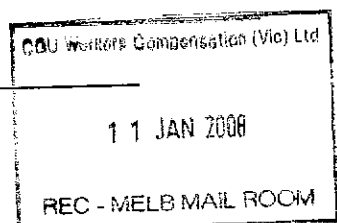
Employer's premises, Galvin Park Secondary College, Shaws Road, Werribee.

PHOTOGRAPHS

Not applicable.

ADDITIONAL ENQUIRIES/& DOCUMENTATION**Mr. Peter Newland – Principal**

We were able to conduct telephone inquiries with Mr. Newland on 8th January, 2008. Mr. Newland believes that he has adequately enunciated the employer's perspective in his letter to your office dated 21st December, 2007. In reviewing the information contained therein Mr. Newland provided the following additional information.



ADDITIONAL ENQUIRIES/& DOCUMENTATION

(Cont.)

Subsequent to the initial interview with the claimant on Wednesday 17th October, 2007 the Panel had contact with a referee nominated by the claimant. On Friday 19th October, 2007 after the referee had been spoken to the claimant was contacted and asked to attend a follow up meeting with the Panel on Monday 22nd October, 2007. This was for the purpose of reviewing Criterion 5 of the designated selection criteria with her as the Panel was not totally satisfied that the claimant had provided enough evidence to successfully meet Criterion 5. The Principal could not recall who would have verbally notified or may e-mailed the claimant of the meeting to be held on 22nd October, 2007.

At the follow up interview of 22nd October, 2007 the claimant answered questions posed by the Panel to the best of her ability and at the conclusion of the interview the Panel determined that the Criterion No. 5 specifically was now also met.

The claimant in documentation that she has already forwarded to you, which was included in our instructions, refers to repeated questioning and made reference that she did not think it was appropriate that her personal circumstances and medical ailments should be discussed or taken into account in the selection process.

The Principal indicated that questions of a medical nature were not discussed at this second interview but that it was the claimant who volunteered some information in this regard. It may have been the claimant's perception that she felt obliged to volunteer some information pertaining to her personal circumstances and medical ailments but the Panel did not ask her any questions at all in this regard.

Mr. Newland said that the Panel of which he was the Chairperson was satisfied after the second interview that the particular Criterion 5 was met by the claimant and the Panel agreed that the claimant be notified by the Panel Chairman that they were able to make a job offer. It was the case also, according to Mr. Newland, as he has enunciated in the said document, that the Panel wanted the claimant to consider several further elements of the new role before she accepted. Mr. Newland said that in essence he wished to have a discussion with the claimant in respect to some of the components of the new role which would be an expansion of her former role as Careers Teacher, now that it was to be a Leading Teacher 1 position from the commencement of 2008.

Mr. Newland said that even after discussion of some further aspects of the new role he would fully expect the claimant to accept the position and was happy and comfortable that this would occur as she was the person designated most capable to fill the position, as the Panel had indeed determined. The discussion that Mr. Newland intended to have with the claimant in this regard after the second interview was nothing out of the ordinary as there was still several months before the position would become active at the commencement of 2008 and he in the same sort of vein would be having conversations with all Leading Teachers of 2008.

ADDITIONAL ENQUIRIES/& DOCUMENTATION
(Cont.)

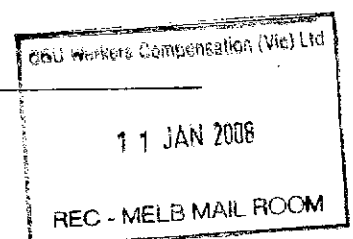
That is there would be ongoing conversations and perhaps meetings with the claimant and other Leading Teachers as to the expectations relevant to their roles in 2008 and in the claimant's case it was to give her a sense of the elements of her new role that were not covered in detail through the interview process.

When Mr. Newland wanted to talk to the claimant about the new role she was reluctant to do so and it appeared to him that she was physically not well and wanted to go home. Mr. Newland reiterated that at the interview the main object had been to discuss aspects of Criterion 5 and specifically whether the claimant demonstrated a capacity to actively lead the whole school, develop initiatives and implement curriculum activities. The claimant was successful in conveying her competence in this regard and Mr. Newland strongly rejected that any pressure was put on by the Panel for the claimant to divulge personal and medical issues, which she did allude to or convey of her own accord. In any event as indicated the Panel decided in the claimant's favour and that the Criterion 5 in particular had also been adequately met so that she was now to be offered the job for which she had applied.

It was a very short time after the second interview that the Principal asked the claimant to attend his office for a further discussion about the position she had been offered for 2008. Mr. Newland recalls that the claimant when he approached her in the corridor had some folders in her hand and it was his understanding that the claimant at this time was heading to her car to go home as she had not been scheduled to take any classes on that day. It is the claimant's version that she was with students a short time before and was heading to her car to obtain some folders. In any case the two had a brief discussion, of about 10 minutes duration in the Principal's office after this and it was clear to Mr. Newland that the claimant was not well and not wishing to discuss the role any further at this time. It was indicated to the claimant, particularly as she did not appear well, that the two should meet again, say in 24 hours time to further discuss the new role for 2008 and words are likely to have been used to the effect that the claimant should work through the various aspects that the Principal wanted to discuss before accepting the position.

In the claimant's perception then this was questioning her ability to perform the new role in 2008 and according to her it shattered her confidence. After the meeting the claimant left the office and it was via e-mail that Mr. Newland learned the claimant was not well and would be taking sick leave covered by an ordinary medical certificate which was subsequently received at the College. WorkCover Certificates of Capacity and the relevant WorkCover Claim Form was then presented to the College in about mid December, 2007.

Mr. Newland rejects strongly that any stress/anxiety condition experienced by the claimant and which has rendered her unfit for all work is very unlikely to be caused only by the 10 minute meeting he had with her just before recess at around 10.20.am. on Monday 22nd October, 2007.



ADDITIONAL ENQUIRIES/& DOCUMENTATION

(Cont.)

As is indicated in his letter to your office the claimant was unwell physically on Wednesday 17th October, 2007 due to a physical, mental condition and in respect to which she was advised to go home and postpone the interview, this according to the Assistant Principal School Operations. According to the same letter from Mr. Newman there was also notification by the claimant on Monday 22nd October, 2007 that she was unwell and although calling in sick she did attend the second/follow up interview on this date and then a brief meeting ultimately with the Principal.

We have forwarded a request to Mr. Newland a request for the relevant employment documentation as required by you.

CONTRIBUTION & RECOVERY

No information obtained which might suggest that any of your rights in these areas would apply in this instance.

ATTACHMENTS

Copy Draft Statement M. Pateras – Claimant.

- a) Short listed Applicant's Assessment Selection Report. Note: part of Criterion 5 is handwritten due to copier malfunction.
- b) Full copy of document forwarded by claimant to Regional Office Director, B. New (incorporates claimant's e-mail to Panel forwarded on 22nd October, 2007 after claimant ceased work.
- c) Copy of Principals letter of 21/12/07 which he would say outlines the employer's perspective.

Investigation running sheet
Memorandum of Fees

QUALIFICATIONS

The comments made herein are based on information obtained during the conduct of our investigation. We make no representations as to the accuracy of material obtained from third parties, nor do we purport to advise you on liability or the future conduct of this matter. In all respects we defer to your qualified judgement and that of your legal advisers.

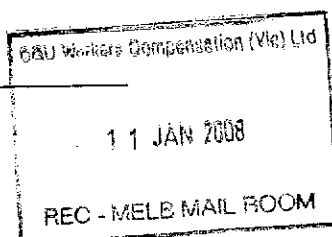
Yours faithfully



M.A. SEDAWIE & CO.

Investigators Initials: J.O.
Licence Number: 624-149-30S

M. A. SEDAWIE & CO.



COMMON LAW POTENTIAL

Claimant: M. PATERAS
Claim No: 04070082867/D1
Employer: 34017402 – GALVIN PARK SECONDARY COLLEGE

SUPERVISION AND INSTRUCTION

The claimant's Senior Supervisor is the Principal, Mr. Peter Newland. The claimant is a Teacher of many years experience and has worked in a senior position in the classification of Experienced Teacher for about 7 years. She is able to work without constant or direct supervision.

COMPETENCE OF WORKER

The claimant is regarded as competent. We have requested some Performance Reviews in relation to the claimant over recent years.

RECTIFICATION WORK UNDERTAKEN SINCE ACCIDENT

Not applicable.

AVAILABILITY OF SAFETY EQUIPMENT AND POLICING ITS USE

Not applicable.

WARNING SIGNS

Not applicable.

SAFETY COMMITTEE

Not applicable

Yours faithfully



M.A. SEDAWIE & CO.

Investigators Initials: J.O.

Licence Number: 624-149-30S

M. A. SEDAWIE & CO.

CCU Workers Compensation (Vic) Ltd

11 JAN 2008

REC - MELB MAIL ROOM

Leanne Gagatsis

On behalf of the Executive Leadership Team

From: Pateras, Mary M
Sent: Friday, 29 February 2008 12:09 AM
To: Gagatsis-Halge, Leanne D
Subject: RE:

thank you leanne - i know it was a lot to ask
mary

From: Gagatsis-Halge, Leanne D
Sent: Thu 2/28/2008 11:37 PM
To: Pateras, Mary M
Subject: RE:

To whom it may concern,

RE: In response to the scanned part copy of a document that I have been sent by Mary Pateras on Thursday the 28th Feb, 2008.

At no time have I made a comment to anyone in reference to Mary having a mental condition. I have not been asked, not offered this information, or am in no way qualified and therefore able to comment then or now on Mary's mental state. I did not make reference to Mary's mental state in any correspondence.

Ms Leanne Gagatsis
School Operations AP
Galvin Park Secondary College.

From: Pateras, Mary M
Sent: Thu 2/28/2008 8:49 PM
To: Gagatsis-Halge, Leanne D

Subject:

as per phone message

mary

From: Pateras, Mary M

Sent: Thursday, 28 February 2008 8:50 PM

To: Gagatsis-Halge, Leanne D

Attachments: scan0001.pdf

as per phone message

mary

From: Pateras, Mary M

Sent: Tuesday, 26 February 2008 3:17 PM

To: Gagatsis-Halge, Leanne D

Subject: RE:

le

i need to know all classes and tutor groups i taught for between 2000 - 2006 - it obviously was not a full load by any means- so the easiest way to summarise it is by requesting my allotment for those years .

thanks m

From: Gagatsis-Halge, Leanne D

Sent: Tue 2/26/2008 12:32 PM

To: Pateras, Mary M

Subject: RE:

Hi Mary,

I've asked the front office for archives of old timetables. They don't have any. Do you want me to contact Garry to see if he knows where they may be or would you like to because you are already in touch with him? I don't know enough about the other databases to know if they will

provide you with exactly what you are looking for. I know Elaine's role was only when the LSF came in so will she have the data from earlier than that? Mary, I'm not sure I can ask for specifics because I'm not sure what you are looking for. Is it just your timetable or the kids you taught? Again, I really don't know much about cases either, but my understanding is it will only have you attached to a tute group. I can ask around if you let me know what info you are specifically looking for.

Leanne

From: Pateras, Mary M
Sent: Tuesday, 26 February 2008 12:52 AM
To: Gagatsis-Halge, Leanne D
Subject: RE:

From: McAneney, Zita C
Sent: Friday, 3 April 2009 3:39 PM
To: Newland, Peter G; Boyle, Steven P
Subject: RE: Mary Pateras' email to GPSC staff

Dear Peter and Steve,

In relation to the management of the conduct of Ms. Pateras, I don't believe that there is anything to be gained by presenting her with the complaints from Leanne and Joanne. Their concerns have been picked up in our advice to Ms. Pateras that the emails are unsolicited, unwelcome, and possibly defamatory.

However, Leanne and Joanne have the right to have their complaints taken seriously and dealt with. I would like to see the reply from Ms. Pateras to Joanne regarding the College VCAA username and the personal email(s) from Ms. Pateras to Leanne to consider this further. What are the photos referred to by Leanne?

Ms. Pateras has breached the Acceptable Use Policy for a third time. I believe her email access should be ceased, and that she should be advised of this in a letter from Steve.

I am interested in knowing what happened at the meeting resulting from her MPB grievance.

On what basis was it decided to give her access to sending emails, did she give undertakings?

Was she warned of the consequences of further breaches of the Acceptable Use Policy?

Or something else? If there were minutes kept of the meeting I would appreciate a copy. I would also like to see the DL sent to staff by Steve.

Regards

Zita McAneney

Conduct and Ethics Branch

From: Newland, Peter G
Sent: Thursday, 2 April 2009 5:26 PM
To: McAneney, Zita C
CC: Boyle, Steven
Subject: Mary Pateras' email to GPSC staff

Hi Zita,

I'm forwarding you an email from Mary Pateras via the distribution list (DL) to all Galvin Park Secondary College edumail users. I need your perspective as to whether or not this breaches the appropriate use of edumail policy and what my response can be. Steve Boyle has advised me to seek your advice if Mary emailed all staff. Please have a read and I'll ring you tomorrow.

I have also attached two letters of complaint regarding Mary's inappropriate use of email made earlier in the year. I forwarded them to Steve at the time on the understanding that he would pick up the matters raised when dealing with Mary's use of the email system. Today he has clarified that these specific complaints have not been dealt with in his dealings with Mary and again suggested that I pick this matter up with you. Again, I'll talk to you tomorrow.

Regards,

Chapter 14

46. WorkCover Policy Guide (2008)



Department of Education and
Early Childhood Development

WORKCOVER POLICY GUIDE

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1 INTRODUCTION

The purpose of this Guide is to provide the policy background to the WorkCover claims management advice contained in the WorkCover Management Kit by outlining:

- the legislative basis and key features of the Victorian WorkCover scheme
- the legislative background and key legal obligations associated with the management of WorkCover in schools and non school locations
- the Department's arrangements and support infrastructure for the management of WorkCover in schools and non school locations.

Detailed advice on the procedures to be followed when managing WorkCover claims, and the documents required to process WorkCover claims can be accessed from the [WorkCover Management Kit](#).

2 THE VICTORIAN WORKCOVER SCHEME AND WORKCOVER ENTITLEMENTS APPLICABLE TO DEECD EMPLOYEES

2.1 WorkCover scheme key features and legislative basis

The Victorian WorkCover Authority, operating under the title WorkSafe, is responsible for administering the Victorian WorkCover Scheme. WorkSafe currently has six authorised WorkCover Agents who perform most of the functions associated with managing WorkCover claims. The legislative basis for the WorkCover Scheme is the Accident Compensation Act 1985.

The WorkCover scheme is a 'no fault' work related injury compensation scheme. This means that a worker's entitlement to compensation is not a question of who was responsible for the injury, but is determined by whether the injury was employment related, according to the provisions of the Accident Compensation Act.

The key objective of the scheme is to ensure that the social and economic costs of workplace injuries and illnesses are minimised by:

- improving the health and safety of people at work and the rehabilitation of injured employees
- ensuring that injured employees receive appropriate entitlements as compensation for workplace injuries
- ensuring that employers provide suitable employment for employees who have been injured at work
- ensuring employers contribute equitably to the costs of the scheme through the payment of WorkCover premiums.

Further information about WorkSafe and the WorkCover scheme can be found at the [WorkSafe](#) website

2.2 WorkCover entitlements

2.2.1 Weekly benefits

Injured employees may access compensation for loss of earnings (weekly benefits) by lodging a Worker's Injury Claim Form and a WorkCover Certificate of Capacity (medical certificate) with their principal or manager.

WorkCover weekly benefits are calculated as a percentage of the employee's average gross weekly wage for the 12 months prior to their injury. The rates applicable to weekly benefits for employees who have not returned to work are:

- for the first 13 weeks off work, 95% of the pre injury wage to a maximum \$1300*

then

- from 14 to 130 weeks 75% of the pre injury wage to a maximum of \$1300* if the employee has no capacity for work, or if the employee has a capacity for work and has not been provided with suitable employment

or

- if the employee has a capacity for work, 75% of the pre injury wage, to a maximum of \$1300*.

Employees with a capacity for work who have returned to work on selected or alternative duties are entitled to a weekly benefit of 75% of their pre injury pay less 75% of what they are currently earning a week to a maximum of \$1300* a week.

Entitlement to weekly benefits ceases at 130 weeks if the employee has a capacity for work. After 130 weeks an employee may apply for weekly benefits to continue if the employee has returned to work and is working at least 15 hours per week and is not capable, because of their injury of working beyond this level.

For employees who have no capacity for work, entitlement to weekly benefits may continue beyond 130 weeks until they reach retirement provided they continue to have no capacity for work.

WorkCover Insurance Agents' assessments of work capacity are based upon WorkCover Certificates of Capacity, reports from treating doctors and/or independent medical examinations.

WorkCover weekly benefit payments are indexed each year on the anniversary of the WorkCover claim acceptance date. Indexation changes are based on changes to the Australian Consumer Price Index.

** Correct as at July 2009. Maximum amounts are indexed annually.*

2.3 Weekly benefits and make up pay applicable to DEECD employees

Victorian Government Industrial Agreements provide for injured employees to receive Make-Up Pay (MUP) to bridge the gap between the legislated WorkCover weekly benefit and what the injured worker would be entitled to be paid had they not been injured.

The industrial agreements are available through the following link: <http://www.eduweb.vic.gov.au/hrweb/employcond/res/certagree.htm>

Make-Up Pay is payable in respect of a particular injury or incapacity for a continuous period of 52 weeks, or an aggregate of 261 or pro rata for part time staff working days if the absence is not continuous.

If a worker does not return to work in the period of the first 52 weeks of their accepted WorkCover claim then MUP is applied for the continuous period of 52 weeks. Periods beyond 52 weeks do not attract MUP and the worker is paid according to the applicable compensation rate.

If an employee returns to work for intermittent periods during the course of their claim then the aggregate MUP period is applicable. This aggregate must eventually add up to 261 working days absence, during which 1 day of MUP payment equals 1 day toward the aggregate calculation. Schools (or Corporate HR Services for non school employees) should accurately record all days that the worker does not work, or works reduced hours, as each partial day worked counts as 1 MUP day.

During the MUP period employees continue to accrue other leave entitlements as detailed in Section 5. Leave and Payroll Management, below.

Please note:

- there is no entitlement to MUP if employment with the Department ceases

- if, after injury, the injured worker reduces their work time fraction their MUP pay will then be calculated on the pay that is applicable to the reduced time fraction.

2.3.1 Medical and like expenses

Employees are entitled to compensation for reasonable medical and like expenses incurred as a result of a work related injury.

WorkCover has a maximum fee structure for medical and like services. If a health practitioner charges more than the set maximum fee WorkCover will only reimburse to the level of the set maximum.

2.3.2 Other benefits

Employees may be entitled to lump sum payments for permanent impairment suffered as a result of workplace injury. In the event of the death of an employee, the dependents of the employee may be entitled to a lump sum payment and the payment of a pension. Employees who have suffered an injury as a result of employer negligence may also be able to access damages through court action.

Further information concerning benefits can be found at the [WorkSafe](#) website

3 THE DEPARTMENT'S WORKCOVER MANAGEMENT ARRANGEMENTS

3.1 DEECD's WorkCover Insurance Policy

The Department's authorised WorkCover Agent is CGU Workers Compensation Insurance (CGU Insurance). The Department's WorkCover policy covers all DEECD employees in both schools and non school locations.

School council employees are not covered by the Department's WorkCover insurance policy. School councils that have an annual payroll in excess of \$7,500, or employ an apprentice/s, are required to have a WorkCover Insurance policy.

3.2 Costs and funding arrangements

3.2.1 Student Resource Package (SRP) WorkCover Costs

All schools receive a SRP WorkCover budget allocation based on the average claims cost rate for each school type. The average claims cost rate for each school type is applied to the remuneration of each school to determine the school's WorkCover budget allocation.

The amount charged against a school's WorkCover budget allocation is based on the actual incurred costs of claims that have been lodged at the school during the previous two and a half financial years premium calculation period.

If the actual incurred costs of claims lodged are greater than a school's WorkCover budget allocation the school is required to pay part of the difference, capped at 0.5% of its remuneration up to a maximum of \$10,000. Savings capped at 0.5% of remuneration, up to a maximum of \$10,000 accrue to those schools with actual incurred claims costs less than their WorkCover budget allocations.

Schools may request exemptions for the costs of certain categories of claims, e.g., claims with injury dates prior to 1 July 2000.

Further information on SRP WorkCover costs and budget allocations can be found in the Indicative Guide to the Student Resource Package on the [SRP Website](#). The budget allocation and cost details for each school are also available in the WorkCover Summary Statement on the [SRP Website](#).

3.2.2 Relief costs

Schools are required to meet the following costs associated with WorkCover claims from DEECD employees:

- relief staff costs incurred in covering the first 10 days of WorkCover leave
- any relief costs incurred in covering between 10 and 30 days of WorkCover leave if the school has a staffing excess.

For WorkCover leave beyond 30 days, part or all of the salary of the employee on WorkCover leave is charged outside the SRP thereby releasing funds within the SRP meet the costs incurred in replacing the employee on WorkCover leave.

Further information on relief costs is available from the [SRP Website](#).

If a manager needs to incur relief costs to replace a non school based employee on WorkCover leave the manager should consult Corporate HR Services.

3.2.3 Funding to support return to work programs

Funding is available through the Employee Health Unit to support the provision of suitable employment (alternative duties) for employees on Return to Work Programs. The funding is provided to enable a replacement person to be employed whilst the injured employee performs alternative duties at their base school or undertakes duties at another work location. Funding is initially available for 30 days, after which it is subject to review.

Further advice on return to work funding can be obtained from the Employee Health Unit on (03) 9637 2392 or 9637 2391.

3.2.4 Other costs

All other costs, including the premium paid to cover DEECD employees and the below threshold component of medical and like expenses (i.e. the first \$582) are met centrally by DEECD.

3.2.5 Payment of medical and like expenses

The Department has an arrangement with CGU Insurance whereby CGU Insurance pays all medical and like accounts, including those accounts that fall within the employer threshold medical and like expenses component of \$582. Schools, managers or Corporate HR Services should not pay any medical accounts. All medical accounts should be sent to CGU Insurance for payment

4 KEY LEGAL OBLIGATIONS AND RESPONSIBILITIES

Principals and managers, in conjunction with CGU Insurance, are responsible for the management of WorkCover claims lodged by DEECD employees. Principals and managers are supported in this role by:

- CGU Insurance's injury claims consultants
- DEECD's network of specialist Occupational Rehabilitation Providers
- DEECD WorkCover Advisory Consultant - 9637 2441
- advisory support from the Employee Health Unit
- advisory support from Schools HR Services on WorkCover leave and payroll matters.
- Corporate HR Services' leave and payroll management of non school based employees on WorkCover leave

4.1 Principals' and Managers' WorkCover obligations and responsibilities

In the event of an employee lodging a WorkCover claim principals/managers are required to receive the claim from the employee and acknowledge receipt of the claim in writing to the employee (It is a criminal offence to refuse to accept a claim from an employee.)

Following receipt of claims, principals/managers are required to ensure that:

- the claims are sent to CGU Insurance within 10 days from the date on which the employee lodged the claims

- CGU Insurance is provided with timely and accurate information about the circumstances of the claim
- employees in receipt of weekly compensation payments are paid correctly on their scheduled pay days
- arrangements are in place to manage employees' work-related injuries through an appointed Return to Work Coordinator for the school/workplace. (See Section 6 below for further information.)
- [return to work plans](#) are prepared and forwarded to CGU for employees who are absent for 20 or more calendar days (See Section 6 below for further information.)
- suitable employment is provided for injured employees (See Section 6 below for further information.)
- CGU is provided with information on claimants' wages and return to work dates and a copy of the [DEECD Offer of Suitable Employment](#)
- they participate in Conciliation conferences and/or court hearings in the event of disputed WorkCover claims decisions. (See Section 7 below for further information.)

Managers of non school based employees should note they have joint responsibility for the management of WorkCover claims with Corporate HR Services. Managers are required to forward claims documentation to Corporate HR Services for leave and payroll recording the forwarding of the documentation to CGU Workers Compensation Insurance.

Other WorkCover responsibilities, not directly related the management of claims, require principals/managers to ensure:

- That there is an appointed Return to Work Coordinator for the school or workplace. (See Section 6 below for further information.)
- that all injuries/incidents are recorded **EduSafe**
- that the WorkCover poster 'If you are Injured' and a 'Risk Management and Occupational Rehabilitation Statement' are displayed in the school/workplace and brought to the attention of all staff. (See Section 6 below for further information. 'If you are injured posters' are available from CGU Insurance)
- that when employing new staff, applicants are provided with a written description of the proposed duties and are asked to disclose any pre existing injury or illness that could be affected by the nature of the proposed duties. Applicants should also be advised that a failure to disclose a pre existing injury or illness may jeopardise their entitlement to compensation should the injury or illness recur. Further information on pre employment procedures is available on the [HR Website](#).

4.2 CGU Workers Compensation Insurance's key responsibilities

CGU Insurance is required to:

- contact the principal/manager within two days of receiving an employee's WorkCover claim

- advise on obligations and steps to be taken on the claim and to discuss the matter of liability
- take account of information provided by principals/managers concerning the circumstances of the claim when determining liability for the claim
- advise the principal/manager and the claimant within 28 days of receiving a claim of the decision on acceptance of liability of the claim
- facilitate the early return to work of injured employees through the provision of timely advice to principals/managers on rehabilitation obligations and options
- arrange independent medical examinations for employees following consultation with principals/managers and advise them of the results of medical examinations
- advise of changes in employee's compensation entitlements and or rates
- advise when disputed claims are scheduled for a Conciliation Conference
- notify principals/managers of conciliation outcomes in writing
- process and pay medical accounts within 30 days.

4.3 Employees' responsibilities

WorkCover claimants are required to:

- notify their employer of a work related injury or illness within 30 days of becoming aware of it
- participate in assessments of their capacity for work and approved rehabilitation programs and make reasonable attempts to return to work in suitable employment if they have an accepted WorkCover claim
- provide evidence of current weekly earnings to both CGU Insurance and their principal/manager to ensure that the correct rate of compensation is applied
- cooperate with their employer's attempts to return them to work
- provide valid WorkCover Certificates of Capacity if there is an entitlement to receive weekly compensation payments.

Where employees do not meet these requirements they may jeopardise their entitlement to compensation.

It should also be noted, that as part of the pre employment process, applicants are required to disclose any pre existing injury or illness that may be affected by the proposed duties of the position. Failure to disclose a pre existing injury or illness may jeopardise an employee's entitlement to compensation if that injury or illness recurs as a result of their employment.

Further information on pre employment procedures is available from the HR Website.

5 LEAVE AND PAYROLL MANAGEMENT

5.1 Leave recording

When an employee lodges a claim for weekly benefits (a time lost claim) and presents a WorkCover Certificate of Capacity, leave is recorded on HRMS as being 'personal leave pending WorkCover'. The dates entered on Certificates are the dates used for leave recording purposes.

For WorkCover claims for weekly benefits CGU Insurance will notify the claimant and the principal/manager in writing of the acceptance or rejection of the claim within twenty-eight days of having received the claim. If liability for the claim is rejected by CGU Insurance, leave will continue to be recorded as personal leave on HRMS.

If CGU Insurance provides written notification of acceptance of liability for the claim, the claimant's leave and payroll record should be immediately adjusted to the appropriate WorkCover leave code.

For operational information of WorkCover leave recording please refer to the [WorkCover Management Kit](#) and [Section 6 of the HRMS User Guide](#).

5.2 WorkCover leave and accrual of other leave

Employees on WorkCover leave continue to accrue personal leave credits, recreation leave credits and long service leave entitlements during the period they are entitled to receive make up pay, i.e. the first 52 weeks or aggregate of 261 days of WorkCover leave.

At the conclusion of the make up pay period employees on return to work programs will continue to accrue leave entitlements on a pro rata basis according to the number of hours worked.

5.3 WorkCover leave and other entitlements

The following entitlements are payable to employees on WorkCover leave during the make up pay period.

- Higher Duties: Remains payable to expiry date if the higher duties have been performed continuously for a period of no less than twelve months immediately prior to the claim being lodged. If higher duties were paid for a period less than twelve months then this will continue for a period of one (calendar) month into the claim or to the expiry date if sooner.
- Special Schools Allowance: Payable only for the first month of WorkCover leave.
- Special Payments: Special payments to employees for undertaking tasks designated by the principal/manager are payable for up to one month or until the expiry of the assignment, whichever is the sooner. Employees in receipt of special payments for a continuous period of 12

months prior to the taking of paid leave (during WorkCover MUP period) will continue to receive the payment during the MUP period.

- Remote Allowance: Payable for the duration of the MUP period.
- Salary Leave Loading: Payable for the duration of the MUP period.
- First Aid Allowance: If the allowance has been paid continuously for a period of no less than 12 months prior to the claim, the allowance is paid for the first two weeks of WorkCover leave. If it has been paid for less than 12 continuous months immediately prior to the claim, the allowance is paid for the first three days of WorkCover leave.

5.4 WorkCover leave and personal leave

Personal leave cannot be paid in the same period during which an employee is receiving WorkCover weekly payments, unless the employee is participating in a Return to Work Program. Employees on Return to Work Programs can use personal leave for a non-WorkCover related illness if the absence coincides with one of the scheduled work days of the program. The absence is to be recorded as personal leave, not WorkCover.

Employees on WorkCover leave do, however, have the option of accessing other forms of personal leave or long service leave for which they have an entitlement, provided they first notify CGU Insurance in writing that they wish to relinquish their entitlement to weekly WorkCover benefits.

5.5 Attendance at CGU arranged medical examinations and Conciliation Conferences

Employees who have resumed duty, and are required to attend a WorkCover Conciliation Conference are considered to be on duty whilst attending the conference. In most cases attendance at a Conciliation conference should involve up to a maximum of 4 hours absence from the workplace.

An employee who is on duty at the time they are required to attend an independent medical examination organised by CGU Insurance should be released from duty in order to attend the medical. CGU insurance will meet the cost of the attendance where the principal/manager submits a request for wage reimbursement attached to the medical notification. Leave of absence for this purpose is limited to 4 hours for metropolitan based staff, and 1 day for employees outside the metropolitan area.

5.6 WorkCover leave, salary overpayments and payroll deductions

If a salary overpayment occurs the provisions of the Financial Management Act (1994) require principals to implement debt recovery action. For non school based employees Corporate HR Services are responsible for implementing debt recovery action.

In seeking repayment of overpayments associated with WorkCover weekly benefits it should be noted that apart from income tax, deductions cannot be taken from an employee's weekly WorkCover Compensation payments without the written agreement of the employee. Deductions can, however, be made from the 'make up' pay component of an employee's weekly pay.

For employees who have been in receipt of weekly compensation payments for less than 52 weeks or an aggregate of 261 days, other deductions may be made, provided they do not exceed the value of the make up pay component of the employee's weekly pay.

All deductions, other than income tax, should be ceased for employees who are still in receipt of weekly WorkCover compensation payments after 52 weeks or an aggregate of 261 days.

5.7 Termination of WorkCover leave at 130 weeks- resumption of duty or application for further leave

If an employee's WorkCover weekly payment entitlement has been terminated in writing by CGU Insurance and the employee indicates that he or she wishes to resume duty, the worker should not be permitted to resume duty until a medical practitioner approved by the Secretary has certified he or she is fit to resume work.

If the employee is unable to resume duty for medical reasons and wants to access personal leave, the worker must make a written application to their principal/manager requesting a period of personal leave. Applications for personal leave must be supported by a medical certificate confirming that the worker is not fit for duty. Applications for personal leave will be considered by the principal/manager and will not be unreasonably refused.

Also, after 130 weeks an employee may apply CGU Workers Compensation Insurance for weekly benefits to continue if they have returned to work and are working at least 15 hours per week and are not capable, because of their injury, of working beyond this level.

Advice concerning the arrangement of medical examinations and health related resumption of duty issues can be obtained from the Department's **Medical Advisory Service** on (03) 9692 7756.

5.8 Non-attendance at a DEECD Medical Assessment

If an employee fails to attend a DEECD arranged medical assessment, the principal/manager should request a written explanation from the employee stating the reason for non-attendance. If the explanation is unreasonable or the employee refuses to attend, the matter should be referred to an

appropriate senior officer in the Regional Office. Managers of non school based employees should refer the matter to the officer to whom they report.

5.9 Management of ceased employees

Termination of a worker's employment does not cease the employee's entitlement to receive WorkCover weekly benefits. Schools HR Services is responsible for the payment of weekly benefits to all ceased employees.

If a principal/manager is aware that a WorkCover claimant with an ongoing entitlement to weekly compensation payments employment with the Department will, or has ceased, they should contact Schools HR Services to provide leave and payroll details to ensure the WorkCover claimant continues to receive their weekly compensation payments in accordance with the legislation.

6 REHABILITATION AND RETURN TO WORK REQUIREMENTS

6.1 The DEECD Risk Management and Occupational Rehabilitation Program statement.

Section 156 of the Accident Compensation Act requires principals/managers to ensure that the Department's 'Risk Management and Occupational Rehabilitation Program statement' at Appendix 1 is displayed in a prominent staffing location in the workplace. Appendix 2 should be used for 'non school' locations.

Schools/workplaces may wish to develop their own program statement in consultation with staff members and their representatives. The [Victorian WorkCover Authority \(VWA\) guidelines](#) must be followed.

The return to work policy section of the 'statement' details agreed return to work commitments, and the actions to be taken to assist injured workers to remain at work, or return to work, and to avoid the same injury reoccurring.

The name of the RTW Co-ordinator and the names of three occupational rehabilitation providers from CGU's panel of [Occupational Rehabilitation Providers](#) should also be included in the 'statement'. (The list of providers can be accessed from Appendix 3)

The RTW co-ordinator and a worker representative (Health and Safety representative) should complete and sign the 'Commitment' section of the program statement prior to display.

6.2 Preparation of Return to Work Plans

Section 156 of the Accident Compensation Act requires employers to prepare a Return to Work Plan for an injured employee if:

- the injured employee has more than twenty calendar days of incapacity for work
- the circumstances of the claim indicate it is likely that the employee will have more than twenty calendar days of incapacity for work.

The completed [Return to Work Plan](#) should be forwarded to CGU Insurance as soon as possible, but no later than 10 days from the date on which the employer became aware that the employee's incapacity would exceed 20 calendar days.

Employers may be prosecuted for failing to comply with the return to work provisions of the Accident Compensation Act.

6.3 Suitable employment obligations under Section 155A of the Accident Compensation Act 1985

Employers are obliged to re-employ an injured worker if the employee has a capacity to work within twelve months (continuous or aggregate time lost) from the date of acceptance of the WorkCover claim.

This requires principals/managers to:

- provide a position which is the same or equivalent to the pre-injury position if the employee is no longer incapacitated or,
- provide suitable employment, if the employee has only a partial capacity for work, by way of modified hours and or alternative duties.

The obligation to provide suitable employment does not require the creation of a new position. It may require modifications to the employee's pre injury duties or the provision of alternative duties within the base school/workplace or at another workplace.

The provision of suitable employment for employees with partial capacity is intended to be short term as part of a strategy aimed at returning these employees to their full pre injury duties.

If the employee cannot return to their pre-injury work the ORP should investigate alternative employment options either within DEECD or with an external employer.

Injured employees on WorkCover can be employed outside DEECD as part of an approved Return to Work program. If this occurs it should be noted on the employee's WorkCover file and CGU Insurance should be advised in writing of the details of the employment.

Suitable employment obligations do not apply to ceased employees. However, claimants whose employment has been terminated should be

assisted in obtaining advertised vacancies via [Recruitment Online](#). Contact the Employee Health Unit on (03) 9637 2392 for further advice.

6.4 Employee Obligations under Sections 93A(3) & 93B(2) of the Accident Compensation Act

Employees may jeopardise their entitlement to weekly benefits if they fail to:

- participate in approved rehabilitation programs
- participate in assessments of their capacity for work
- make reasonable attempts to return to work
- co-operate with their employer's attempts to return them to work.

6.5 Early referral to an occupational rehabilitation provider (ORP) and employee right of choice

Section 99 of the Accident Compensation Act provides injured employees with the right of choice of an ORP, if the services of an ORP are required as part of the injured worker's rehabilitation and return to work program. If an employee is to be referred to an ORP, the employee must be provided with a written list of at least three ORPs from which to make a choice. (see Appendix 3)

However, once the employee lodges a WorkCover claim this offer of choice cannot be made until CGU Workers Compensation Insurance (CGU) has decided to accept liability for the employee's claim, which can be up to 28 days after they have received the claim. The employee then has a further 14 days to advise CGU as to their decision as to choice of an ORP.

Under these timeframes it is possible that an injured employee may not be provided with the support of an ORP until 6 weeks after CGU has received the claim.

To help ensure employees are provided with prompt rehabilitation support, Appendix 3 of the [WorkCover Management Kit](#) advises that an employee should be referred to one of CGU's panel of ORPs as soon as it becomes apparent that an employee will be lodging a WorkCover claim.

If CGU accepts liability for the employee's claim, CGU will at that time provide the employee with an offer of choice of ORP. At that stage the employee may either:

- elect to continue with the services of the ORP they have previously been referred to by the principal/manager, or;
- choose a different ORP from a list that CGU will provide for the employee, or;
- advise CGU that they do not wish to exercise their right as to choice of an ORP.

Further information on the process for referring employees to ORPs can be accessed from the [WorkCover Management Kit](#).

6.6 Return to Work Coordinator requirements and roles

Section 156 of the Accident Compensation Act requires principals/managers to ensure that a member of staff is nominated as the Return to Work (RTW) Coordinator for the school or workplace.

Principals/managers may wish to consider the following matters when nominating through Coordinator:

- nominating themselves or another member of the school/workplace leadership team as the RTW Coordinator
- if there is perceived conflict between the injured employee and the RTW Coordinator that there are arrangements in place for another member of staff to take over the RTW Coordinator role
- identifying in conjunction with other schools/workplaces a RTW Coordinator who would provide the service to a group of schools or workplaces.

If the principal/manager is not the RTW Coordinator then it is important that the person performing the task keeps the principal/manager fully informed of all return to work matters.

RTW Coordinators are responsible for:

- ensuring that all employees are aware of and understand their rights and obligations under **DEECD's Risk Management Occupational Rehabilitation Program**
- assisting injured employees to remain at work or return to work as soon as possible after injury or illness in a way which does not jeopardise the welfare of fellow workers or students
- in conjunction with advice from CGU Insurance referring injured employees to occupational rehabilitation services where appropriate.
- monitoring the progress of an injured employees return to work
- liaising with medical professionals, rehabilitation providers involved in supporting the employee's return to work
- liaising with other personnel in the workplace who may be involved in facilitating the injured employee's return to work
- ensuring that rehabilitation case files are maintained and the confidentiality of information in respect of employees is maintained
- ensuring that all action required to prevent a recurrence of the injury is implemented along with other general risk management measures.

Ideally the RTW Coordinator should be a person who has sound interpersonal skills and:

- a detailed understanding of the school/workplace and its work practices.
- an understanding of the WorkCover legislation and occupational rehabilitation.
- a knowledge of claims management procedures.
- an understanding of [Occupational Health and Safety](#) issues as they relate to schools/DEECD workplaces.
- an empathy with employees and their welfare
- the capacity to act with authority in allocating and identifying appropriate duties.

6.7 The role of Occupational Rehabilitation Providers (ORPs)

CGU's panel of ORPs support principals/managers with the rehabilitation and return to work of injured employees. Primarily they do this through liaison and negotiation with the RTW Coordinator, treating health professionals, CGU Insurance and the injured employee.

Services available from providers include:

- formulating job offers after discussion with the principal/manager
- assisting and supporting the employee during the return to work program
- training RTW coordinators in the preparation of suitable job offers
- advice on the provision of aids (excluding ergonomic furniture for workplace purposes), or vocational assessments and worker re-training.

As a general rule, the services of an ORP should be used in the following circumstances:

- physical injuries that will result in an absence from work
- disc degeneration or bulge injuries and back injuries involving nerve root conditions
- spondylosis, osteoarthritis and degenerative conditions [of any body location]
- rotator cuff syndrome, frozen shoulder
- repetitive strain injuries
- medical expense only claims that exceed 3 months of treatment
- all stress related claims
- all voice loss claims
- where there are motivational issues with an employee's return to work.

6.8 Managing the rehabilitation services

In those instances where a principal/manager initiates a rehabilitation referral, the principal/manager is responsible for the authorisation of limited funding

agreements with the rehabilitation provider. The provider is paid a fee of up to \$136.95 per hour which is paid by CGU Insurance as a claim cost.

In agreeing to rehabilitation costs, principals/managers should not authorise more than 5 hours of service in the request for funding approval. Any further rehabilitation costs will be authorised by CGU once liability on the claim is decided.

Quality standards principals/managers should expect from a provider are:

- clear itemised costing of all rehabilitation activities
- a planned approach to rehabilitation and the goal of early return to work
- the regular provision of informative progress reports
- familiarity with Department policy and WorkCover practice
- Offers of Suitable Employment written in accordance with legislative and Department requirements
- arrangement of a workplace meeting with injured worker, RTW co-ordinator and rehabilitation consultant as soon as possible
- advice as to appropriate ergonomic aids or training courses.

6.9 Cessation of rehabilitation services.

A rehabilitation service can be terminated or suspended at any time by the employer, the injured worker or CGU Insurance. If the employer ceases the rehabilitation service, the employee can request its continuance with CGU Insurance.

If an injured employee ceases rehabilitation prematurely, or does not fully participate in rehabilitation the principal/manager should advise CGU Insurance.

7 DISPUTE RESOLUTION

7.1 Conciliation

WorkCover claimants and employers have the right to appeal decisions made by WorkCover Agents. In the first instance these appeals are referred to the [Accident Compensation Conciliation Service](#) (ACCS)

A Conciliation Outcome Certificate must be obtained from the ACCS before a matter can be pursued at either the Magistrates or County courts. The purpose of conciliation is to provide a cost-effective method of dispute resolution.

7.2 Conciliation Conferences

It is expected that principals/managers, or a delegate, will represent DEECD as the employer representative at conciliation conferences. The representative must have the authority to make decisions on liability and the re-crediting of leave. The representative will also be required to provide information such as the circumstances surrounding a worker's claim, DEECD policies and the return to work options that are available.

A CGU Dispute Resolution Officer will also attend the Conference. The Dispute Resolution Officer will contact the principal/manager at least 7 days prior to the conference and arrange to meet for 15 to 30 minutes prior to the conference for a pre conference briefing.

In most cases, the employer representative, the CGU Dispute Resolution Officer, the Conciliation Officer and the injured worker and their representative attend the conciliation conference. A legal practitioner is not permitted to represent a worker at conciliation unless prior consent has been given by the DEECD representative and the CGU Dispute Resolution Officer.

The injured worker has the right to be supported at the conciliation conference and can be a relative, friend or union official.

7.3 Jurisdiction of the Conciliation Service.

The conciliation service derives its authority from the Accident Compensation Act 1985 and its jurisdiction is limited to worker's entitlements under the Act. Conciliation Officers do not have the authority to make rulings that relate to the application of industrial award conditions.

7.4 Conciliation Conference Outcomes.

Conciliation conferences can result in one of three outcomes:

'A Genuine Dispute', where the Conciliation Officer determines that the employer/insurer may have an arguable case. In this instance the insurer's decision is maintained and the workers entitlement continues to be rejected, suspended, terminated, or reduced.

'A Recommendation' where all parties must agree with the decision but there is no admission of liability. The terms of a recommendation could include limited or ongoing weekly compensation payments, reinstatement of part or all personal leave credits, or the payment of limited medical & like expenses.

'A Direction' may be issued where the Conciliation Officer concludes a genuine dispute does not exist but there is no agreement able to be reached by the parties. The Conciliation Officer's direction is enforceable on all parties, but cannot exceed a period of 12 weeks, and can be followed by a second direction of a further 12 weeks.

8 CLAIMS BY NON DEPARTMENT EMPLOYEES

Claims may be lodged by persons who are not employees of either the school or DEECD, but are deemed so under the legislation. Special arrangements have been made for Work Experience Students, and volunteers.

8.1 Work Experience and Work Placement Student Claims

[Work experience students](#), year 11 and 12 students and TAFE students undertaking work placements as part of vocational education courses and Certificate courses are deemed workers under the DEECD WorkCover Policy with CGU Insurance. (Apprentices, trainees and university students are not covered.

Claims are processed in the same manner as an employee claim, excepting that the claim form must be filled in by the placement employer and is forwarded to the school for counter-signature by the Principal. When the claim is forwarded to CGU Insurance the DEECD Work placement Arrangement Form must be provided with the claim. The claim form should be clearly marked 'work experience student' or work placement (VCE) in the employer reference and comments section.

Enquiries regarding claims for work experience students should be directed to CGU Insurance. (03) 8630 1188.

8.2 Work for the Dole Programs

These workers are not the responsibility of the employer for WorkCover purposes. All claims are administered by [CentreLink](#).

8.3 Volunteers

Claims lodged by Volunteers are covered by a WorkCover policy with CGU Insurance and are processed as standard claims. Completed forms should be forwarded to CGU Workers Compensation, DEECD Team, GPO Box 2090S, Melbourne. 3001. Telephone contact is (03) 8630 1188.

9 INJURY PREVENTION

Prevention of injuries is the most effective means of minimising the human and financial costs associated with workplace injuries. A successful prevention program will depend on schools and workplaces having:

- a leadership team which is seen by the staff as supportive
- an effective means of resolving conflict
- positive staff interaction and peer support

- an effective [Occupational Health and Safety Management System](#) (OHSMS)
- an active process of risk identification, risk control and risk management

The school or workplace can clearly articulate their approach to health, safety and wellbeing through the display of the [DEECD OHS policy statement](#). Schools may also wish to include such a statement in the goals of their school charter. Further information can be obtained from the [Department's Employee Health Website](#).

To support schools and workplaces to meet OHS legislative compliance and injury prevention needs, DEECD has an [OHS Advisory & Support Service](#). The OHS Advisory and Support Service can be contacted by telephone on 1300 074 715 to provide advice and assistance on:

- Implementing occupational health and safety management systems
- conducting safety and compliance audits at your workplace
- identifying and implementing risk control strategies
- and any general advice on OHS matters

In addition, the department's Employee Health Unit is available to support staff with a range of employee support services. Contact details and Information on support services is available from the [Employee Health Website](#).

The Department also provides a telephone [Medical Advisory Service](#) (MAS) to assist principals and managers in the management and support of staff with health related problems which may be impacting on them in the workplace. The MAS can be accessed by calling 03 9692 7756. Additional information is available from the [Employee Health Website](#).

The [Employee Health Unit](#), DEECD can be contacted on (03) 9637 2460 in relation to these services.

10 OTHER SOURCES OF WORKCOVER ADVICE AND SUPPORT

General information on WorkCover and the WorkCover scheme is available from the WorkSafe website at [WorkSafe](#) or on (03) 9641 1444.or from CGU Insurance on (03) 8630 1311.

Immediate claims advice can be obtained by phoning the DEECD WorkCover Claims Adviser, Belinda Owen on 9637 2441.

General information concerning Conciliation processes or the Accident Compensation Conciliation Service is available from the ACCS Website at [Accident Compensation Conciliation Service \(ACCS\)](#) or by phone on

(03) 9940 1111.

Information concerning WorkCover leave and payroll management is available from Schools HR Services on 1800 641 943.

Assistance with complex or difficult to manage WorkCover claims and return to work issues is available from the Employee Health Unit. Email employeehealth@edumail.vic.gov.au or phone (03) 9637 2386, (03) 9637 2392 or (03) 9637 2391.

Advice on employee relations issues such as employees' award entitlements and conditions of employment is available from the [HR Website](#)

11 APPENDIX 1

Risk Management and Occupational Rehabilitation Program Statement – for school locations

DEPARTMENT OF EDUCATION AND EARLY CHILDHOOD DEVELOPMENT

RISK MANAGEMENT AND OCCUPATIONAL REHABILITATION PROGRAM

The Department of Education and Early Childhood Development is committed to providing a safe and healthy workplace for all workers. In the event of a work related injury we will take all necessary steps to ensure the injury does not happen again. Should one of our workers incur a work related injury where they are unable to continue their normal work we will provide the necessary assistance for them to remain at work, or return to work as soon as it is safe to do so. In all circumstances the welfare of the injured employee, other employees and students must be considered of paramount importance. All employees are expected to assist and cooperate in ensuring that this program is followed.

We will do this through risk management and occupational rehabilitation and our commitments are as follows:

RISK MANAGEMENT PROGRAM

We will:

- Take all practicable steps to identify, assess and control any known or potential risks to workers and visitors.
- Encourage the early reporting and recording of any symptoms of an injury or disease related to the work we undertake.
- Ensure that an injured worker receives appropriate first aid and/or medical treatment as soon as possible.
- Investigate all incidents, accidents, injuries or near misses to identify their cause(s) and prevent them happening again.
- Comply with all our legal obligations, including notification of incidents to Worksafe Victoria when required.

OCCUPATIONAL REHABILITATION PROGRAM

We will:

- Assist our injured workers to remain at work or return to work at the earliest opportunity.

Specifically our RETURN TO WORK POLICY is that:

- Return to work planning will commence as soon as possible after an injury, consistent with medical advice.
- Remaining at or early return to work following injury is a normal expectation of this workplace.
- Treatment, return to work activities and any reasonably necessary occupational rehabilitation services will begin as soon as they are necessary.
- Appropriate suitable duties, including modified or alternative duties which do not jeopardise the well being of the employee, other employees or students, will be provided, as part of the return to work program.

- Where suitable duties cannot be provided within the employee's workplace, reasonable attempts will be made to find other locations where these duties can be provided.
- An individual return to work plan will be established with any worker who is unable to work for 20 calendar days or more. This plan will be developed at the earliest opportunity, in consultation with our injured worker and their treating practitioner.
- Consultation and communication with all workers and / or representative worker(s) in the development and review of our occupational rehabilitation program and individual return to work plans will occur.
- Where disagreements about the return to work program or suitable duties arise, we will work together with the injured worker and, where applicable, union representing them, in an endeavour to seek resolution.
- Confidentiality of worker's information obtained during their return to work or while undertaking occupational rehabilitation services will be maintained.
- Participation in a return to work plan will not, of itself, prejudice any injured worker.

RETURN TO WORK CO-ORDINATOR:

Our return to work coordinator is: _____

Telephone: _____

Our return to work coordinator will attend the following training: *(contact CGU on 8630 1986 to arrange)*

Following any workplace injury our return to work coordinator will:

Contact our injured worker and their treating practitioner to implement the commitments outlined in the risk management program and our return to work policy. Determine the need for any occupation rehabilitation assistance in consultation with our injured worker and their treating practitioner, and offer the injured worker a choice of one of three approved occupational rehabilitation providers.

APPROVED OCCUPATIONAL REHABILITATION PROVIDERS

The injured DEECD employee has a choice of one of the following nominated approved occupational rehabilitation providers: (Refer to attached list)

Telephone: _____ or

Telephone: _____ or

Telephone: _____

CONSULTATION

Return to Work plans

Our injured workers and their treating practitioners, will be involved in all aspects of their return to work and return to work plans will be developed and reviewed in consultation with them.

Occupational rehabilitation program

This program was developed in consultation with our workforce and key external stakeholders. Following discussion and consultation with our workplace, the program was endorsed by the key external stakeholders and senior management in December 2005.

COMMITMENT

This program represents our commitment to workplace occupational rehabilitation and return to work following work related injury. As representative of its development and our mutual commitment, this program is endorsed by:

Representative Worker(s):(Name, position and signature)

Management Representative:(Name, position and signature)

This Program will be reviewed on: (*To be completed by workplace*)

12 APPENDIX 2

Risk Management and Occupational Rehabilitation Program Statement – for non-school locations

DEPARTMENT OF EDUCATION AND EARLY CHILDHOOD DEVELOPMENT

RISK MANAGEMENT AND OCCUPATIONAL REHABILITATION PROGRAM

The Department of Education and Early Childhood Development (DEECD) is committed to providing a safe and healthy workplace for all workers. In the event of a work related injury we will take all necessary steps to ensure the injury does not happen again. Should one of our workers incur a work related injury where they are unable to continue their normal work we will provide the necessary assistance for them to remain at work, or return to work as soon as it is safe to do so. In all circumstances the welfare of the injured employee and other employees must be considered of paramount importance. All employees are expected to assist and cooperate to ensure that this program is followed.

We will do this through risk management and occupational rehabilitation and our commitments are as follows:

RISK MANAGEMENT PROGRAM

We will:

- Take all practicable steps to identify, assess and control any known or potential risks to workers and visitors.
- Encourage the early reporting and recording of any symptoms of an injury or disease related to the work we undertake.
- Ensure that an injured worker receives appropriate first aid and/or medical treatment as soon as possible.
- Investigate all incidents, accidents, injuries or near misses to identify their cause(s) and prevent them happening again.
- Comply with all our legal obligations, including notification of incidents to Worksafe Victoria when required.

OCCUPATIONAL REHABILITATION PROGRAM

We will:

- Assist our injured workers to remain at work or return to work at the earliest opportunity.

Specifically our RETURN TO WORK POLICY is that:

- Return to work planning will commence as soon as possible after an injury, consistent with medical advice.
- Remaining at or early return to work following injury is a normal expectation of this workplace.
- Treatment, return to work activities and any reasonably necessary occupational rehabilitation services will begin as soon as they are necessary.
- Appropriate suitable duties, including modified or alternative duties which do not jeopardise the well being of the employee and other employees, will be provided, as part of the return to work program.
- Where suitable duties cannot be provided within the employee's workplace, reasonable attempts will be made to find other locations where these duties can be provided.

- An individual return to work plan will be established with any worker who is unable to work for 20 calendar days or more. This plan will be developed at the earliest opportunity, in consultation with our injured worker and their treating practitioner.
- Consultation and communication with all workers and / or representative worker(s) in the development and review of our occupational rehabilitation program and individual return to work plans will occur.
- Where disagreements about the return to work program or suitable duties arise, we will work together with the injured worker and, where applicable, the union representing them, in an endeavour to seek resolution.
- Confidentiality of worker's information obtained during their return to work or while undertaking occupational rehabilitation services will be maintained.
- Participation in a return to work plan will not, of itself, prejudice any injured worker.

RETURN TO WORK CO-ORDINATOR:

Our return to work coordinator is: _____

Telephone: _____

Our return to work coordinator will attend the following training: *(contact CGU on 8630 1986 to arrange)*

Following any workplace injury our return to work coordinator will:

Contact our injured worker and their treating practitioner to implement the commitments outlined in the risk management program and our return to work policy.
 Determine the need for any occupation rehabilitation assistance in consultation with our injured worker and their treating practitioner, and offer the injured worker a choice of one of three approved occupational rehabilitation providers.

APPROVED OCCUPATIONAL REHABILITATION PROVIDERS

The injured DEECD employee has a choice of one of the following nominated approved occupational rehabilitation providers: (Refer to attached list)

Telephone: _____

Telephone: _____

Telephone: _____

CONSULTATION

Return to work plans

Our injured workers and their treating practitioners will be involved in all aspects of their return to work and return to work plans will be developed and reviewed in consultation with them.

Occupational rehabilitation program

This program was developed in consultation with our workforce and key external stakeholders. Following discussion and consultation with our workplace, the program was endorsed by the key external stakeholders and senior management.

COMMITMENT

This program represents our commitment to workplace occupational rehabilitation and return to work following work related injury. As representative of its development and our mutual commitment, this program is endorsed by:

Representative Worker(s):(Name, position and signature)

Management Representative:(Name, position and signature)

This Program will be reviewed on: (*To be completed by workplace*)

APPENDIX 3

DEECD/CGU Occupational Rehabilitation Provider Panel

Metropolitan regions

Eastern Metropolitan Region (33)				Booking details			
Provider	Contact Name	Address	Phone	Fax	Email	Website	Office locations
Recovre	Sascha Schubiger	Marland House, Level 27, 570 Bourke Street, Melbourne 3000	03 8689 4500	03 8689 4545	referrals@recovre.com.au	www.recovre.com.au	Melbourne
ResolutionsRTK	Elke Gjergja	466 Malvern Road, Prahran 3181	03 9529 6600	03 9529 6606	referrals@resolutionsrtk.com.au	www.resolutionsrtk.com.au	Mount Waverley
WorkFocus Australia	Emma McMullan	Unit 7, Level 1, 484 Graham Street, Port Melbourne 3207	03 9646 5011	03 9646 8011	melbourne@workfocus.com	www.workfocus.com	Mount Waverley

Southern Metropolitan Region (35)				Booking details			
Provider	Contact Name	Address	Phone	Fax	Email	Website	Office locations
Higher Solutions	Ira Galushkin	Level 2, 376 Victoria Street, North Melbourne 3051	03 9329 9414	03 9329 0656	iragalushkin@nabenet.com.au	www.highersolutions.com.au	North Melbourne, Mulgrave, Dandenong
The ORS Group	Louise Van Maanen	2 Wellington Street, Collingwood 3066	03 9445 7700	03 9419 8300	orsvictoria@orsgroup.com.au	www.orsgroup.com.au	Box Hill, Camberwell, Dandenong, Frankston, Hastings, Mornington, Windsor
Konekt	Yasmine Capponi	Level 8, 179 Queen Street, Melbourne 3000	1300880777	1300880594	response@konekt.com.au	www.konekt.com.au	Melbourne, Dandenong

Metropolitan regions

Northern Metropolitan Region (36)				Booking details			
Provider	Contact Name	Address	Phone	Fax	Email	Website	Office locations
Higher Solutions	Ira Galushkin	Level 2, 376 Victoria Street, North Melbourne 3051	03 9329 9414	03 9329 0656	iragalushkin@nabenet.com.au	www.highersolutions.com.au	North Melbourne,
Recovre	Sascha Schubiger	Marland House, Level 27, 570 Bourke Street, Melbourne 3000	03 8689 4500	03 8689 4545	referrals@recovre.com.au	www.recovre.com.au	Melbourne
Konekt	Yasmine Capponi	Level 8, 179 Queen Street, Melbourne 3000	1300880777	1300880594	response@konekt.com.au	www.konekt.com.au	Melbourne

Western Metropolitan Region (34)				Booking details			
Provider	Contact Name	Address	Phone	Fax	Email	Website	Office locations
The ORS Group	Louise Van Maanen	2 Wellington Street, Collingwood 3066	03 9445 7700	03 9419 8300	orsvictoria@orsgroup.com.au	www.orsgroup.com.au	Sunshine, Airport West, St Albans
WorkFocus Australia	Emma McMullan	Unit 7, Level 1, 484 Graham Street, Port Melbourne 3207	03 9646 5011	03 9646 8011	melbourne@workfocus.com	www.workfocus.com	Port Melbourne, Werribee
ResolutionsRTK	Elke Gjergja	466 Malvern Road, Prahran 3181	03 9529 6600	03 9529 6606	referrals@resolutionsrtk.com.au	www.resolutionsrtk.com.au	Footscray, Moonee Ponds, Werribee

Rural regions

Barwon South Western Region (28)				Booking details			
Provider	Contact Name	Address	Phone	Fax	Email	Website	Office locations
The ORS Group	Louise Van Maanen	2 Wellington Street, Collingwood 3066	03 9445 7700	03 9419 8300	orsvictoria@orsgroup.com.au	www.orsgroup.com.au	Geelong
Konekt	Yasmine Capponi	Level 8, 179 Queen Street, Melbourne 3000	1300880777	1300880594	response@konekt.com.au	www.konekt.com.au	Geelong, Ballarat, Portland, Warrnambool
Recovre	Sascha Schubiger	Marland House, Level 27, 570 Bourke Street, Melbourne 3000	03 8689 4500	03 8689 4545	referrals@recovre.com.au	www.recovre.com.au	Geelong, Ballarat

Rural regions

Gippsland region (32)				Booking details			
Provider	Contact Name	Address	Phone	Fax	Email	Website	Office locations
Higher Solutions	Ira Galushkin	Level 2, 376 Victoria Street, North Melbourne 3051	03 9329 9414	03 9329 0656	iragalushkin@nabenet.com.au	www.highersolutions.com.au	Dandenong, Morwell
Konekt	Yasmine Capponi	Level 8, 179 Queen Street, Melbourne 3000	1300880777	1300880594	response@konekt.com.au	www.konekt.com.au	Dandenong, Sale
Recovre	Sascha Schubiger	Marland House, Level 27, 570 Bourke Street, Melbourne 3000	03 8689 4500	03 8689 4545	referrals@recovre.com.au	www.recovre.com.au	Moe

Rural regions

Grampians Region (29)				Booking details			
Provider	Contact Name	Address	Phone	Fax	Email	Website	Office locations
APM	Larissa Natividad	Level 4, 160 Queen Street, Melbourne 3000	03 8643 6500	03 9642 4963	MelbourneAdminStaff@ad.apm.net.au	www.apm.net.au	Ballarat, Bendigo, Geelong
Konekt	Yasmine Capponi	Level 8, 179 Queen Street, Melbourne 3000	1300880777	1300880594	response@konekt.com.au	www.konekt.com.au	Ballarat, Bendigo, Geelong
Recovre	Sascha Schubiger	Marland House, Level 27, 570 Bourke Street, Melbourne 3000	03 8689 4500	03 8689 4545	referrals@recovre.com.au	www.recovre.com.au	Ballarat, Bendigo, Geelong

Hume Region (31)				Booking details			
Provider	Contact Name	Address	Phone	Fax	Email	Website	Office locations
Work Options	Clint van Beveren	Level 5, 370 St Kilda Road, Melbourne 3004	03 9690 5111	03 9690 5311	Vic-referrals@workoptions.com.au	www.workoptions.com.au	Albury/Wodonga, Bendigo, Melbourne Shepparton, Wangaratta
Konekt	Yasmine Capponi	Level 8, 179 Queen Street, Melbourne 3000	1300880777	1300880594	response@konekt.com.au	www.konekt.com.au	Albury/Wodonga, Bendigo
Rehab Outcomes	Brad Stevens	478 David Street, Albury, NSW 2640	02 6023 4644	02 6023 4655	admin@rehaboutcomes.com.au	www.rehaboutcomes.com.au	Albury

Rural Regions

Loddon Region (30)				Booking details			
Provider	Contact Name	Address	Phone	Fax	Email	Website	Office locations
Work Options	Clint van Beveren	Level 5, 370 St Kilda Road, Melbourne 3004	03 9690 5111	03 9690 5311	Vic-referrals@workoptions.com.au	www.workoptions.com.au	Albury/Wodonga, Bendigo, Melbourne Shepparton, Swan Hill,
Konekt	Yasmine Capponi	Level 8, 179 Queen Street, Melbourne 3000	1300880777	1300880594	response@konekt.com.au	www.konekt.com.au	Bendigo
Recovre	Sascha Schubiger	Marland House, Level 27, 570 Bourke Street, Melbourne 3000	03 8689 4500	03 8689 4545	referrals@recovre.com.au	www.recovre.com.au	Albury, Bendigo, Shepparton

Voice loss referrals

All regions				Booking details			
Provider	Contact Name	Address	Phone	Fax	Email	Website	Office locations
Voice Care Management Australia	Regina Fitzpatrick	67 Orchard Crescent, Mont Albert North 3129	03 9816 4373 0407 322 072	03 9816 4901	rf@voicecare.com.au	www.voicecare.com.au	Mont Albert North

Chapter 15

47. Request for Conciliation at ACCS 2008

48. Conciliation Outcome Certificate

49. Email to His Honour Judge O' Neill

Request for Conciliation

Office use

Ref/ Act Section

9 16/9084

Please read the back of this form before completing this page.

Further information is available at our website: www.conciliation.vic.gov.au

Worker Details

Title Given Name Family Name

Postal Address Post Code Date of Birth Male Female

Home Phone* Mobile Phone* Other Phone

*at least one phone number is required Email

Preferred Contact Method (please tick one): Email Regular Mail

Conciliation

Do you need an interpreter? (Interpreters are arranged by the ACCS) Yes No

If yes, what language and/or dialect?

Have you arranged to have an assistance provider at conciliation such as your union, WorkCover Assist or UMSA Assist?

Yes No If yes, please provide details below.

*You are not required to have assistance at conciliation. More information is available on our website.

Insurer and Employer Details

Authorised agent/self-insurer Claim Number

Employer Business Name Employer Contact Name

Employer Address Post Code

Dispute Details

1. Are you disputing a decision made by the authorised agent/self-insurer? Yes No

If yes, proceed to question 2. If no, proceed to question 4.

2. Date of decision Date decision received

3. You must attach a copy of the decision, including any reasons for the decision.

If 60 days have passed since you received the decision, please attach reasons for late application.

4. If the dispute relates to a failure to respond to a request, you must attach a copy of the request.

5. Why are you applying for conciliation? (attach an additional piece of paper if you need more space)

Signature of party requesting conciliation Date

Print name:

This form may be lodged as follows:

Fax: (03) 9940 1000 Email: rfc@conciliation.vic.gov.au

Mail: Accident Compensation Conciliation Service, GPO Box 251, Melbourne 3001

Details about why I am applying for conciliation:

This matter was litigated in the county court in Melbourne and His Honour Judge O'Neil made an order that stated judgment for the defendant on December 1 2016. The matter is now before the Supreme Court of Appeal.

I can now conclusively prove that relevant documents pertaining to the liability issues in this case with respect to the Accident Compensation Act 1985 were deliberately withheld by my employer and my employer's legal representatives (Minter Ellison) including but not limited to:

- a) All return to work plans
- b) The identity of my return to work co-ordinator
- c) Medical report from Dr R Athey (Psychiatrist) for medico-legal purposes
- d) Information provided in confidence by my employer to my CGU consultant (Joanne Mathews) about my vulnerable psychological state and/or my physical ailments and/or treatment I was receiving for other stressful situations and or many other issues (Refer to letter to Dr Dharwadkar dated 21 December 2007 – including Annex.1)

At the time of making this application to the ACCS I believe that I now in receipt of most of the documents enumerated in a-c above however, I disagree with CGU's decision not to release the document enumerated in point c above and the remainder of the documents identified in their letter dated 18 July 2016.

With reasonable foreseeability being one of the crucial elements in proving a case of psychiatric injury it is reasonable that I am able to access all information that would assist in proving my case in the Supreme Court of appeal. Clearly this evidence still reasonably exist and was deliberately withheld which was a breach of the law.

CONCILIATION OUTCOME CERTIFICATE

Accident Compensation

Worker:	Mary Pateras
Reference No:	08/1514
Claim No:	04070082867
Employer:	Department Of Education & Training
Authorised agent of the Victorian WorkCover Authority (WorkCover Agent):	CGU Workers Compensation (Vic) Limited
Section of Act/Nature of Dispute:	109 Claim for compensation

This dispute relates to a decision dated 10 January 2008 to reject a claim for compensation.

A conciliation conference was held on 27 March 2008.

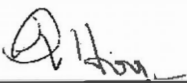
I recommended pursuant to section 57(1)(a) that the WorkCover agent and the employer pay weekly payments of compensation and medical and like expenses in accordance with the Act.

The parties accepted this recommendation and the dispute is resolved.

Payments of compensation in accordance with a recommendation are not an admission of liability (Section 61(1)).

Conciliation has been completed.

Signed:



David Hooper
(Conciliation Officer)

Date: 27 March 2008



I acknowledge the Traditional Owners of the land across Victoria, and pay respect to their Elders, past and present, and to future generations.

[Quoted text hidden]

mary pateras <marypateras@gmail.com>

Thu, Jul 28, 2022 at 11:44 AM

To: srl@countycourt.vic.gov.au

Bcc: marypateras@gmail.com

Good Morning Eleni,

Thank you for your email. Could you please pass on the following further enquiry to the Judicial Officer officer who is presiding over this request given that His Honour Judge O'Neill has retired.

In May of 2019, I had personally emailed his Honour raising concerns about the existence of various documents directly related to the matters in issue during the trial which had not been disclosed by the defendant despite numerous court orders and a notice to produce seeking the documents I believed reasonably existed. The defendant filed affidavits stating that the documents could not be located. I received a response from his Honours Associate at the time that read as follows:

Dear Ms Pateras

Your email of the 10 May 2019 has been provided to his Honour who has asked me to respond as follows:

Having rendered his judgment in the matter, and the case having been through the appeal process, his Honour is not able to make any comment on the case, the evidence or the documents tendered in evidence.

Further given his position, his Honour is not able to provide you with any advice as to any steps which you may wish to take.

Yours sincerely,

Associate to Judge O'Neill

By way of courtesy I would like to inform the court that my book with also included some commentary around the matters in my email to His Honour and the above response. I will not name his Honour but rather refer to His Honour as the trial Judge.

Further, to that I am in the process of launching a website called Teacher's raise your hand and intend to share links to the reasons for judgment along with the exhibits that we're tendered into evidence.

During my conversations with the Supreme Court, I was informed that given that these documents were in the public domain there would not be any issues with sharing the said documents.

Should the County Court be in a different position or view, I would appreciate some clarification of these matters from the Judicial Officer considering my enquires.

I look forward to hearing from you.

Kind Regards

Mary

Sent from my iPad

On 27 Jul 2022, at 9:17 am, srl@countycourt.vic.gov.au wrote:

Dear Mary

I confirm that your request has been referred to a Judicial Officer for consideration and you will be informed in due course as to the decision.

Kind regards

Eleni

Case Manager – Self-Represented Litigants

County Court of Victoria

250 William Street, Melbourne, VIC 3000 | **DX** 290078 Melbourne

T 03 8636 6528 | **E** srl@countycourt.vic.gov.au

www.countycourt.vic.gov.au

Chapter 16

50. Email Exchange - Minter Ellison Lawyers and CGU - April 2009

51. File Note from Redlich Lawyers 2023

52. Email to Redlich ' s Injury Lawyers 2023

Form 59
Rule 29.02(1)

Affidavit

No. VID318 of 2021

Federal Court of Australia

District Registry: Victorian

Division:: General - Administrative and Constitutional Law and Human Rights

MARY PATERAS

Applicant

**THE STATE OF VICTORIA (DEPARTMENT OF EDUCATION AND TRAINING) AND
ANOR**

Respondents

Affidavit of: MARY PATERAS

Address: [REDACTED], VICTORIA 3658

Occupation: ill -health retired Teacher

Date: 16 August 2021

This is Exhibit Marked "MP5" now produced and shown to Mary Pateras at the time of swearing her Affidavit dated 18 August 2021.

Before me:

CERTIFIED TRUE COPY
ORIGINAL SIGHTED BY ME
ON 18/8/21
.....
Mark Andrew Adams
Justice of the Peace
81 Rail Street, Warragul, Vic 3113



EXHIBIT "MP5"

**Documents from Gallagher Basset Services between
2019-2020**

Carl Wang

From: Gino Fittipaldi [Gino.Fittipaldi@minterellison.com]
Sent: 23 March 2009 9:00
To: Carl Wang
Subject: Mary Pateras ats DEET (claim no.:04 07 82867)(laid:127984)

Hi Carl,

This is a termination of weekly payments in relation to a stress claim. The matter is listed for hearing on 22 April 2009 in the Melbourne Magistrates Court and was peer reviewed with the VWA on 12 March 2009 who endorsed our recommendation to attempt settlement by offering up to arrears to date.

The worker was employed as a teacher at the Galvin Park Secondary College. She submitted a claim which was ultimately accepted in December 2007 alleging the principal, Mr P Newlands attempted to dissuade her from accepting a staff/student welfare position she had been successful in obtaining.

The worker claimed that after accepting the position, Mr Newland asked her to 'have regard to the interests of the school' in accepting the position. A subsequent investigation conducted by DEET found Mr Newman did in fact try to dissuade the worker but was not disciplined. Mr Newman claimed that he wanted to discuss certain expectations of the role with the worker prior to her acceptance.

In any event, the worker's benefits were terminated in June 2008 based on the opinion of Dr Dhwardkar that the worker had a capacity for pre injury employment at another school (*Yacoub*).

We have had the worker examined by Dr T Entwisle and a copy of his report dated 31 December 2008 has already been forwarded to your office. Mr Entwisle diagnosed the worker as suffering from an adjustment disorder with depressed and anxious mood. The worker reported continuing panic attacks and was self harming by placing 'toothpicks in her gums to relieve tension'. In terms of capacity, he did not consider she could return to work as a teacher given the panic attacks but had a capacity to work in non teaching roles away from her place of employment.

According to the clinical records of Dr B Gurovski (treating psychologist) the worker continued to experience panic attacks, consistent with her reports to Dr Entwisle. In November 2008 the worker reported "worked 2 hours at friends restaurant- feels good". We do not consider the worker has resumed employment but rather may have used the opportunity as a trial, given she has been out of the workforce for some time. The remaining notes do not indicate any other work activities.

The clinical records of Dr M Milone (GP) show the worker complaining of 'stress at work' prior to the incident in October 2007. We suspect this may be due to rumours about the worker and the assistant principal starting a relationship. Notes in 2006 refer to problems at home due to her marriage breakdown.

In any event, we do not consider the decision can be maintained based on Dr Entwisle's latest report, the continued panic attacks and the self harming aspect. We will endeavour to use the worker's attendance at her friends restaurant in November 2008 to argue capacity, albeit it is limited and not her pre injury duties.

We recommend you allow us to attempt settlement of this matter on best possible terms and offer 6 months of arrears of weekly payments and if not accepted, offer arrears to date, 9 months plus costs at the appropriate scale. If the matter is not capable of resolving on these terms, we will revert to you for further discussion and instructions.

We look forward to receiving your instructions.

Gino Fittipaldi Lawyer
t +61 3 8608 2968 f +61 3 8608 1029
Minter Ellison Lawyers Rialto Towers • 525 Collins Street • Melbourne • VIC 3000
gino.fittipaldi@minterellison.com www.minterellison.com

W

Carl Wang

From: Gino Fittipaldi [Gino.Fittipaldi@minterellison.com]
Sent: 15 April 2009 10:04
To: Carl Wang
Subject: Mary Pateras v DEET (claim no.: 04 07 82867)(Laid:127984)

Hi Carl,

Just a quick update. Our offer of 6 months arrears of compensation has been rejected. The worker's solicitor was uncertain whether arrears to date (approx 10 months) would resolve the matter and in the circumstances, the offer was not made as we did not want to raise the worker's expectations. We now consider the prospect of resolving the matter on the basis of arrears to date is more likely at court with counsels involvement.

As such, I have briefed Mr P Trigar for the listed hearing date of 22 April 2009.

I will telephone Mr P Newland, (the principle) and give him an update.

If the matter is not capable of resolving on the above terms at the door of the court, I recommend we re assess the situation after cross examination of the worker is completed.

Regards

Gino Fittipaldi Lawyer
t +61 3 8608 2968 f +61 3 8608 1029
Minter Ellison Lawyers Rialto Towers • 525 Collins Street • Melbourne • VIC 3000
gino.fittipaldi@minterellison.com www.minterellison.com



'Law Firm of the Year' 2007 & 2008
Australia and New Zealand
Insurance Industry Awards

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W

Carl Wang

From: Carl Wang
Sent: 15 April 2009 10:27
To: 'Halliday, Brett b'
Subject: Hearing (22/04/2009) update - M. Pateras c/n 04 07 82867

Hi Brett,

Gino of Minterellison Lawyers advised that the plaintiff has rejected our initial offer of 6 months arrears of compensation. Gino has briefed our Counsel for the hearing on 22/04/2009. We will reassess the situation after cross examination of the worker if the matter fails to resolve by negotiation.

Gino will contact Mr. P Newland, the school principle and keep him in the loop.

Cheers

CARL WANG
LEGAL OFFICER
CGU WORKERS COMPENSATION (VIC) LIMITED

T +61 (0)3 8630 1224
F +61 (0)3 8804 9420
E carl.wang@cgu.com.au

CGU is a member of Insurance Australia Group (IAG)

www.cgu.com.au

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BEFORE PRINTING THIS EMAIL

W

IN THE MAGISTRATES' COURT OF VICTORIA
AT MELBOURNE
(WORKCOVER LIST)

No.

BETWEEN

CGU WORKERS COMPENSATION VICTORIA LTD

First Named Plaintiff

and

DEPARTMENT OF EDUCATION & TRAINING

Second Named Plaintiff

and

MARY PATERAS

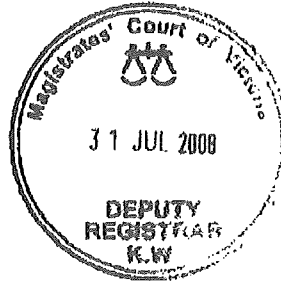
Defendant

APPLICATION

Date of document 31 July 2008

Filed on behalf of the applicant

Prepared by
MINTER ELLISON
Lawyers
Rialto Towers
525 Collins Street
MELBOURNE VIC 3000



DEPUTY
REGISTRAR
K.W.

Reference GIF DSP 30-5879588 (Gino Fittipaldi)

Solicitors Code 8510
DX 204 MELBOURNE
Telephone (03) 8608 2000
Facsimile (03) 8608 1000

TO THE DEFENDANT
OF [REDACTED] Werribee, 3030

YOU ARE SUMMONED TO ATTEND before the Court on the hearing of an application by the plaintiffs for the following orders:

1. An order that the direction of the conciliation officer dated 29 July 2008 be revoked pursuant to section 60(2) of the Act.
2. A declaration that there is a genuine dispute regarding the defendant's entitlement to repayments of compensation.
3. Such other orders that the court determines appropriate.

The application will be heard by the Court at Melbourne at

on 5th day of August 2008.

Registrar

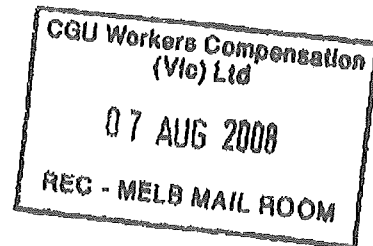
This application was filed by Minter Ellison Lawyers, Solicitors for the applicant.

A handwritten signature or set of initials, possibly 'JL' or 'JLW', written in black ink.

6 August 2008

RIALTO TOWERS 525 COLLINS STREET MELBOURNE
GPO BOX 769G MELBOURNE VIC 3001 AUSTRALIA
DX 204 MELBOURNE www.minterellison.com
TELEPHONE +61 3 8608 2000 FACSIMILE +61 3 8608 1000

Julie Heidelberger
Principal Claims Analyst
Victorian WorkCover Authority
GPO Box 4306
MELBOURNE VIC 3000



Dear Julie

Claim No: 04-0-
Employer: Department of Education & Training
Worker: Mary Pateras
LAID No: 127359

We confirm that the application to revoke the direction issued by conciliation officer Anita Kaminski on 29 July 2008, proceeding to a hearing before His Honour Magistrate Brian Wright on 5 August 2008.

We briefed Mr M Richards of Counsel to appear on your behalf whilst Mr C Miles of Counsel appeared on behalf of the worker.

It was submitted on your behalf that the conciliator's direction should not be revoked based on the medical report of Dr N Dharwadkar dated 15 May 2008 who considered the worker had a capacity to perform pre-injury duties at an alternate workplace or at the original workplace if the issue with the employer was resolved. In addition, the GP, Dr R Milone certified the worker fit for pre injury employment and occupational/vocational reports noted the worker stating she could return to pre injury duties but not at the department.

Mr Miles, on behalf of the worker, submitted that the Agents emphasis changed from pre injury employment to suitable employment by virtue of the fact that they obtained vocational evidence that identified suitable employment options which were not teaching roles. He also submitted that Dr Milone's latest report dated 22 July 2008 certified the worker unfit for all work and given it post dated the report of Dr Dharwadkar, it should be preferred.


In conclusion, Mr Miles submitted that given there was no evidence that the worker was fit for pre-injury employment the conciliator was correct in making the direction.

His Honour Magistrate Wright stated that the issue was whether the worker was incapacitated within the meaning of the Act and in this regard, he considered the opinion of Dr Dharwadkar and Dr Milone supported the worker being fit to perform pre-injury duties (albeit at another

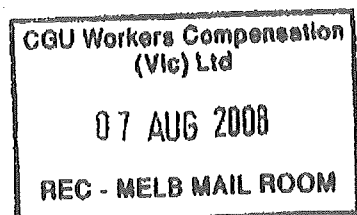
A handwritten signature in black ink, appearing to be the initials "MP".

workplace) and given pre injury employment included the actual tasks/duties associated with the role, he was satisfied that there was an arguable case in support of the denial to continue to make weekly payments.

Magistrate Wright ruled that the direction issued by the conciliation officer on 29 July 2008 be revoked effective from 5 August 2008 and that the worker's costs relating to the application be paid on Magistrates' Court Scale 'B'.

Yours faithfully
 MINTER ELLISON

Contact: Gino Fittipaldi Direct phone: +61 3 8608 2968 Direct fax: +61 3 8608 1000
Email: gino.fittipaldi@minterellison.com
Partner responsible: David Poulton Direct phone: +61 3 8608 2692
Our reference: GIF DSP 30-5879588



23 January 2012

Ms Alissa Fotiades
Senior Legal Manager
CGU Workers Compensation
DX 605 MELBOURNE

Dear Alissa

Serious injury advice

Claim No	04 [REDACTED]
LAID No:	144690
Worker:	Mary Pateras
Employer:	State of Victoria
Plaintiff firm:	Adviceline Injury Lawyers
Head of damage:	Both
Key event date:	120 days – 31 January 2012
Streaming category:	A

1. Application

Your determination must be made on or before 31 January 2012. The worker has a deemed serious injury.

The worker alleges serious injury in the form of a psychiatric condition. The application is for both pain and suffering and loss of earning capacity. She relies on injury occurring on or about 22 October 2007 and throughout October, November and December 2007.

On 12 December 2007 the worker made a claim for compensation alleging stress following her application for a job within the School. The claim was initially rejected and following the commencement of court proceedings, a settlement was reached for the payment of a limited period of arrears of compensation from 29 June 2008 to 22 April 2009.

On 22 January 2012 the worker made an impairment benefits claim for a psychiatric injury (including Alopecia Aretha), irritable bowel syndrome, aggravation of gastroesophageal and teeth. All injuries were accepted. She was assessed as suffering a combined 45% whole person impairment. She has received \$106,400 in compensation.

2. Background

The worker is 48 years of age and began working at Galvin Park Secondary College in 1998 as a teacher. She began teaching textiles and in 2001 commenced as the Careers Counsellor.



In 2007 the position of Careers Counsellor became a Leading Teacher 1 position and was advertised throughout Victoria. She applied for the position and was granted a formal interview. The interview took place on 17 October 2007 at the school with Peter Newland, Principal; Jan Javni, Teacher Development Manager; and Alison Armstrong, Information Manager.

The worker was asked to attend a second interview, which was held on 22 October 2007. She claims she was told that it would be an informal chat in Peter's office but when she arrived both Jan and Alison were also present. The worker alleges that the first question Peter asked was why she had applied for the job, as her application had become as a bit of a surprise to some panel members and her referees. She describes she was taken aback by his question. She was then asked a few further questions about leadership and her response was that she said she was prepared to accept the panel's decision.

She returned to her office to continue working. She claims the same day while walking to her car, she was intercepted by Peter in the corridor. She describes that he said something about the interview panel and she replied that she had said all that she could say. Peter then asked her whether she wanted to know the outcome and asked her to accompany him to his office. They went into his office, closed the door, and he told her that she was the successful applicant.

The worker claims that when she got up to leave his office, Peter asked her to sit down again and said words to the effect that he did not think it was in the best interests of the school that she accept the position. Peter then said that he expected her to come back in 24 hours with a different answer. She describes that she was shocked by his behaviour and said that she would not change her position.

After this conversation, the worker alleges she started crying, left school and attended her GP, Dr Mallone the next day. Notes confirm an attendance and also confirm a record of the incident with Peter.

The worker lodged a formal complaint with the Department on 7 November 2007. She attempted to return to work on the first day of the 2008 school year and after attending a staff meeting she broke down and thereafter remained off work.

On 23 February 2008 she received notification by the Department that her complaint had not been substantiated. This caused her to lodge a grievance with the Merit Protection Board on 7 March 2008 and on 16 May 2008 her grievance was upheld and a re-investigation was recommended. An external investigation was carried out in August 2008 which concluded that the discussion between the worker and Peter was carried out in such a way as to dissuade her from accepting the position. As a result the Regional Director requested that Peter offer the worker the position. This occurred and the worker accepted the offer.

The worker claims she attempted to return to work on 8 October 2008. When she arrived at work she received an email from Peter Newland asking her to complete work for Victoria University that was due in the next two days. She deposes that this was a big task and she was not given any assistance. She stayed at work until 6:30pm. She describes that she had a panic attack and was not able to return to work the next day. (We are yet to confirm this with the employer).

On 18 October 2010 the worker lodged a complaint with the Equal Opportunity and Human Right Commission alleged discrimination by Peter because of her impairment, marital status and parental/carer responsibilities along with victimisation. In August 2011 the matter proceeded to VCAT, and settled at mediation for \$8,000 as an ex gratia payment, waiver of an overpayment owed by the worker to the department of \$2,021.85 and a written apology.



3. Medical Evidence

Before the incident the worker deposes that she loved her work and now she feels as though she has lost her identity. At the time of the incident she had not smoked for eight years, but began smoking again in February 2008. She describes that she more or less lives as a recluse, has difficulty concentrating and generally feels lethargic.

In November 2010 a Medical Panel opined that the worker was suffering from a partially treated major depression with anxiety and panic features and with features of traumatisation. It was also the Panel's opinion that the worker was suffering from irritable bowel syndrome and aggravation of gastroesophageal reflux.

We recently had the worker re-examined by Dr Entwisle who has diagnosed her to be suffering from a Major Depressive Illness, which has improved since his last examination of her in 2010. In his opinion she has no current work capacity.

4. Liability

The worker's allegations of negligence make specific allegations about Peter and the Department. Allegations against Peter include discriminating against her and failing to assist her return to work. The allegations against the Department include failing to respond adequately to her complaints, failing to adequately investigate her complaints in a timely manner and failing to ensure a mediation took place.

According to Peter, following a referee interview on 19 October 2007, the Panel considered whether the worker had met the selection criteria and it was not satisfied that the worker had provided enough evidence to meet Criterion 5. She was therefore asked to re-attend for a second interview. He confirms the panel asked her why she applied for the job and further questions were asked that were designed to allow her thoughts and plans to be articulated. Following the interview the panel felt that the worker had met the criteria. However, before accepting the position, the panel wanted the worker to consider a few elements. When she was asked to meet with Peter, he expressed that the panel wanted to offer her the job and in doing so wanted to discuss several points before she accepted the job. Peter describes that the worker was uncomfortable and was not prepared to discuss the matters related to the role. She was therefore asked to meet again the following day.

Peter denies that he acted inappropriately. He confirms sending her an email on 23 October 2007 in response to receiving an email from her advising him that she could not attend the staff meeting and that she felt completely shattered by his comments the previous day.

The letter of complaint to the Department, addressed the Acting Regional Director and dated 7 November 2007 was received on 13 November 2007. Prior to this it appears the worker also emailed a copy of the letter to the Merit Protection Board on 8 November 2007. The Board however, felt it should be treated as a complaint rather than a grievance and referred it to the Regional Director on 13 November 2007, who subsequently wrote to the worker on 10 December confirming the matter would be investigated. On 19 December 2007 a further letter was sent to the worker advising that her complaint would be investigated and invited her to contact the author should she wish to discuss the matter. The worker did call on 21 January 2008 to chase-up the status. In a letter dated 20 February 2008 the worker was advised of the investigation outcome, namely that her complaint was unsubstantiated and no further action would be taken.

A grievance was then lodged with the Merits Board on 8 March 2008 and on 16 May 2008 the grievance, insofar as it related to the conduct of the investigation, including the way the investigation was conducted and its length of time was found to be substantiated.

As a result of the Board's finding an external investigator was appointed which concluded in August 2008 and recommend the worker be offered the job.

Based on Peter's recollection of the meeting which occurred and is alleged to be the significant cause of the worker's condition, we have some reservation whether this amounts to a form of bullying and/or harassment. What is concerning is the finding of the independent examiner that Peter was motivated to dissuade the worker from accepting the position and that he did so by suggesting that she reconsider accepting the position in the interests of the school.

We also note with some concern that the Board's finding that the investigation process was flawed, and in particular it notes the length of time it took to complete. Despite this finding, perusal of the Department's Guidelines for Managing Complaints make no reference to a timeframe.

Even accepting that Peter's actions do amount to bullying, the worker will need to establish that in all the circumstances, it was reasonably foreseeable to the employer that the worker was at risk of sustaining a psychiatric illness.

Prior to the meeting the worker had a significant amount of time off work, which the worker has deposed to in her affidavit as being as result of having to care for her son who was ill and her own health issues. There is no evidence that employer was aware at anytime prior to receiving her the first certificate of capacity dated 23 October 2007 that she was suffering from stress and/or anxiety.

We are yet to confirm with the employer what the worker's attempts to return to work were as part of her allegations of negligence relate to the way she was treated on her return to work attempts.

On the information we have, while we do have some concerns with negligence, we consider it premature to concede liability and are of the view the worker is at risk of failing to establish negligence on behalf of the employer.

5. Quantum

5.1 Pain and suffering

We assess such damages to be \$150,000 inclusive of section 98C compensation.

5.2 Past loss

In the financial year ending 30 June 2007, the worker earned \$65,300. It appears the role the worker had applied for, being a Leading Teacher 1, as at May 2008, would have attracted a salary of \$78,019 per annum.

To date, 170 weeks have elapsed. Assessing a total loss at \$1,500 gross or \$1,145 net, amounts to \$195,000 plus a further \$25,000 in superannuation.

She has received \$79,000 in weekly payments. We assess Fox and Wood to be \$20,000.

As a total loss therefore we assess past loss to be \$160,000.

5.3 Future loss

We have assumed the same earnings of \$1,145 net per week. To age 60, using the multiplier of 395.5 equates to \$453,000 plus a further \$55,000 in superannuation. Applying a 15% discount for vicissitudes, future loss is assessed at \$430,000.

5.4 Total quantum

We assess damages as follows:

pain and suffering	\$40,000
past loss	\$160,000
future loss	\$430,000
TOTAL	\$620,000

6. Recommendation

The worker has a deemed serious injury and we will confirm this with our exchange of our Response material prior to the 120th day which is 31 January 2012.

Given the significant issues we have with respect to regarding liability, we recommend no offers be made at the forthcoming statutory conference. We seek your instructions accordingly.

Should you wish to discuss this matter please contact Carmen Buccheri on 8608 2112.

Yours faithfully
MINTER ELLISON

Contact: [REDACTED] Direct phone: +61 3 8608 2112 Direct fax: +61 3 8608 1302
Email: [REDACTED] minterellison.com
Partner responsible: [REDACTED] pulton
Our reference: CXB DSP 30-7068020



the GP's latest views. There is County Court case currently by His Honour Judge Bowman of "Kerrige" which would not be in her favour in view of the GP's latest report.

She was advised that we were happy to run her case if that is what she wanted but we had to point out the weaknesses.

She was advised that her decision should not be made on the basis that she will receive compensation on the Common Law Claim. Lisa Maynard is advising her of this matter. Clyde advised that generally Common Law claims for stress are difficult but to seek advice from her Solicitors. She understands this. Her friend Peter Stone was present at all times.

The client wanted to think about it for a while.

Eventually she advised that if we were able to obtain an offer for payments to date, she will accept the offer. Her medical and like expenses continue in accordance with Law.

The Defendant eventually offered payments to date. She accepted the offer. She was advised that this was the end of the weekly payments claim.

She was paid sickleave or long service leave for all the period up to 22 April, 2009. She was advised that the leave would be re-credited to her. If she was entitled to make up pay the leave would be re-credited at 100% otherwise at 75%. She has provided workcover certificates to the school.

Kathy



mary peterston

. m>

Court attendance file note

mar eterston

Tue, Feb 7, 2023 at 4:33 PM

To: @redlichs.com.au>

Bcc:

Good Afternoon

Thank you for your email releasing the file note to me and the offer of further assistance. I apologise about the delayed response. It has taken time for me to locate documents that I would like you to give further consideration to before making a determination as to what you would advise the union about the prospects of litigating the matter. The lawyer I spoke to over the telephone (whose name escapes me) explained that whilst she had not sighted the genuine dispute certificate that was issued by the WIC on 22 September of 2022, it did not necessarily mean that an arguable case indicated that it would be arguable in my favour. I seek clarification on the information as specified in the genuine dispute certificate attached to this email.

The lawyer went on to explain the difficulties I would face in respect to overcoming the issue with estoppel if the matter should proceed in the Magistrates Court..

The conversation lasted some 40 minutes. She agreed that from what I had explained to her about the matter in respect to new information made available to me by Gallagher Bassett in 2020 (albeit in error on their behalf) that I was treated terribly and sometimes the law is an ass and is not always fair.

With respect, I request that you read the genuine dispute certificate and provide me with an opportunity to forward all the supporting documentation I relied on during the hearing. From there I believe that you may have a better understanding of the complexities in this matter and whether the issue of estoppel can be overcome.

In respect to the file note provided I have a number of serious concerns,

1. There is no possibility of Peter (my friend) being present as stated. Pete was in fact admitted to the Melbourne Hospital on April 1 2009, was mentally very unwell, and suicidal. he remained as an inpatient for 6 weeks. Towards the end of the 6 week stay I was granted permission to take him out for dinner at a nearby restaurant with clear instructions that he was not to consume any alcohol. To my knowledge this was the only time Pete was able to leave the Melbourne Clinic. If you have any doubts about this, I can ask Dr Data to provide further information to you. (See attachment Peter Admission to Melbourne Clinic)

2. In reference to what Clyde Miles had advised, I refer you to the documents that I believe were released to me in error by Gallegher Bassett in 2020, clearly stating what the "plan of attack" would be as far as CGU and Minter Ellison were concerned. Upon receiving these documents I made enquiries with the Australian Human right Commission that led to the matter partly heard in the Federal Court in 2022.

In accordance with affidavits filed in the Federal Court on or about september 2022 by Rebecca Gannon (Minter Ellison) and John Monroe (KL Gates lawyers) a range of medical reports were exchanged in relation to my weekly payments. Whilst I have no doubt that a report from Ms Garfi existed with my General Practitioners Dr. Milone) medical file, Ms Garfi was only one of 3 psychologists the whole family was referred to by my GP as part of a health care plan. My family law lawyers explained it was a requirement of the family law act at the time. Kathy's notes record " it appears that she was having treatment for issues relating to her marriage break up."

I am unable to find any evidence of the ""treatment" I was having in Ms. Garfies letter. I do not understand why Ms. Garfis report was such a major concern. As a matter of fact my General practitioner was questioned at length about "treatment". He said under oath that whilst I may have told him I was feeling depressed and stressed at times with the arrangement in respect to my seperation I was not formally "treated" with any medication until my difficulties at work had started.

This is clearly evident in the medical reports that were exchanged between Minter Ellison and HoldingRedlich at the time

Terry O'Brien and Lisa Maynard were provided with a medical report from my psychiatrist Dr Mohr who viewed the arrangements in my marriage separation as a testament to my mature approach to the situation. (See attached Doctors reports)

The arrangements in my marriage separation were precisely as I had described them to my doctors. I have been unable to locate the tancit agreement and I made with our family lawyer Mr Mantello in 2006.

These arrangements continued until I purchased my own home in July of

2009 and our divorce was finalised. The children continued to live with both James and I. They had certainly never "chose to remain in the matrimonial home with their father" as stated in her report. My "substantial time of work" had nothing to do with my separation. Nor does it appear that any of these matters that Minters or CGU were contemplating on using using any information contained in Garfies Report. (See attachment email trail from CGU and Minters)

5. I was not advised that my sick leave was to be re credited, In accordance with the correspondence dated 1 may 2009 to Mr Peter Newland from Carl Wang - legal officer at CGU settlement monies for \$43,08.80 less tax within 7 days. This is not what occurred and as such the failure to pay me the settlement money could lead to further litigation called Breach of Agreement. (see attached terms of settlement)

6. In terms of the prospect of success at common law, initially I was advised by David Shaw and Fiona Knowles that my prospects were good and not to proceed with my complaint to the VHRC. Ultimately Lisa later advised me that it would not be financially viable to run my case as Adviceline had not won a case against the department of education. (see attachment prospects at common law)

I look forward to hearing from you and as I explained to the lawyer I spoke to the other day, I am in the process of writing a book about my journey as a workcover statistic and the legal process that followed. I informed the lawyer that in the event that the file note was released to me it would form part of the commentary in my book titled the education Revelation and the Law. She responded by saying she would be interested in reading the book.

Again, I look forward to a response.
Kind Regards
Mary Pateras

Sent from my iPad

On 3 Feb 2023, at 11:00 am,

Hi Mary,

Please see attached court attendance file note for the day of the Magistrate's Court Hearing in 2009.
Please let know if I can assist you further.

All the best,

Kind regards

| Practice Director

369C Springvale Road, Springvale, Vic 3171

T: 03 9321 9837 | F: 03 9321 9900

E: catherine.sim@redlichs.com.au | www.redlichs.com.au

EPPING | MELBOURNE | MELTON | MORWELL | SPRINGVALE | WANGARATTA

Doyle's Guide Australia 2021: Third Tier Work Injury & Accident Compensation Law Firm

Doyle's Guide Australia 2021: Recommended Motor Vehicle Accident Compensation Law Firm


Doyle's Guide Australia 2021: Recommended Public Liability Compensation Law Firm


[Quoted text hidden]

8 attachments



 **pateras - court attendance.PDF**
276K

 **Genuin Dispute certificate June 2022.pdf**
119K

 **peters admission to Melbourne clinic (redlich lawyers)20230207_16084960.pdf**
804K

 **Doctors reports (redlich lawyers)20230207_15062031.pdf**
3896K

 **email trail CGU and Minters.pdf**
1217K

 **terms of settlement (Redlich lawyers)20230207_15454089.pdf**
1204K

 **prospects at common law 201120230205_11344653.pdf**
2575K

Chapter 17

53. *Email from AEU, 2018*
54. *Letters of Support from AEU representatives 2007*
55. Undated letter from Mr. Boyle, 2009
56. Email to Staff via DL List - February 23, 2009
57. Letter from Mr. Boyle dated February 25 2009
58. from MPB, to Mr. Boyle RE: Emails
59. Minutes of Meeting with Mr. Boyle
60. Email from Mr. Boyle to Mr. Newland
61. Email and letter to Staff in response to meeting with Mr. Boyle
62. Emails between senior HR managers and the legal branch,
2009
63. Chapter 17 Letter from Mr. Boyle, April 2009
64. Chapter 17 Email to Staff - Farewell Speech



mary pateras <marypateras@gmail.com>

Weekly payments

Michael Mclver <Michael.Mclver@aeuvic.asn.au>
To: mary pateras <marypateras@gmail.com>
Cc: Marlene McLean <Marlene.McLean@aeuvic.asn.au>

Tue, Apr 17, 2018 at 10:25 AM

Dear Mary

The civil question of whether there was a breach of the Department's duty of care has been finally determined by the Court of Appeal and the High Court refused your application for special leave to appeal the Court of Appeal's decision. It is up to WorkSafe to prosecute breaches of the OHS Act. However, as your complaints relate to incidents dating back more than 10 years, I doubt that they would decide to prosecute the matter.

The AEU won't refer you to Adviceline Injury Lawyers as there aren't any matters that they can assist you with. As I don't see that you have any claims to make against the Department, I won't refer you to Holding Redlich.

You said to me when we met that you thought about writing a book about your experiences. I think my response was that it could be a valuable exercise. I think that you have gone through a great deal and your experience could well highlight some of the systemic problems faced in litigating matters involving psychological harm. I feel that it would be a better exercise that pursuing those issues through the courts.

I wish you well.

[Quoted text hidden]

[Quoted text hidden]



mary pateras <marypateras@gmail.com>

Re AEU assistance

Kerry Maher <Kerry.Maher@aeuvic.asn.au>
To: mary pateras <marypateras@gmail.com>
Cc: Georgia Charleston <Georgia.Charleston@aeuvic.asn.au>

Fri, Apr 21, 2017 at 11:50 AM

Hi Mary,

You can seek assistance for anything that relates to when you were a member so you don't need to be an associate unless you wish to stay a current member.

Regards,

Kerry Maher
AEU RTC organiser
kerry.maher@aeuvic.asn.au
9418 4871

On 21 Apr 2017, at 11:47 am, mary pateras <marypateras@gmail.com> wrote:

Thank you Kerry,

I was asked by Georgia to clarify with you, if it would be ok to join as an affiliated member. I had made this request in 2015. it appears that the form was sent to the wrong email address then. I have now received the form. What do you recommend that I do?

Kind regards
Mary

On Fri, Apr 21, 2017 at 10:20 AM, Kerry Maher <Kerry.Maher@aeuvic.asn.au> wrote:

Hi Mary,

Sorry I wasn't able to take your call at the time . I tried to call back and left a message.

When I received your email it was referred to our Branch Secretary, Gillian Robertson. She asked one of our Industrial (legal) officers, Michael McIver to review the request and he has provided an opinion.

I will ask Gillian to let you know the outcome of your request.

Kind regards,

Kerry Maher
AEU RTC East Team Organiser

<image001.png>

AEU Victoria
126 Trenerry Cres, Abbotsford
p: +61 3 9418 4871



mary pateras <marypateras@gmail.com>

Re AEU assistance

mary pateras <marypateras@gmail.com>

Fri, Apr 28, 2017 at 9:38 AM

To: Michael Mclver <Michael.Mclver@aeuvic.asn.au>

Cc: Kerry Maher <Kerry.Maher@aeuvic.asn.au>, Gillian Robertson <Gillian.Robertson@aeuvic.asn.au>

Dear Michael, Gillian and Kerry

Further to my email yesterday I provide the following information.

In September of 2016 I sought a review from the FOI Commissioner on a decision made by DET not to release 200 pages contained in my workcover file. The FOI Commission sought and extension of 4 months in which to complete the review. I agreed to this request for extension of time. The FOI commissioner failed to complete the review in time. I then applied to VCAT on a deemed refusal by the FOI Commissioner to complete the review in March of 2017. I attach this application for your information and consideration.

There was a hearing at VCAT on 27 March 2017. Orders were made that DET was required to complete a section 42 ...I attach their response.

The is a compulsory Conference on May 17 2017 at 10 am. Will a representative from the union be able to attend and assist me on this day. I attach the orders made.


[Quoted text hidden]


5 attachments

 **Application for Special Leave to Appeal -Filed 29 March 2017[1].pdf**
2163K

 **Respondents Response 24 April 2017.pdf**
232K

 **rr-review-app-495.pdf**
101K

 **05042017114329-0001.pdf**
3011K

 **z185 2017 order 27 3 17_201703281424.pdf**
80K

IN THE COUNTY COURT
OF VICTORIA
AT MELBOURNE
DAMAGES AND COMPENSATION LIST
GENERAL DIVISION

CI- 12 - 03169

BETWEEN

MARY PATERAS

Plaintiff

And

**STATE OF VICTORIA (DEPARTMENT OF EDUCATION AND
EARLY CHILDHOOD DEVELOPMENT)**

Defendant

WITNESS STATEMENT

Filed pursuant to the Order of His Honour Judge Saccardo dated 22 May 2015

Date of document: 25 May 2015
Filed on behalf of: The Plaintiff

Solicitors Code:
DX:

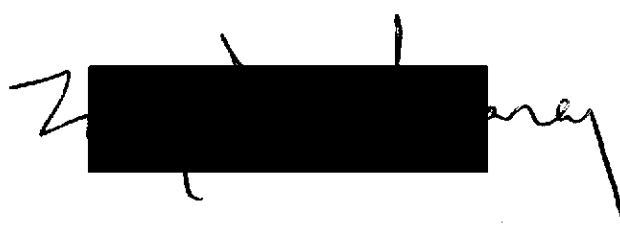
Prepared by:
Mary Pateras
68 Koroneos Drive,
Werribee South, VIC 3030

Tel. No.: 043 038 8831

I Tony Delaney of 3 [REDACTED] Victoria 3071 MAKE OATH AND
SAY as follows:-

1. I have agreed to be a witness in the above proceedings.
2. I am able to provide evidence to the Honourable Court on the matters outlined in correspondence dated February 29 2008 and February 1 2011, which I have attached to this statement.

Signed:



February 29 2008

To CGU Case Manager,

Re Mary Pateras- claim number 04070082867
Rejection of Work Cover claim

Dear Sir/Madam,

With regard to this claim we as organisers who have dealt with Mary on this issue, are very strongly of the opinion that her account of the circumstances is accurate.

It is highly unusual for any principal to refuse to accept the successful applicant's acceptance of a promotion position and insist that the applicant take 24 hours to reflect that their acceptance of this position is in the best interest of the school. In Mary's case this was to a Leading Teacher position

The available medical evidence overwhelmingly supports that this has been a traumatic event for Mary and has greatly affected her health and well-being. For this reason your review should result in the acceptance of this claim. Should this claim still not be accepted we will advise Mary to proceed to conciliation

We, as her union advisors, look forward to working with Mary to facilitate a successful return to work where she can put this unfortunate occurrence behind her and continue her successful teaching career.

Yours sincerely,

Tony Delaney
Kerry Maher

AEU Organisers
9417 2822

For assistance contact:
0800 000 000



ABN: 44673398674

AUSTRALIAN EDUCATION UNION

Victorian Branch

112 Trenerry Crescent Abbotsford 3067
PO Box 363 Abbotsford 3067

telephone: 03 9417 2822; 1800 013 379 fax: 1300 658 078 web: www.aeuvic.asn.au email: melbourne@aeuvic.asn.au

February 1 2011

To Whom It May Concern

I am writing this letter in support of AEU member Mary Pateras.

I am aware of the difficulties experienced by Mary when she was asked to consider if accepting a position for which she had been the successful applicant was the best option for the school.

Ensuing ill-health eventually prompted a WorkCover claim due in part to the inefficiency of the DEECD to deal with her complaint to the region, its failure to substantiate her allegations and the eventual MPB successful grievance re her appointment.

The MPB decision that she should be reinstated came too late for a successful return to work. Indeed the return to work process arranged by the school did not seek to gently ease her back into the workforce but sought to impose an unrealistic and excessive workload at that critical time.

I believe that these inefficiencies, poor processes and the lack of timely responses have had an adverse effect on Mary's medical condition and have affected her ability to feel safe and supported in the workplace and return to work.

Yours truly,

Kerry Maher

AEU Organiser

112 Trenerry Crescent

PO Box 363

Abbotsford VIC 3067

Tel: (03) 9417 2822

Toll Free: 1800 013 379

Fax: 9417 6198

email: Kerry.Maher@aeuvic.asn.au

www.aeuvic.asn.au



Department of Education and Early Childhood Development

Office for Government School Education
Western Metropolitan Region

Level 4, 369 Royal Parade
Kaplan House
Parkville 3052
03 9291 6500
DX 212340

Ms Mary Pateras
[REDACTED] Street
DOCKLANDS
3008

Dear Ms Pateras

I write in reference to your email titled '*my situation 6/2/07*' that you sent at 7:22 pm on 6 February 2007 to all staff at Galvin Park Secondary College.

Employees of the Department of Education are provided with an Edumail email access so that they may send and receive email that is related to the performance of their official duties and to improve and enhance learning and teaching, and conduct of the business and functions of the Department. The usage of Edumail is required to be in accordance with the Department's *Acceptable Use Policy for Internet, Email and Other Electronic Communications*. A copy of this policy is attached.

Section 1.2 of this policy states "...DE&T ICT systems are not to be used for inappropriate activities for example, pornography, fraud, defamation, breach of copyright, unlawful discrimination or vilification, sexual harassment, stalking, illegal activity and privacy violations." Section 9.1 states "DE&T ICT systems must not be used to send material that defames an individual, organisation, association, company or business." I consider that the email you sent at 7:22 pm on 6 February 2007 is in breach of the Department's *Acceptable Use Policy for Internet, Email and Other Electronic Communications*. Further, I am aware that you have continued to email Galvin Park Secondary College employees contrary to their requests that you cease and desist sending unsolicited and unwelcome email.

Please consider this letter your final warning regarding the inappropriate use of Edumail. Further breaches of DE&T policy will result in your Edumail access being terminated

Please also note that further breaches of the Department's *Acceptable Use Policy for Internet, Email and Other Electronic Communications* may constitute unsatisfactory conduct or misconduct. This may result in disciplinary action against you pursuant to the *Education and Training Reform Act 2006*. Actions available under the Act are reprimand, fine, reduction in classification or termination of employment.

Yours sincerely

STEVEN BOYLE
Regional Network Leader - Wyndham

CC Personnel File
Conduct and Ethics Branch

This original has been printed in black and white to reduce cost and environmental impact.



From: Pateras, Mary M

Sent: Mon 2/23/2009 3:48 PM

To: DL Galvin Park Secondary College

Cc: Mooney, Christopher C

Subject:

Hi Everyone,

I apologise for any inconvenience, however this is official school business. Despite my sincerest apology to all staff and a further personal apology to the one member of staff who was offended my DL emails – I have formally received my letter of complaint from the Regional Network Leader – Mr. Steven Boyle. This correspondence however, has somewhat perplexed me. Despite every effort to find an email titled “my situation” that I supposedly sent to “all staff at Galvin Park Secondary College, on 6 February 2007 at 7.22pm” I am loathed if I can find it - let alone remember it!!

According to the information I have available to me at present – On February 6 2007 – I was in fact at the year 12 Camp - Ace Hi Ranch in Cape Schanck. From memory (admittedly my memory of late has played some silly tricks on me!!!) at 7.22pm we were probably engaging in some team building activities with our students, or listening to our guest speaker??

I can however locate and can clearly remember, sending an email to all staff on Friday 30 January 2009 at 4.31 am expressing my complete dismay at the boxes that were collected from the school, and which I had mistaken as Stoney’s farewell gift. It was obviously a “small admin” error and that we should have been treated as such. Well I guess we all make mistakes. Some of us bigger than others!! But we cop it sweet, apologise then move on – right? I also admit to sending another 2 emails to all staff – one on Tuesday 2nd February at 7:07am and another on 5th of February at 6.12 pm. OOPS!!!! - The correspondence I have attached for you attention may also be a “small clerical” error – (although I genuinely feel for the poor assistant who may have typed it – chances are the finger will be pointed at them!).

However I am of the opinion that as a true professional, one should always cross their “t’s” and dot their “i’s”, after all I am an employee of the DEECD and we do have a code of conduct we must adhere to and respect. Therefore I request that someone from the school, please confirm that I was in fact at Ace Hi on the 6th of February 2007. That in the past 8 years that I have attended the year 12 camp never has any staff member had internet access to my knowledge whilst on camp.. If by chance someone still has that email archived, then It would assist me greatly and solve yet another mystery in the ongoing saga of “my situation”.

I have always and always will be a public advocate for the school and our students. As recently as last Friday I received a call from Peter Watson from Bakers Delight, in reference to Lucas Rush (an ex student) who still had me as his referee on his resume. Luke will be given part time employment, whilst still studying as a result of my positive comments and recommendation. I was also approached by a member of the public at a sporting event not so long ago, who asked if I had heard

about a senior member of our staff supplying alcohol to our year 9 students at a party their children were holding. My reply was “ you must have your facts wrong, although I did not have the pleasure of working closely with this staff member, they were always held in high regard and such an allegation could not possibly be true”. Anyway , I am officially on long service leave –until 11th March 2008. Not a great way to spend my day I know!! But duty calls and we all have an accountability to the DEECD – so if anyone can assist with my enquiry it would be greatly appreciated. I think this correspondence warrants my immediate attention - I would hate to have my employment at the school terminated.

Yours sincerely,

Mary Pateras

From: Pateras, Mary M

Sent: Thursday, 5 February 2009 6:13 PM

To: DL Galvin Park Secondary College

Subject: formal apology!

Good afternoon everyone,

I have just been officially informed that one of the Administration staff is to lodge a formal complaint about my use of edumail for "non educational" purposes, and the fact that they found my emails offensive.

I sincerely apologise if the information I distributed offended any member of the teaching staff. However I make NO apology whatsoever to the Administration. They have acted outside the realms of common decency and have done nothing but blatantly lie in an effort to safeguard their own positions. Interestingly enough, at the beginning of this "nightmare" I had asked a number of them for a reference in an effort to secure another position on compassionate grounds and to lodge a grievance with the MPB- one of them replied "

Happy to write one..... can we sit for a bit so that I know what it is that you would like me to focus on. I'll finish it by Wednesday. - needless to say I never did receive it!!!!

The other responded with this "am more than happy to do a phone reference for a rental situation or of course a job but would need to know the purpose before hand obviously" - you guessed it - this was never forthcoming either!!!

From my perspective the emails I have sent serve an vital educational purpose - the message is loud clear - Never underestimate the importance of your own wellbeing. I am not surprised at the number of responses and telephone calls with situations of repeated patterned of unwelcomed hostile behaviour that would have caused hurt and humiliation to some of you. What I am concerned about is that you are only sharing these stories behind closed doors - and that in the long term this may have a detrimental affect on your own wellbeing. SOOOOOOOO - Don't be afraid to speak up, Standing up for what you believe in may take time - the process of justice takes a bloody long time - one very wise person once told me that - justice delayed is justice denied!!!

It has taken a long time to have my case heard, but the attachments above are proof that no matter how long the process takes it is definitely worth it. Still a long way to go for me - but if nothing else I am patient and confident that if this case saves one person from the anguish and despair it has caused me then the fight would have been worth it.

Good luck everyone, the very best always.

Mary



Department of Education and Early Childhood Development

Office for Government School Education
Western Metropolitan Region

Level 4, 369 Royal Parade
Kaplan House
Parkville 3052
03 9291 6500
DX 212340

Ms Mary Pateras
[REDACTED] street
DOCKLANDS
3008

Dear Ms Pateras,

I write with reference to your email dated 23 February 2009 which you sent to all staff at Galvin Park Secondary College.

I have enclosed a letter to replace my previous letter in regard to your breach of the Department's *Acceptable Use Policy for Internet, Email and Other Electronic Communications*. You will note that the letter contains the correct date.

In your email dated 23 February 2009 you admit to sending three other emails. Your email is not as you claim "official school business". These emails are unsolicited, unwelcome and possibly defamatory.

I repeat that employees of the Department are provided with an Edumail email access so that they may send and receive email that is related to the performance of their official duties and to improve and enhance learning and teaching, and conduct of the business and functions of the Department. The usage of Edumail is required to be in accordance with the Department's *Acceptable Use Policy for Internet, Email and Other Electronic Communications*.

Despite the error in the date the intention of my letter was clear and unequivocal. I consider your email of 23 February 2009 constitutes a breach of the instruction contained in my letter that you not make inappropriate use of the Edumail system. It is contrary to my warning to you that further breaches will result in termination of your edumail access.

As a result of this breach, and as you are not currently using the Edumail email address for the purpose it was provided, I have arranged for the Edumail Administrator to cancel your ability to send emails from your Edumail account. You will continue to receive Departmental emails.

This letter is an instruction to you that you are to desist from engaging in unnecessary and improper communication with the staff of Galvin Park Secondary College. Ministerial Order No 126 states;

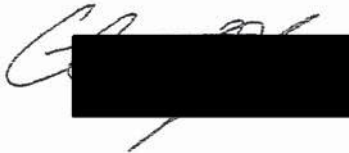
This original has been printed in black and white to reduce cost and environmental impact.



11.1.5 An employee must not, without reasonable excuse, contravene or fail to comply with a lawful direction given to the employee by a person with authority to give the direction.

It is important that you be aware that a breach of this instruction will most likely lead to disciplinary action against you under the *Education and Training Reform Act 2006* ("ETR Act"). Actions available under the ETR Act are reprimand, reduction in classification or termination of employment.

Yours sincerely



STEVEN BOYLE
Regional Network Leader - Wyndham
Western Metropolitan Region

24/2/2009

CC Personnel File
Conduct and Ethics Branch





12 March 2009

Mr Steven Boyle
Senior Education Officer
Western Metropolitan Region
Level 4, 369 Royal Parade
PARKVILLE 3052

Dept of Education & Early
Childhood Development

13 MAR 2009

RECEIVED

Dear Mr Boyle

An application for a personal grievance has been received by the Merit Protection Boards (MPB) from Ms Mary Pateras, a teacher at Galvin Park Secondary College. A copy of the grievance is attached.

Before the grievance can proceed to a hearing before a Board, the Senior Chairperson, Mr Peter Hibbins, requires that an attempt be made to resolve the grievance with the appellant. I have also written to Ms Pateras indicating this requirement.

Should an attempt at resolution have already been made, it is expected that a further attempt be made upon receipt of this letter.

If the grievance is resolved please advise the MPB immediately.

In preparation for the hearing, should the attempted resolution not be successful, you are requested to provide a statement explaining the basis of the decision that has led to the grievance.

Your statement should contain:

- Evidence of attempts to resolve the grievance,
- Reference to any Department of Education and Early Childhood Development (the Department) policy relied upon to make the decision,
- A copy of any Departmental advice provided in relation to the decision (or relevant file notes if any advice was given verbally) – include the name(s) of those who provided such advice,
- Any relevant background or contextual information pertinent to the decision,
- Comment on the grounds for the grievance, and
- Any other relevant information you believe will assist the Board in reaching a decision.

Any documents you intend to rely on as part of the hearing process must be attached to your statement. Please note a copy of your statement and any attachments will be forwarded to the appellant.

M E R I T P R O T E C T I O N B O A R D S

Minutes of Meeting: 27/3/2009

Time: 3:30

Location: Western Metropolitan Regional Office (L4 369 Royal Pde Parkville)

Present:

Mr Steven Boyle – **Regional Network Leader (Wyndham)**

Ms Mary Pateras – **Galvin Park Secondary College**

Ms Kerry Maher – **Australian Education Union**

Mr Bob Champion – **Western Metropolitan Region**

Mr Boyle opens the meeting and invites a discussion of the issues at hand

Ms Pateras indicates that she would like to put forward her perspective on the issue:

-disappointed at the regional response, considers that original matter leading to the mass emails was not handled seriously

-Ms Pateras indicates that she is highly qualified and is disappointed in the regional response to her current situation

-Ms Pateras indicates dissatisfaction with the manner in which Mr Newlands has conducted himself and states that these incidents have caused her significant distress

Ms Pateras begins to question Mr Boyle about his involvement in these issues and begins preparing written records of his answers, she further advises that certain emails will be applied for under Freedom of Information provisions.

At this point the meeting was adjourned for a small period, Ms Pateras and Ms Maher left the room to obtain further clarity as to the meetings purpose and reassess the manner in which an outcome might be more agreeably finalised.

Ms Pateras returns and requests reinstatement of full rights to edumail, a return the the Galvin Park DL and an apology to be sent to all members on that DL indicating that the removal of her access was the result in an error of judgement.

Mr Boyle indicates that he is happy to request reinstatement and offers a personal apology, the reinstatement will take place as soon as it is practicable and Ms Pateras is provided with a copy of the relevant ICT policy documents

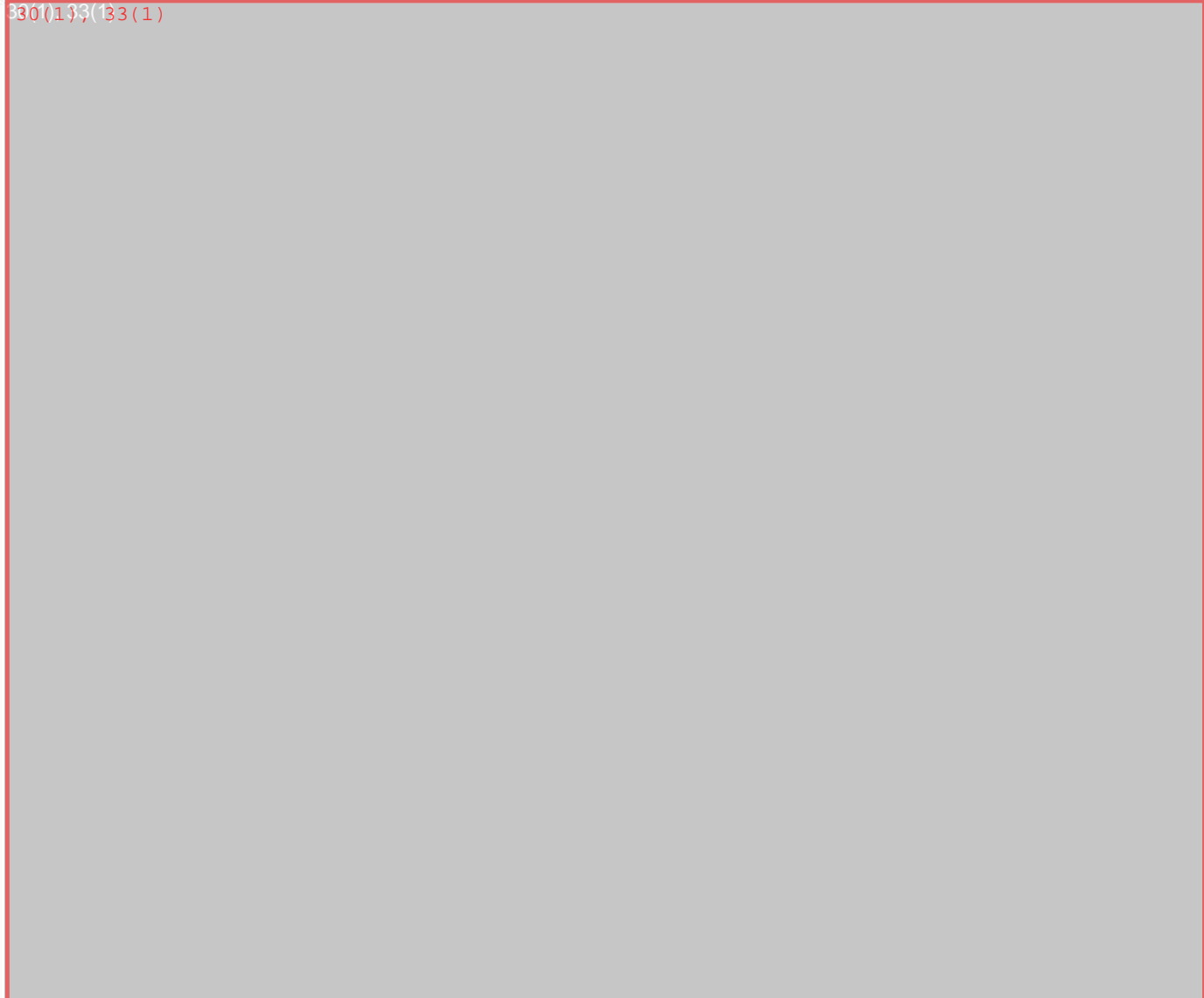
Ms Pateras requests that it is Peter Newlands who return her to the Galvin Park DL.

Mr Boyle agrees and wishes Mary all the best

Ms Pateras indicated that she would contact the Merit Protection Board as there would no longer be any need for an appeal to be heard.

Meeting Ends

330(1)3(133(1)



From: Pateras, Mary M
Sent: Thursday, 2 April 2009 1:40 PM
To: DL Galvin Park Secondary College
Cc: Boyle, Steven P; Mooney, Christopher C
Subject:

Hi All,
Just wanted to wish you all a well earned break - Happy Easter - Still hoping to be back in some capacity eventually.
The attachment above is in reply to the DL you all received from Mr. Boyle earlier this week - for those who are interested - - you know me - just thinking out aloud.

Mary Pateras

333(1)

From: Newland, Peter G
Sent: Monday, 30 March 2009 4:14 PM
To: Mary Pateras
Cc: Boyle, Steven P
Subject: FW: Mary Pateras

Sent as instructed @ 9:36
 Regards,
 Peter

From: Newland, Peter G
Sent: Monday, 30 March 2009 9:36 AM
To: Ackland, Danielle D; Agius, Patrick J; Allan, Sandra S; Anderson, Shirlene S; Angelico, Daniela M; Bagot, Christopher A; Baker, Torin T; Bartels, Kerri M; Bates, Peter R; Bernardi, Allan L; Breen, Danielle D; Browne, Lauren M; Bumpstead, Geoffrey A; Bumpstead, Sharon M; Butcher, Susanne M; Castle, Sarah M; Chivers, Amanda A; Clark, Susan S; Cole, Amy L; Copley, Fiona L; Corrigan, Helana S; Cutter, John M; Dang, Dao D; De Rozario, Alison W; Di Fabrizio, Romeo C; Di Fonzo, Lara H; Dias, Deborah D; Eadie, Steve J; Faranda, Concetta F; Fracalossi, Marcia M; Fyvie, Elaine L; Gagatsis-Halge, Leanne D; Gauci, Anthony A; Gault, David D; Gemmill, Chris G; Hall, Margaret H; Hamilton, Sharon S; Hancock, Niccola A; Harders, Ian H; Hart, John R; Harvey, Yvonne Y; Hatfield, Julian J; Hatzimanolis, Taki E; Herbert, Anita S; Hills, Peta F; Hughes, Barbara L; Iannarella, Piera J; Javni, Jan A; Karge, Hans L; Kelly, Ann M; Kelly, Anna E; Kennedy, Margaret M M; Kozlovski, Roman A; Lee, David L; Lee, Lillibeth E; Lomagno, Christina C; Lynch, Michelle R; Mammarella, Susanne M; Markovic, Vera V; Martens, Grant M; Mcdowell, Heidi H; McKenzie, Troy T1; McKnight, Jasmine J; McSaveney, Laurel A; Measham, Fatima F; Milkovic, Marie M; Mitrevski, Linda L; Montesano, Rocco R; Morris, Sandra S; Morrison, Tracy A; Myers, Catherine C; Nash, Peter N; Newland, Peter G; O'brien, John G; O'keefe, Shannon S; Oliver, Suzie S; Park, Robert A; Pearce, Daniel D; Peladarinos, Maria M; Pine, Sandra P; Pottenger, Elizabeth E; Pratap, Navin N; Rathbone, Derek D; Richards, Jennifer M; Richter, Cheryl L; Rose, Jennifer J; Rowley, Amy R; Russo, Mario M; Ryan, Joanne C; Sandlant, Rebecca J; Saunders, Lindell L; Scally, John J; Serong, Emily E; Serovska, Ana S; Sharma, Shalika S; Sherriff, Ray R; Siragusano, Giuseppina G; Smith, Janine J; Smith, Marilyn L; Smith, Ricki R; Snow, Amy F; Stevenson, Jennifer J; Stewart, Julie M; Thorley, Simon S; Vakrinos, Barbara B; Vierros, Nicholas N; Vlahos, Anne A; Way, Brian P; Westhorpe, Richard J; Westhorpe, Susan S; Whitfield, Angela L; Wilson, Lynda J; Wiltshire, Suzanne S; Wokulski, Andrew A; Woollard, Bryan J
Subject: FW: Mary Pateras

Dear All,
 As instructed I pass this on to you for your information,
 Regards,
 Peter

330(1)33(133(1)



From: Pateras, Mary M
Sent: Thursday, 2 April 2009 1:40 PM
To: DL Galvin Park Secondary College
Cc: Boyle, Steven P; Mooney, Christopher C
Subject:

Hi All,
Just wanted to wish you all a well earned break - Happy Easter - Still hoping to be back in some capacity eventually.
The attachment above is in reply to the DL you all received from Mr. Boyle earlier this week - for those who are interested - - you know me - just thinking out aloud.

Mary Pateras

Dear Mr. Newland,

I just wanted to personally and publically thank you for kindly distributing the email via DL as directed by Mr. Boyle.

As you may be ware the meeting with Mr. Boyle, Bob Champion, Kerry Maher and me was able to conciliate my grievance without the need to proceed to an MPB hearing.

At this meeting Mr. Boyle clarified that the complaints in relation to the emails I had sent staff did not come from any teaching or non teaching staff members. The complaints came from the principal class at the college and were only in relation to the personal emails I sent to particular members of the principal class. I admit that these emails had been sent at a time of complete dismay and despair as a result of the "administrative error" as you told staff had occurred in relation to the boxes I had received. Mr. Boyle acknowledges that the action in relation to my edumail access was as a "misunderstanding."

In my opinion (and this point was also made very clear to Mr. Boyle) it is unacceptable that senior personnel within the DEECD and Galvin Park Secondary College continue to justify their actions all too often by glossing over any incident that impacts on a staff members wellbeing by saying that it was an error in judgement or a misunderstanding. This is simply an indication of poor management, and unsupportive management styles due to the lack of knowledge and awareness of DEECD policies by all.

I had always worked closely with the principal class at the college and remain a public advocate of the school. I was an active participant and had a vested interest as a long standing employee in many programs including Excellence to Education and BCI in an effort to put systems in place that would showcase Galvin Park Secondary College as an exemplarily school in the Western Region. It is for this reason that I make public this correspondence to you.

I think all the staff at the college would benefit greatly if they were made aware of the current DEECD policies in detail. Not only by verbally being made aware of their existence or simply provided with a link on the DEECD website. Official school time to understand and discuss their rights and responsibilities to their employer would be beneficial to everyone. The policies I suggest include:

- **Teaching Services Order 186**
- **Guidelines for managing complaints**
- **Workcover Policy Guide**
- **Risk management and occupational Rehabilitation Program statement**
- **Rehabilitation and DEECD Suitable Employment Offer**
- **Dignity and respect Statement**
- **Acceptable use policy for Internet Edumail and other electronic communications**

From personal experience I feel the system failed.

First and foremost that:

- I do not believe that any one is at all familiar with these policies.
- No staff member at the college or the DEECD have a clear understanding of whose responsibility it is to actually follow through on these policies.
- No one assumes responsibility for keeping an accurate record of details and forms as specified in the above policies.

As a starting point I am happy to publically point out some truths about what did not occur in my instance:

- The college did not accept my workcover claim knowing full well the impact that it had on me as I wrote to the appropriate members of staff expressing my despair.
- That false and misleading information had been provided to CGU in relation to circumstances surrounding my workcover claim
- That innocent people were involved despite numerous requests from me that this did not occur
- That when I requested to collect some personal belongings and information relating to my work – it was suggested that it occur on a weekend and under supervision
- That I was told that I was only to correspond with staff via the principal class
- That I was ordered off the school premises when I had arranged to meet some staff for lunch.
- That my attempted return to work at the beginning of the 2008 year was treated with chagrin and my presence was not acknowledged
- That the college has not invited me back for to farewell long standing members of staff with whom I worked for 18 years and have since retired
- That the current or previous Senior management did not as a matter of courtesy immediately respond to the email requesting confirmation that I was in fact at the year 12 camp in 2007. (Thanks to the teaching members of staff who did)
- That no return to work officer has ever contacted me – neither from the school or the DEECD
- That an alternative place of employment has ever been offered to me

I have no doubt that had the matter have been dealt with expediently it would not exacerbated to the extend it has. I trust you will take this as constructive criticism and consider the suggestion as part of forward planning for staff PD in the future.

With a bit of luck I may be back on deck, able to be a part of it.

Yours Sincerely,
Mary Pateras



Department of Education and Early Childhood Development

Office for Government School Education
Western Metropolitan Region

Level 4, 369 Royal Parade
Kaplan House
Parkville 3052
03 9291 6500
DX 212340

WMR008036

Ms Mary Pateras
1904/70 Lorimer Street
DOCKLANDS 3008

Dear Ms Pateras

I refer to your email dated 2 April 2009 which you sent to all staff at Galvin Park Secondary College.

As a result of your breach of the Department's *Acceptable Use Policy for Internet, Email and Other Electronic Communication* and your failure to obey a lawful instruction communicated to you in my letter dated 24 February 2009, I arranged to have your access to the Department's Edumail system restricted to receive email only.

At the request of the Merit Protection Boards to attempt to conciliate a grievance you lodged, I met with you on 27 March 2009. You were accompanied by Ms Kerry Maher of the Australian Education Union and a record of the meeting was made by Mr Robert Champion.

You requested that your full access to the Department's Edumail system be restored. I agreed to this request in the expectation that you would comply with the Department's *Acceptable Use Policy for Internet, Email and Other Electronic Communication* and the instruction to you to desist from engaging in unnecessary and improper communication with the staff of Galvin Park Secondary College. Your full Edumail access was restored on 30 March 2009.

You have been advised on two previous occasions of the conduct required of you in regard to your contact with staff at Galvin Park Secondary College and the use of the Department's Edumail system for this purpose. In order to reinforce your understanding of the Department's policy you were provided with a copy of the Department's *Acceptable Use Policy for Internet, Email and Other Electronic Communication* at the meeting on 27 March 2009.

Despite this, you sent an email to all staff at Galvin Park Secondary College on 2 April 2009. This email contained information of a private and confidential nature. Section 242A of the *Accident Compensation Act 1985* specifically provides that information regarding WorkCover claims must not be used for any other purpose.

I repeat once again that employees of the Department are provided with an Edumail email access so that they may send and receive email that is related to the performance of their official duties and to improve and enhance learning and teaching, and conduct of the business and functions of the Department.

This letter is an instruction to you that you are to desist from engaging in unnecessary and improper communication with the staff of Galvin Park Secondary College. Ministerial Order No 126 states;

11.1.5 An employee must not, without reasonable excuse, contravene or fail to comply with a lawful direction given to the employee by a person with authority to give ~~the direction~~

Should there be any further instances of the misuse of the Department's Edumail system I will advise the Edumail Administrator to cancel your ability to send emails from your Edumail account.

It is important that you be aware that a breach of this instruction and a failure to comply with the Department's *Acceptable Use Policy for Internet, Email and Other Electronic Communication* may lead to disciplinary action against you under the *Education and Training Reform Act 2006* ("ETR Act"). Actions available under the ETR Act are reprimand, reduction in classification or termination of employment.

Yours sincerely



STEVEN BOYLE
Regional Network Leader - Wyndham

21/4/2009

cc. **Personal file**
Conduct and Ethics Branch

McAneney, Zita C

From: Kennedy, Kath R
 Sent: Wednesday, 4 February 2009 10:53 AM
 To: McAneney, Zita C
 Subject: FW:
 Attachments: PATERAS M2 doc; Mary Pateras.doc; scan0001.jpg

From: Boyle, Steven P
 Sent: Tuesday, 3 February 2009 1:04 PM
 To: Kennedy, Kath R
 Subject: FW

From: Newland, Peter G
 Sent: Monday, 2 February 2009 1:41 PM
 To: Boyle, Steven P
 Subject: FW

G'Day Steve,
 I have forwarded an email Mary has distributed to Galvn's staff today. I will not respond to it, but if you could assist in terms of deleting her from our Galvin email system, it would be much appreciated

Regards,
 Peter

From: Pateras, Mary M
 Sent: Monday 2 February 2009 1:12 PM
 To: DL Galvin Park Secondary College
 Subject:

Hi everyone
 consider this as my farewell speech!!! - i am certain that the "system" will block my access after this
 Don't be fooled by newlands cool and collective demeanour- stoney did not side with me over a despicable incident between newland and i. pete did not decide to leave the school. peter newland through the assistance of the "system" managed to win that round!
 the fact is peter newland cannot fight his own battles -he gets innocent people involved and brings them to the brink whilst he carries on as if nothing has happened and accepts no responsibility for his own actions
 REMEMBER THIS: i understand that it is human nature to "side with a bully" because often we are more concerned about the repercussions to our own positions - especially in this economic climate - however - never be afraid to speak up for your rights - you have more rights than you will ever know about!! it is admin's job to keep you informed of these. never be afraid to support a colleague - not only behind closed doors - - the system is riddled chronic and serial bullies - they are calculating devious and vindictive in private and then miraculously present as friendly and pleasant in public places.

in closing:

continue to support our students

support each other

and join the union!!!!!!

just for the record - i have attached some of the reports about the battle between newland and i and part of a report that summarises his version of events. the final outcome of all this is yet to be determined - wish me luck as i continue my fight for justice and a fair hearing.

have a drink for me on friday!

mary x

4/02/2009

McAneney, Zita C

From: Boyle, Steven P
Sent: Friday, 3 April 2009 4:41 PM
To: McAneney, Zita C
Subject: RE: Mary Pateras' email to GPSC staff

Hi Zita,

Possibly yes, but I would like to talk to Kerry Maher first, as we are endeavouring to change behaviours together

However for us to consider would be very helpful again,

Cheers, Steve

From: McAneney, Zita C
Sent: Friday, 3 April 2009 4:39 PM
To: Boyle, Steven P
Subject: RE: Mary Pateras' email to GPSC staff

Dear Steve

Do you agree that her access be denied, that you advise her in writing and warn her once again regarding the consequences of further breaches.

I am able to draft a letter for this purpose.

Regards

Zita McAneney
Conduct and Ethics Branch
Telephone: 9637 2596
Facsimile: 9637 2430

From: Boyle, Steven P
Sent: Friday, 3 April 2009 4:33 PM
To: McAneney, Zita C
Subject: RE: Mary Pateras' email to GPSC staff

Hi Zita,

The issue with MP is that she does not acknowledge that her use of the DL was inappropriate. Meeting was difficult and per your advice that we would be unlikely to be successful at MPB her DL status was recommended to be changed. She was given a copy of the policy but I was sure she would breach again. Kerry Maher agreed and will work her but she acknowledges that it will be difficult.

I'm tied up with RNL training on Monday and Tuesday but in the office wed. and Thursday.

Will try to get the minutes to you asap,

Cheers, Steve

From: McAneney, Zita C
Sent: Friday, 3 April 2009 3:39 PM
To: Newland, Peter G; Boyle, Steven P
Subject: RE: Mary Pateras' email to GPSC staff

3/04/2009

McAneney, Zita C

From: Boyle, Steven P
Sent: Saturday, 18 April 2009 11:37 AM
To: McAneney, Zita C
Subject: RE: Mary Pateras

Thanks Zita, I will clarify these points and contact you ,
cheers, Steve

From: McAneney, Zita C
Sent: Wed 15/04/2009 2:35 PM
To: Boyle, Steven P
Subject: RE: Mary Pateras

This letter is a further warning to Ms Pateras and advises her that if she emails the staff at GPSC her edumail access will be restricted. It also states that if she repeats this behaviour: the Department is most likely to take action against her under the ETR Act. Katherine would have to approve action under the ETR Act. Therefore if there is a disinclination to take such action replace the words "will most likely" with "may" in the last paragraph.

The letter cannot influence whether or not Ms Pateras lodges a grievance at the MPB. However as long as she is not provided with any misinformation, the Department procedures are fair and in this case she has had a number of warnings but still repeated the conduct. The content of the emails is also very offensive.

I suggest your attempts to conciliate the matter have been unsuccessful and therefore further meetings are unlikely to persuade Ms Pateras that she is required to cease the misconduct

In your email to Peter Newland dated 27 March 2009, can you tell me what is meant by "this situation arose due to a misunderstanding of the circumstances."

I noticed on her grievance application to the MPB that she entered her classification as LT. Since she was not appointed to the position at GPSC and did not accept it when it was offered to her, are you aware how she obtained a promotion to LT.

Before you send any letters to Ms Pateras, I suggest that you have them carefully proof read to ensure that you correct any typos or errors.

Zita McAneney
Conduct and Ethics Branch
Telephone: 9637 2596
Facsimile: 9637 2430

From: Boyle, Steven P
Sent: Friday 10 April 2009 11:32 AM
To: McAneney, Zita C
Subject: Mary Pateras

Hi Zita,

Sorry missed you yesterday, will be on leave next week but if you were able to forward a letter outline to enable us to again warn Mary of her inappropriate use of DL, I will pick it up on the first day back next term.

I spoke with Kerry Maher yesterday re how she was getting on with Mary and she is of the belief that Mary

20/04:2009

wants a fight and that she will not listen to Kerry, Given this it therefore important that whatever letter we send her and what we outline, it needs to be one that MPB will uphold. I was thinking that we might have a chance if Mary is able to clearly see that her current use of the DL is clearly in breach of the policy, regardless of whether she agrees with that or not.

Kerry will continue to advise her not to go to MPB, but I doubt she will be successful.

Should the letter be signed by me as RNL, or should it come from the RD??

I have also offered to meet with her to outline why she is in breach of the policy, but to this stage she is yet to take up that offer. Mary is not well (emotionally) and is in no fit state to return to work. And maybe never, she has deep seated anger over the Prin. and whatever happened (it still not clear to me), is very distrustful of DEECD and seeking to have her W'cover reinstated (court case)

I was hoping we could resolve this without the need for a hearing with MPB, but I doubt we can avoid it.

Enjoy your easter,

cheers, Steve

Chapter 18

65. Leter from Carmel White 2011

66. Letter from Mr. Kooman 2010

67. Chapter 18 Victorian Human Rights Complaint 2010

68. Letter of Resignation from Ms. Ryan and Completion of Service

69. Chapter 18 Ms. Ryan's Witness Statement



**Department of Education and
Early Childhood Development**

Carmen B Attfield
163

Office for Resources and Infrastructure

2 Treasury Place
East Melbourne, Victoria 3002
Telephone: +61 3 9637 2000
DX 210083
GPO Box 4367
Melbourne, Victoria 3001

PRIVATE AND CONFIDENTIAL
Ms Mary Pateras

Dear Mary

The Department of Education and Early Childhood Development regrets that you felt discouraged from continuing in your employment and from taking up the position of leading teacher which you earned through merit.

It is acknowledged that you had a long and successful career as a teacher and made a valuable contribution to the education and well-being of students at Galvin Park Secondary College.

Yours sincerely


Carmel White
Manager
Conduct and Ethics Branch

31 / 8 / 2011



Department of Education and
Early Childhood Development

LIFT
& PEEL

SENDER TO KEEP
024845019096

Office for Resources and Infrastructure

2 Treasury Place
East Melbourne, Victoria 3002
Telephone: +61 3 9637 2000
DX 210083
GPO Box 4367
Melbourne, Victoria 3001

Ms Fiona Knowles
Senior Associate
Holding Redlich
GPO Box 2154
Melbourne Vic 3001

Dear Ms Knowles,

State of Victoria (DEECD) ats Mary Pateras

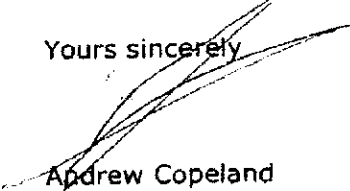
I refer to the above matter.

Pursuant to clause 4 of the settlement agreement, please find enclosed:

- Cheque in the amount of \$8,000.00
- Statement of regret

Should you have any further queries, please do not hesitate to contact me on 9637 2593.

Yours sincerely


Andrew Copeland
Senior Legal Advisor
Conduct and Ethics Branch

31/8/2011



Department of Education and Early Childhood Development

Office for Resources and Infrastructure

2 Treasury Place
East Melbourne, Victoria 3002
Telephone: +61 3 9637 2000
DX 210083
GPO Box 4367
Melbourne, Victoria 3001

12 August 2010

Ms Mary Pateras

Werribee Vic 3030

Dear Ms Pateras

I refer to previous correspondence regarding your overpayment of (\$2,021.85). As there has been no response to my letter dated 10 December 2009 please give this matter your urgent consideration.

It is requested that you advise Ms Connie Tieri of your choice of repayment option or other action you wish to take within seven (7) days of the date of this letter.

If a response is not received within seven days, the Department of Education and Early Childhood Development's legal representatives will be instructed to commence proceedings to recover the debt. If legal proceedings are undertaken, you may be liable for legal costs.

If you have provided a response or a payment has been made recently, please disregard this letter.

Yours sincerely

Marten Koomen
Manager
Schools HR Services



STATEMENT OF COMPLAINT

COMPLAINANT: Mary PATERAS

RESPONDENT: State of Victoria, Department of Education and Early Childhood Development

Complaint of discrimination on the basis of marital status, impairment, parental status and carer status in the area of employment and victimisation pursuant to the *Equal Opportunity Act 1995 (Vic)*

I, Mary Pateras, wish to lodge a complaint of discrimination on the basis of marital status, impairment, parental status and carer status in the area of employment and victimisation against the State of Victoria, Department of Education and Early Childhood Development (DEECD).

Complaint Summary

I commenced my teaching career in 1989 at Galvin Park Secondary College (Galvin). I believe I was discriminated against by Peter Newland, Principal in 2007 because of my impairment, marital status and my parental and carer responsibilities. I consider after lodging a complaint of misconduct and discrimination with the Merit Protection Board (MPB), senior personnel within DEECD victimised me and conducted themselves in a manner, which allowed Peter Newland's discriminatory behaviour to continue over a harrowing three years. I am claiming that this adverse action constitutes victimisation.

Complaint details

Allegations of parental status, carer status and impairment discrimination - 2007

1. In 2007, I was required to take six weeks of personal leave, four of those weeks being as the primary carer for my son who was hospitalised with a severe bout of glandular fever and two weeks for my own medical ailments, specifically helicobacter associated gastritis and anaemia. Upon my return to work on Monday 6 August 2007, I received negative comments from Peter Newland and other staff who felt that my absences imposed "excessive workloads" on other staff members. Peter Newland refused to accept that my personal leave was necessary as a parent to care for my child and that my medical conditions at the time were minor and that I was not mentally unwell, as he later stated in his statement to WorkCover. This disappointed me, particularly as during this personal leave I maintained daily contact with my colleagues in the senior team. I assisted in preparing work from home for the Course Selection Expo at the College scheduled for Thursday 30 August 2007. Communication was via telephone, email and it was also the case that work colleagues would attend my home to collect work I had completed and to interact directly for work related matters.

Interview for Leading Teacher Position – October 2007

2. In October 2007, I applied for a Leading Teacher Position at Galvin. On 17 October 2007, I was interviewed by a panel. The panel comprised of Peter Newland, Jan Javni, Teacher Development Manager and Alison Armstrong, Information Manager. I felt confident after my interview. On 18 October 2007, Peter Newland phoned and asked if I could attend a second interview informal on Friday. This was arranged for Monday as I had a medical appointment on the Friday. In the second interview the first question Peter Newland asked was, "The panel would like to ask why you have applied for the position as it came as a bit of a surprise to

some panel members and your referees?" This question took me by surprise as I felt Jan Javni and another senior teacher were well aware of passion for my job and my interest in a return to teaching in the classroom. I felt the first part of the question was reasonable and responded to this, but I questioned the second part of the question by saying I was a little uncomfortable with the wording and that perhaps it alluded to time I had off in 2007 that was unrelated to my work performance. I became emotional and teary, as I did not think the question was fair.

3. I was then asked a question about my three-year vision and another question around leadership. I was then again thrown when I was asked about the stagnation over the past 12-18 months, I provided some general comment about this, but asked what stagnation meant and if this was in relation to the senior team as a whole or me personally. The panel did not comment and waited until I answered. I felt uncomfortable and I told the panel so. I asked that the interview conclude and that I was no longer prepared to answer any questions and I would accept the panel's decision based on a level playing field with all other applicants.

Peter Newland requested that I not accept job offer

4. I proceeded to the careers office where I had students waiting. I was approached by Peter Newland about an hour after the second interview who mentioned something to me about the panel. I told him I was not going to face the panel and I would accept its decision. Peter Newland said he wanted to speak with me and it would only take a minute as there were other people's positions pending on my decision. I went to his office, where he closed the door. Peter Newland informed me that the panel had decided I was the successful applicant and that they would offer me the position. I thanked him and said I looked forward to working with him for the next three years and that I needed to go as I had students waiting. Peter Newland then told me that I did not appear to understand. I asked him for clarification and whether the panel had determined to give me the job and he said yes. I said that I accepted. He then said "no". I asked him if he was joking and he then told me he did not think it was in the best interests of his school that I accept this position and that I should take twenty-four hours to reflect and come back with a different answer. I looked at him and burst into tears. I asked him again to tell me he was only joking, and that it was the most absurd conversation I had ever had. He then opened the door and walked out. I was too upset to continue and I left the school.
5. I had accepted the job unconditionally, regardless of whom I had to work with or what the time allowance would be. To this day, I continue to struggle on a daily basis. I am distraught that Peter Newland insisted I reject the offer, as he did not think it was in the best interest of his school and he wanted everyone to think it was my decision, not his directive.
6. I let Leanne Gagatsis, Assistant Principal School operations/Return to Work officer, know I had left the school, rang my doctor and I contacted the union. I was stressed by Peter Newland's conduct and I took time off work as I could not face returning to work until I could get some clarification on Peter Newlands stance and resolution around my work situation.
7. The following day Peter Newland sent me an email apologising for causing me stress and upset and requested I call him. I left him phone messages and responded to him by email. I told him I was at a complete loss to understand his position, that there would be no resolution to this matter until he granted my promotion and that I needed some time out for a while. I waited until about 30 October 2007 or 1 November 2007 for someone to return my call from DEECD. I rang Kath Kennedy, (Employee Health Officer - Western Metropolitan Region,) Silvia Leber, (DEECD Employee Health Unit) and Tracy Morrisson, (HR Manager Galvin,) on 25 October 2007, and again on 30 October 2007. I also rang the Employee assistance Service (OSA Group) and organised counselling for myself as I was very distressed and upset.

- 8.. I wanted clarification on what the selection process was. I felt that Peter Newland conduct was discriminatory and not in accordance with the selection process for the teaching service. I called the Merit Protection Board and sort clarification in respect to Ministerial Order 186 and 199. I had also informed the AEU of my predicament. On 26 October 2007, I was told by Meagan (surname unknown), administrative staff member, that mediation could be organised and that Kath Kennedy, the Employee Health Officer, who was “lovely and very supportive” would get back to me. I did not hear from her and at the beginning of November 2007, I telephoned the union and given no response, it was suggested I put in a formal complaint.

Formal complaint made to Bretton New – Acting Regional Director – Western Metropolitan Region

9. I placed a formal complaint on 7 November 2007 to Bretton New, Acting Regional Director – Western metropolitan Region 2007, after being advised by the Merit Protection Board and the AEU that this was the appropriate path to take.

Submitted WorkCover claim

10. I did not submit a WorkCover claim for my work related stress injury until 10 December 2007, as I had held on to a faith that my employer would intervene, provide support and help me sort out the mess. On or about 19 December 2007, I received a letter from Katherine Henderson, Regional Director – Western Metropolitan Region. She advised an investigation would be conducted and that Sue Conquest, Senior educational Officer – Western Metropolitan Region, was the nominated officer who was going to undertake the investigation.
11. In the meantime, WorkCover also contacted me and the whole of January 2008, was spent attending interviews and meetings. My WorkCover was initially rejected as Peter Newland made a statement to WorkCover, which indicated I was physically and mentally disabled and that I had misunderstood what he was trying to articulate at the meeting in his office around the job offer. He highlighted that I, “had been on significant sick leave prior to the event totalling 326.40 hours during 2007,” without specifying to WorkCover the nature of the leave. My WorkCover claim was accepted on June 29th 2008.

Allegations of marital status discrimination

12. I believe Peter Newland was uncomfortable that I had split up from my husband and he had made comment about my marital status situation. In late 2006, Peter Newland brought up my marital status during a private meeting over coffee. I informed him that my husband and I were officially separated, but living under the same roof which was a mutual decision. Peter confided that he had had marital problems, but resolved these through counselling and faith. He felt that separation and divorce was not a solution and felt I should consider counselling. At the time I was not offended and he did not make further comment about my marital situation until October 2007, when he refused to grant my promotion.
13. I believe that a reason why Peter Newland was not interested in me accepting the job was because in mid 2007 I was living with Peter Stone. Peter Newland felt my relationship with Peter Stone may affect his performance at work and our ability to work together. Peter Stone was an Assistant Principal senior years at Galvin and we have been in a relationship since 2007.

Allegations of parental status, carer status and impairment discrimination

14. I also believe assumptions were made on my ability to perform my duties reliably based on leave I needed to take in 2006 and 2007. My father had been diagnosed with lung cancer, my uncle with a brain tumour and both my older children had glandular fever, with my son requiring hospitalisation during that period. I also experienced my own health issues suffering

from anaemia. In 2006, Peter Newland had called me into his office and told me that my lack of presence had been noted. I clarified the circumstances to him at that time. I also expressed my disappointment in an email at his interpretation at my lack of presence. He soon came to the Careers office and told me it was just a misunderstanding and to forget about it.

15. Upon my return to work on 6 August 2007, a number of staff were put out that I had had so much time off work. There were some heated discussions with some staff about what had been done and not been done in my absence. I believe this is parental status and carer status discrimination.
16. On 21 January 2008 I rang Sue Conquest seeking advice. I told her that I would have assumed that common sense should have prevailed and this matter should have been sorted out prior to the beginning of the 2008 school year. Sue said she would get back to me. She never did.
17. On 15 February 2008, I again sought intervention, mediation and support from the Employee Health Unit (EHU) I was told that "this was not possible, but good luck anyway" by Paul O'Cleary
18. On 31 January 2008, I lodged a personal grievance with the MPB in relation to discrimination by Peter Newland and the internal investigation conducted by the DEECD. My grievance relating to the DEECD investigation which was upheld and found to be seriously flawed.

Allegations of victimisation

19. On 21 January 2008, I telephoned Sue Conquest and told her what had happened with WorkCover and Peter Newland's comments. I informed her that I felt victimised and demeaned by Peter Newland's comments and that I wanted the Western regional managers to take these matters into account in light of the fact the investigation had not been completed. I also told Sue Conquest that I was returning to work on the first day of the 2008 school year as I was running out of sick leave and my WorkCover claim was pending. I asked her if she had any advice, support or other information for my first day. She said she would get back to me, but she never did.

Return to school 2008

20. On my first day back to work Peter Newland welcomed staff back from various kinds of leave and he thanked senior staff personally and by name for ringing all the Year 12 students and assisting them with their university offers, except for me. Despite being the person who had in fact completed the majority of this work from home during December 2007 and January 2008. I just sat there with people asking me what I was doing there as they had heard I had heard various stories such as, I had resigned; I had had a nervous breakdown; I was working in a restaurant; and that I was not given the job because I was not performing to standard. It was very upsetting to be sitting there and not to be given a timetable. I was also not on the staff list to sign in.
21. When I walked into the Careers office, some staff cried because they thought it was their office now and wanted to know what I was doing there. I really did not know where I belonged. I went to all the senior school meetings because that is where I had worked for the last eight years. At about 2pm I was asked by Leanne Gagatsis to give a presentation to the new senior school team about what MIPs was about, what work had already been done and what my visions were from now on in. I did the presentation and left the school at 3:30pm to see my psychologist. I did not return to work after this due to stress. I consider being ostracised and not being on any of the staff lists constitutes victimisation because I had made a discrimination complaint.

22. On Wednesday 30 January 2008, I wrote a letter to Peter Newland. This letter was about his continued efforts to disenfranchise me from my career at Galvin by ignoring my presence and disconnecting my school mobile phone, knowing full well that I was still working with year 12 students and their VTAC offers. I raised discrimination allegations and I got a response via email claiming that the business manager had decided to change the sim cards on all school mobiles. I know that this was not the case as Peter Stone also had a school mobile that was still working. He also claimed that he felt that any attempt to communicate with me would not be appreciated. I consider his behaviour to be nothing other than discriminatory and have no doubt that the decision to cut access to my school mobile would have been his directive and supported by the business manager (Kerry Bartels) which constitutes victimisation.

Letter to Katherine Henderson February 2008

23. On 2 February 2008, I also wrote a letter to Katherine Henderson, Regional Director – Western Metropolitan Region, about my frustration with my work situation and the inaction of DEECD in resolving my issues. I advised her that I had never claimed an inability to work, that I had continued after 22 October 2007 to provide assistance to my students and the senior staff and that I felt I had been treated with disdain since my attempted return to work and letter of complaint. I commented that I realised any further attempt to return to work would be detrimental to my health and my children's wellbeing and that I could not work for an employer that discriminates and treats long standing dedicated employees with such little respect or care for their wellbeing. I believe the delay and handing of my complaint constitutes victimisation. Katherine Henderson did respond by saying that her original investigation was almost complete and that her office was unable to take any action in relation to the additional matters I raised and that I should refer these matters back to the MPB. Upon doing so the MPB determined that they would not hear my grievance into allegations of discrimination by Peter Newland. I was of the impression that Katherine Henderson would once the MPB had made its determination. She never did.
24. I had made a complaint to the MPB and the Board found I was able to provide grounds for review and therefore ordered that a new investigation into my complaint be conducted in accordance with DEECD guidelines. In May 2008 the MPB found that the initial investigation was seriously flawed.

Told to leave the school premises February 2008

25. On 11 February 2008, I arranged to have lunch with some work friends. I telephoned the school in the morning and emailed Peter Newland and Tracy Morrison to try to arrange a meeting with them that day. Peter Newland phoned me when I was driving to the school and I told him I could not chat, but I was only about 15 minutes from the school. I missed a call from Peter Newland as I arrived to the school. I went to reception and told reception that I had just missed a call from him, but I was there to have lunch with Jan Javni. Whilst I was at reception, Peter Newland phoned me on my mobile and told me to leave the premises. I grabbed Hans Karge, a union representative that was walking down the corridor at the time and put my phone on loud speaker. I repeatedly told Peter Newland that I was there to have lunch with Jan Javni and it had been prearranged days prior and that I wanted to request the panel notes from my interviews, as it was important in my appeal against WorkCover rejecting my claim. Peter Newland insisted that I leave the premises, as I was a liability to the school as my WorkCover claim was still pending. Peter Newland suggested that we meet at a coffee shop at 3.40pm that afternoon. He arrived to the coffee shop with Jan Javni and Leanne Gagatsis. He gave me the panel notes. I believe that Peter Newlands behaviour was discriminatory and that Leanne Gagatsis' presence in support of Peter Newland was victimisation. Leanne Gagatsis was my nominated return to work officer from Galvin who

had never contacted me, as she was told not to by Peter Newland. Leanne Gagatsis was asked to attend this meeting as minute taker for Peter Newland.

Pleas for assistance ignored by DEECD

26. I feel that I was victimised by elusive senior DEECD staff who used the formal process of conducting an investigation to give the impression of natural justice and who did not respond to my pleas for assistance and early intervention in my crisis situation. In my opinion, DEECD conducted a seriously flawed investigation in 2008 and blatantly lied to the MPB in an effort to cover up Peter Newland's gross misconduct.

Failed attempts to return to work

27. Numerous attempts to return to the workplace have been unsuccessful. I believe this is victimisation. There have been two RTW plans completed, however my attempts to return to work have been treated with chagrin and disdain on each occasion making it impossible to remain at work.
28. My first attempt to return was on 31 January 2008. I presented at Galvin to find I was not on a staff list, or a team list. No timetable was given to me and my presence was not acknowledged by any member of management at Galvin until I was asked to give a presentation to the new senior team for 2008 by Leanne Gagatsis (Assistant Principal school operations /Return to Work Officer) at 3pm on this day.
29. My second attempt to return to work was on 8 October 2009. My return to work plan was thoroughly organised in consultation with the AEU. However, Peter Newland emailed me requesting that I complete unrealistic amounts of work on my first day back and that I stay back as the work was due to Victoria University the following day. Whilst I was prepared to try to complete the work, I would have expected that he would have also organised for other members of the senior team to assist me. This did not occur. I found was left completely on my own from 3.30pm until the cleaners asked me to leave as they needed to lock up the premises at around 6.30pm. I experienced terrifying panic attacks, shortness of breath and the need to medicate myself during this time. I was unable to bring myself to return to work on the following day nor to ring or speak to anyone. I have not returned to work since.
30. My last contact with Peter Newland was in response to a meeting with Mr Boyle in relation to ceasing my edumail access on 2 April 2009. My last contact with DEECD was on 20 August 2010 via email in a response to a letter from Mr. Koomen.

Victimisation because of complaint made of misconduct and discrimination with Merit Protection Board

31. I believe lodging a complaint of misconduct and discrimination with the MPB, senior personnel within DEECD victimised me and conducted themselves, in a manner, which allowed Peter Newland's discriminatory behaviour to continue over a harrowing three years. I believe that the DEECD retaliated against me when the MPB determined their investigation into this matter was seriously flawed and I was able to conclusively prove that the DEECD had blatantly lied to the MPB. I publicly discussed the incidents and sought support from the staff at Galvin via email – as an OHS Representative. I felt I was entitled to raise my concerns that impact of staff health and wellbeing. I believe that my health and well-being was secondary to that of a Principal. There was poor management practices and lack of accountability by the DEECD.

32. In summary, I feel DEECD victimised me by
- Blatantly lying to WorkCover and the MPB in their response to my allegations and in the outcomes of their investigation.
 - Trying to cover up for Peter Newland's discriminatory conduct.
 - Refusing to return my calls and pleas for assistance.
 - Deliberately delaying the investigation.
33. Further, I believe I was deliberately isolated from other employees and denied the opportunity to maintain a connection to my workplace both professionally and socially. I made managers and Senior HR personnel aware of the early warning signs, and pleaded with them to respond appropriately and expediently before the need to submit a WorkCover claim, however no assistance was ever forthcoming. I strongly believe that my employer made every effort to silence me in the hope that I would give up. No real attempt was made to support me in returning to work. I believe there was a refusal to consult with me or provide me with the relevant and correct information pertaining to my employment history and other relevant documentation I required for Centrelink. I had requested an Employment Separation certificate, certificate of service and a reason for my appeal being disallowed on numerous occasions. I have not received them to date.
34. My situation remains unresolved due to the DEECD lack of action and early intervention in my crisis situation. I also believe that my health and wellbeing is secondary to that of a Principal.

Detriment

35. I experienced emotional and financial hardship because of the discrimination and subsequent victimisation. DEECD did not investigate all incidences I reported and I was prevented from continuing in my profession. Assistance was not provided to me either to return to work or find another location. No RTW coordinator from DEECD or the College has ever contacted me in relation to my health and wellbeing. I believe DEECD have not acted fairly or objectively. I have also been disadvantaged financially with my long service leave denied because of an overpayment by DEECD. My employer's lack of action has caused stress and anxiety at traumatic levels resulting in mental illness. I rely on a complicated medical schedule in order to function on a daily basis which I have never had to rely on before. My current medical diagnosis is a severe adjustment disorder with prominent anxiety and depressive symptoms with suicidal idealisations, TMJ Disorder - Severe Bruxism, IBS - Irritable Bowel Syndrome.

Vicarious Liability

36. I believe that DEECD is vicariously liable for the actions of its employees on the basis that it did not take reasonable precautions to prevent a contravention of the Act.

Conclusion

I consider this constitutes discrimination on the basis of marital status, impairment, parental status and carer status in the area of employment and victimisation.

.....
MARY PATERAS

Ref: as:3086100

..18/10/2010
DATED

23rd October

Mary Pateras
18 Yankos Drive
Werribee 3030

Dear Mary,

I acknowledge the receipt of your letter of resignation from the Department of Education and Early Childhood Development effective 18th November 2009.

Yours sincerely

Joanne Ryan
Acting Principal

COMPLETION OF SERVICE

SCHOOL DETAILS

School No: 01-⁷⁴⁰²~~226~~ School Name: Galvia Park Sec. College Region No: 24
Phone No: 97414911

EMPLOYEE DETAILS

Surname: Pateras Employee ID: [REDACTED]
Given Names: Mary Date of Birth: 6-10-62
Address for Future Correspondence:
[REDACTED] Werribee Vic Post code: 3030

Position Classification: LT1 Last Day of Duty: 9/10/2009 ?

DETAILS OF TERMINATION

Effective termination date: 18/11/2009

Reason For Termination: Resignation

Retirement *due to ill health as a result of work incident on 22/10/06. DECO's lack of action and assistance in this matter has been incomprehensible. I will never recover from being disinfranchised from a career that I loved and worked tirelessly in for 20 years.*

ACTION TO BE TAKEN

- Payment of unused long service leave
- Payment of 17 1/2 % loading (if eligible)
- Payment of unused annual leave (SSO/VPS only)
- Statement of service

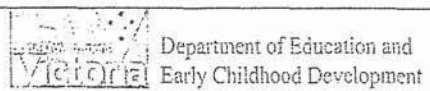
- O/P recovery (mandatory)
- Other (please give details)

A farewell from APSC!! *(see attached)*

[Signature]
Employee Signature:
Date: / / 200

[Signature]
Principal/Business Manager Signature
Date: 5 / 10 / 2009

Fax Completed form to Schools HR Services on: 9637 3418



**IN THE COUNTY COURT OF VICTORIA
AT MELBOURNE**

No. CI-12-03169

BETWEEN

MARY PATERAS

Plaintiff

and

STATE OF VICTORIA

Defendant

STATEMENT OF JOANNE RYAN

Date of document 19 October 2015

Filed on behalf of the defendant

Prepared by
MINTER ELLISON
Lawyers
Rialto Towers
525 Collins Street
MELBOURNE VIC 3000

Solicitors Code 8510
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Telephone (03) 8608 2000
Facsimile (03) 8608 1000
Reference CXB DSP 30-7068020

-
1. I am a Federal Member of Parliament in the House of Representatives, having been elected in 2013.
 2. Prior to my current position I was an Assistant Principal at Galvin Park Secondary School, and became Acting Principal at the School in approximately mid-2009. I know Mary as she was a teacher at the Senior School. At no time was she a direct report to me and I believe she reported to Peter Stone.
 3. I am aware that Mary has made a number of allegations against me, namely:
 - (a) Failure to assist her to return to work in my capacity as Acting Principal on or about June 2009;
 - (b) Failing to respond at all to the adverse, neglectful and harmful behaviours and omissions of the school management in so far as they relate to the plaintiff;
 - (c) Failing to provide the plaintiff with a reference in an effort to assist the Plaintiff in securing alternative employment as requested by the Plaintiff in 2007;

- (d) Failing to amend my letter of 23 October 2009 to reflect the true reason for the plaintiff's retirement.
4. In relation to the specific allegations made by Mary, I reject the allegations Mary has made against me say as follows:
 5. When Mary participated in an interview for the Leading Teacher role in Careers & Pathways, which I understand was on 17 October 2007, my office was located next door to Leanne Gagatsis (then an Assistant Principal). There was a conference room across the hall, in which the interviews were conducted, and a waiting area just outside our offices.
 6. I cannot recall but do not dispute that while Mary was waiting in that area, prior to her interview I, together with Leanne spoke to Mary as she did not look well and suggested that she may want to reschedule the interview.
 7. I was in no way involved in Mary's interview process.
 8. Similarly, I was also not involved in Mary's return to work nor am I aware of Mary returning to work at the School following her cessation in October 2007. I am further not aware of any attempt Mary made to return to work in June 2009.
 9. I cannot respond to the allegation that I failed to respond to the adverse, neglectful and harmful behaviours and omissions of the school management in so far as they related to Mary as I do not understand this allegation made against me.
 10. I do not recall being asked by Mary to provide a reference, however, I note that in an email to Mary dated 26 February 2008 I informed her that I would be more than happy to provide a phone reference for a rental situation or a job.
 11. With respect to the letter dated 23 October, I was the Acting Principal at this time and I was guided by the Legal branch and the Conduct and Ethics branch within the Department of Education and also by the Merits Protection Board as to how to respond to any correspondence received from Mary. This letter would have been sent by me after having made such contact and I have no recollection as to why it referred to resignation.
 12. With respect to the email of 13 February 2009 I recall I forwarded this to Peter Newland for his information and/or action if he deemed it to be warranted as I felt he should be aware of the contact Mary was making with not only me but also other staff members whom I am aware she was also emailing, as I received complaints from them.

Chapter 19

70. Letter from Adviceline Injury Lawyers

71. Chapter 19 Dr. Milone's handwritten
clinical notes

URGENT



MELBOURNE • SYDNEY • BRISBANE

10 August 2011

Ms Mary Pateras

1
WERRIBEE VIC 3030

Senior Associate
Direct Line
Email
Partner
Our Ref

Jennifer Kanis
(03) 9321 9881
jennifer.kanis@holdingredlich.com.au
David Shaw
JMK:jl:10 10 0209

Dear Mary

By e-mail

**Discrimination complaints against the
Department of Education & Early Childhood Development**

We refer to the above matter and confirm that we asked the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) to refer your complaints to the Victorian Civil & Administrative Tribunal (VCAT) for hearing.

Please find attached a letter from the VEOHRC confirming the referral. We also attach VCAT's notification of the date of the directions hearing. A directions hearing is an administrative hearing that sets the dates for the further conduct of the matter. The directions hearing has been set down for:

10.30am, 15 August 2011 at VCAT – 55 King Street Melbourne

We note your recent instructions that, despite our advice to the contrary, you wish to run this matter to hearing. Our advice that you should not run this matter to hearing is based on 3 factors:

(a) **The chances of success.**

We refer to Sally Vines' email to you of 16 March 2011 where she informed you that your matter did not have good prospects of success.

(b) **Possible conflict with your common law claim.**

As you are aware you have had your impairment benefit determined at 30% psychological impairment and 21% physical impairment. This means that you have a deemed serious injury and can proceed with a common law claim.

There is a risk that, in running the VCAT matter (which does not have good prospects of success), you may compromise your common law claim (which has good prospects of success). If VCAT makes any adverse comments or findings about you or your case these may be used against you in the common law claim.

(c) **Compensation and costs**

If you succeeded and were awarded compensation in your discrimination claim the Court, when assessing your common law damages, would take into account any compensation you

received in the VCAT matter and reduce your compensation accordingly.

Discrimination claims at VCAT are run on the basis that each party pays its own costs, regardless of the outcome. This is different to common law claims where the successful party's costs are paid by the unsuccessful party.

The inability to recoup your VCAT legal costs, coupled with the reduction in your common law compensation will mean that you will be in a worse off financial position by running the VCAT matter.

For these reasons we do not recommend that you pursue the VCAT claim. Because of this assessment we will not recommend to the AEU that they fund your legal costs to pursue the VCAT claim. This recommendation does not impact on the AEU's decision to fund your common law claim.

We note that you have told us that you are seeking a second opinion on the VCAT matter. As Lisa Maynard and Jennifer Kanis have previously advised, please make sure that when you seek that opinion you inform the lawyer that you have a deemed serious injury and are pursuing a common law claim. If the second opinion is contrary to our advice, it would probably be in your interests to have that lawyer take over your VCAT matter.

We require your instructions regarding the VCAT matter before the directions hearing on 15 August 2011. If you want to proceed with the matter we will need you to agree to pay our costs and to deposit \$2,500 into our trust account. You will also need to agree to the terms on which we will provide our services as set out below including the requirement that, before trial, all fees and expenses to be incurred in the trial will be placed in our trust account.

You can show that you agree to pay our costs and to our other terms either by:

- signing and returning the enclosed copy of this letter; or
- by continuing to instruct us as we do the work.

Please contact us immediately if you wish to discuss any of our terms.

1 Professional fees and staffing

We will charge you professional fees based on the time (calculated in 6 minute units) our professional staff spend on your matter.

The professional staff we expect to be involved in the matter and their respective hourly rates (which may change from time to time) are:

Name	Position	Hourly rate (exclusive of GST)
Da [REDACTED]	Partner	\$515
Jenni [REDACTED]	Senior Associate	\$360

Other staff may be involved in the matter to ensure our services are provided to you on the most cost effective, timely or expert basis. Any delegation will be subject to the supervision of David Shaw, the partner responsible for the conduct and management of your file.

2 Fee estimates

At this stage it is difficult to provide you with an accurate estimate of the professional fees you will be liable to pay in this matter. The major factors which may affect the estimates are:

- the number of attendances (personally, by correspondence or by telephone) on you and others with whom contact is necessary to progress your matter;
- the complexity of your matter;
- what you instruct us to do; and
- the number of days of hearing.

If our fees are likely to exceed the estimates provided, you will be advised as soon as practicable.

In the preliminary stages, VCAT will refer the matter to mediation. If it is not resolved at mediation, the matter will proceed to a hearing at VCAT.

If the matter proceeds to a hearing you will incur substantial costs. The cost of the hearing will depend on the complexity of the matter, the length of time necessary for the hearing and the seniority of the barrister representing you. At this stage we estimate that the likely cost of our professional fees (exclusive of barrister's fees) for a hearing would be in the range of \$15,000 to \$20,000 (plus GST), although this estimate may change as the matter develops.

3 Expenses

In addition to professional fees, we will charge you the expenses we incur on your behalf in connection with our provision of legal services. Those expenses will include barrister's fees, photocopying, transcript fees, and the cost of medical reports among other expenses.

Our standard rate for photocopying is \$0.50 per page (plus GST).

We estimate that the likely expenses would be in the range of \$12,000 to \$17,000 (plus GST). The figure may be higher depending on the seniority of the barrister involved. We would discuss this with you before engaging a barrister.

4 Costs in proceedings

Usually both parties must pay their own legal costs regardless of the outcome of the claim, that is, these claims will not attract costs orders at VCAT either. However, if VCAT is satisfied that a claim has been made vexatiously or without reasonable cause, or either party has acted unreasonably in the conduct of the proceedings, it may order that party to pay the other party's legal costs.

5 Estimates

The estimate of our professional fees and expenses set out above is our best estimate based on the information available to us at this time. It is not a quotation or a cap on what you will be charged. The actual amount may be less or more than the estimates given. We will provide a revised estimate if any significant increase seems likely.

You have the right to revoke this authority by giving us 7 days notice in writing, but we may still withdraw money held on your behalf for legal costs accrued up to the expiry of the notice period whenever billed.

If we receive money to be paid to a third party we will forward that money to the third party unless you instruct us to do otherwise.

9 Substantial changes to disclosure and progress reports

You will be informed, as soon as is reasonably practicable, of any changes to any of information that we have disclosed to you in this letter.

You are entitled to request, at reasonable intervals, written reports on your matter. Our normal charge-out rates will apply for this service.

10 Privacy

Naturally your privacy is maintained and protected under the highest ethical standards. We also recognise our obligations concerning the handling of your personal information under the *Privacy Act 1988 (Cth)*. All information collected is for the purpose of providing legal services to you. By entering into this agreement you consent to us using your personal information:

- (a) to conduct this matter on your behalf;
- (b) to instruct third parties relevant to your matter (such as barristers, witnesses etc);
- (c) to send you material which we consider may be of interest to you;
- (d) to otherwise market and promote our services to you; and
- (e) to protect our lawful interests.

You may request access to any of your personal information that we hold for the purposes of ensuring that it is up to date and correct. For further information, please access the privacy statement on our website at www.holdingredlich.com.au.

11 Applicable law

The law of Victoria applies to legal costs in this matter.

12 Ending our engagement

You may end our engagement at any time by telling us in writing to stop providing services to you. If you do this, then you are still obliged to pay our fees, expenses and any GST up to the time you tell us to stop.

We may stop providing services to you if you fail to pay our bills or if you fail to provide us with adequate instructions.

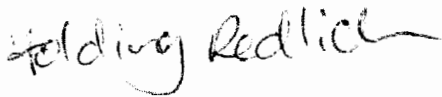
When we have finished working on your matter, we will keep your file in our archives for 7 years. After that time your file will be destroyed, except for any documents which you have asked us to hold in safekeeping for you.

13 Our service commitment to you

We pride ourselves on our client service. If at any time we consider the matter is not progressing satisfactorily towards its objectives, including cost objectives, then we will contact you to agree a course of action.

If you want us to continue work on this matter, please send us your cheque for \$2,500.00 or transfer that amount to our trust account on account of costs and disbursements.

Yours sincerely



HOLDING REDLICH

Enclosures: 2

Mary ~~17/08~~

730 106

30/7/07

Fred

17/8/07

Good that yes. upset

ob Henry
Westing

ML

28/8/07

Stress at school *

Chud & Fe

ML 2/52 until 9/9/07

7/19/07

Menstruating

in large class

On Microgyn 50

Rx ~~for~~
Transcendental
for up

Referral to Colston

Try gamma

Letter to Lucy

2/10/07

Had P.V. bleed

On Progestin

W.C.

Want for interview on Mon &
if fulfilled criteria - told accepted for 3yo
Principal won't accept her acceptance
upset doesn't want to go back

help she has given 200% - av ca

years & just recently has had a
few medical issues that have required
time off work (as going for
life to be useful)

? W.C. on M.C. 2/07

26/10/07 Not bleeding
to proceed 10mg (Her)

X Parent want to go on W.C.
M.C. for 22/10/07 until 9/11/07 and

8/11/07 want to start a Equity
not sleeping

See Betty a psychologist
from the Education Dept

M.C. 1/12 with 8/12/07

See Fe (A) - Case Fe

18mm Terrage 10mg (25)

10/12/07 Claims tried to negotiate at work
States Union about to go 14/12/07

on W.C.
Told should not be denied
promotion by dismember or personal
grounds

May PATROL

10/12/07

Wants to claim WC on person ordinary mental distress

Fuels cannot return to work at present while there is a stressful situation at school.

WC today at 21/14/07. The gov on holiday & if not active will pay holiday pay

They email with book & meeting paper

WC at 10/1/08

WC at 21/12/07 BP 133/97 P102

18/12/07

18/12/07

45-49 chat See Computer

1/20 July out

Received from Tracy

(717)

WC at 2/2/08 See letter to school

→

18/1/08

What is

26/1/08

Wants to RTW (not to lose holiday pay)

RTW 29/1/08 now done

Had heavy periods etc 3 weeks 08

Had Doc 4/1/07 FORT £3 Nov 6/07

Doc read - dated 9/7 - and to see Cal

5/1/08 4 day "nightmare" at work
returned to work today - ~~not~~ & found
she is not on staff list, not
on any team lists

Felt uncomfortable there - states
has been a long standing employee
& put a lot of effort for the
school of taking too much
time off - but its the first
time in 20 yrs

Scary psychologist, Betty Garovskai

P. 100 fig

Fuels husband taken away

Now 4/2 nothing done

using sick leave

to use annual leave

Union wants her to go to
W.C.

Didn't submit W.C. until 12/2007
Because May had fault on the report
Wd it would fix the matter & come
to some resolution - & this didn't
occur

I needs nine weeks
to see Dr. Calandra

Ref to Psychologist

FILE COPY

**PRINCES HIGHWAY MEDICAL CENTRE
9 Princes Highway
WERRIBEE VIC 3030**

Telephone: (03) 9741 1355 Facsimile: (03) 9742 5987

Monday, 18 February 2008

Cgu Workers Compensation (Vic),
GPO Box 2090s
Melbourne VIC 3000

Dear Sir/Madam,

**Re: Conc. Ref No: 08/1514
Claim No: 040 [REDACTED]
Client: Ms Mary Pateras
Date of Birth: 6/10/1962
Address:**

C 3030

With regard to the work cover certificate complaint, my history first documents stress at school on the 28/8/07. Previous to this she had been under stress at home, over the preceding few years going through a divorce.

On the 23/10/07 Mary Pateras presented, upset and distressed. She stated that she had been at an interview on the previous Monday where she was informed that she had fulfilled the criteria for her job, but that the Principal would not accept her acceptance of the offer. She stated that she was upset because over the years she had given "200 per cent" commitment to her work over many years and just recently she had a few medical issues (eg anaemia from her menorrhagia) which required some time off work and now she was being penalized for this. She was so upset, she felt she could not go back to work.

She was provided with a certificate from the 23/10/07 until 6/11/07. She was also referred to a psychologist.

On the 8/11/07, she advised that she was attending Betty Gurovski, a psychologist with the Education Department. In addition she had seen advisors with Merit and Equity. She was not sleeping, and for this she was prescribed Temazepam. Her medical certificate was extended until the 8/12/07.

FILE COPY

At the consultation on the 10/12/07, she stated that she had tried to negotiate at work. She added that the union had advised her that she should not be denied promotion by discrimination or on personal grounds. In addition she felt she was unable to return to work while there was still a stressful situation at work. She had now decided that she wanted to claim work cover on the previous medical certificates. Her work cover certificate was extended until 10/1/08.

When reviewed on the 18/1/08, she was much the same, however when reviewed on the 26/1/08, she stated that despite her condition she wanted to return to work, so she would not lose her holiday pay.

She returned on the 30/1/08, very upset. She stated yesterday was a "nightmare" at work. She stated that despite being a long time employee who put in a lot of effort for the school, she was accused of taking too much time off work. She clarified that this was the first time in 20 years she had taken time off. She described her day at school where she felt very uncomfortable - she found she was not on any staff list and she was not on any team lists.

As she was attending, psychologist, Betty Gurovski she was advised to continue with her.

On the 16/2/08 she was still upset that 4 months had gone by and nothing had been done. She had used up all her sick leave and now was using up her annual leave. She wanted her case heard and some resolution arrived at. She initially had faith in the Education Department doing this, and this is why she initially did not want to go on work cover. However, because nothing was happening, her union had advised her to submit work cover certificates. This as mentioned previously occurred on the 10/12/07. She feels that her livelihood has been taken away from her. She was referred back to a psychologist.

When last seen on the 1/3/08, she stated that she was not coping. She complained of insomnia, headaches and chest pains. She had suicidal ideations. She was commenced on Luvox, an anti-depressant and given a work cover certificate for four weeks.

In answer to your questions:

- The diagnosis is anxiety/depression.
- This is work related.
- She is able to return to her original work, once there is resolution.
- She will need ongoing psychological support

Yours faithfully,

Dr. Rafael Milone

cc. Accident Compensation Conciliation

Chapter 20

72. Chapter 20 Court Order by His Honour Judge Succardo
2015

3. Chapter 20 Signed and dated statement of Ms. Javni



COUNTY COURT OF VICTORIA
250 William Street
MELBOURNE VIC 3000
DX 290078

CIVIL JURISDICTION RESULT SHEET

Case ID : CI-12-03169
Case Description : Pateras v State of Victoria
List : Self Represented Litigant
Event Type : Directions Hearing
Judge: His Honour Judge Saccardo
Date Of Order : 12 June 2015

Appearances

Plaintiff : Ms Pateras (In Person)
Defendant: Ms Buccheri

ORDERS:

1. Should the Defendant object to the Plaintiff filing her Further Amended Statement of Claim it must provide to the Plaintiff and file with the Court a letter setting out the grounds for that objection by 26 June 2015. Reserve liberty to the Defendant to apply with respect to this Order.
2. By 26 June 2015, the Plaintiff is to provide to the Court any material upon which she relies in support of her application for leave to issue subpoenas in this matter.
3. By 26 June 2015, the Defendant is to provide a list which identifies:
 - a. the expert witnesses the defendant intends to rely upon in this proceeding; and
 - b. the expert witness reports that have been served by the Plaintiff.
4. By 3 July 2015, the Defendant must give notice of any objection it has to the admission of any Expert Opinion evidence, sought to be adduced by Ms Pateras which is exhibited to Ms Pateras' affidavit sworn on 4 June 2015.
5. By 28 August 2015, the parties are to exchange and file witness statements from each witness from whom they intend to adduce evidence as to the liability issues in the case.

6. Unless, by 25 September 2015, a party serves notice upon the other party advising that any witness in respect of which a witness statement has been served is required to attend the Trial for the purpose of cross-examination, the parties are entitled to rely on the evidence set out in the witness statements without the need to call the authors of those statements to give evidence at the Trial.
7. By Monday 22 June 2015, the Defendant is required to disclose its position as to whether a return to work officer was allocated to the plaintiff and the identity of that person.
8. Any further documents which the Plaintiff seeks to rely upon in this case, must be served by 19 June 2015. Reserve liberty to the Defendant to apply with respect to this Order.


JUDGE SACCARDO



COUNTY COURT OF VICTORIA
250 William Street
MELBOURNE VIC 3000
DX 290078


CIVIL JURISDICTION RESULT SHEET

Common Law Division – General List

Court Ref: CI-12-03169
Case Description: PATERAS V STATE OF VICTORIA
Event Type: Civil Trial
Judge: HIS HONOUR JUDGE O'NEILL
Date of Order: 1 December 2015

ORDERS:

1. There be judgment for the defendant.



His Honour Judge O'Neill

COUNTY COURT

at
Before His Honour
Judge O'Neill

Pateras v. S.V.
EXHIBIT 33

17/11/15

f Mary PATERAS-Javni

Jan Javni

GPSC Shaws Road Werribee

27/6/08

c/- GPSC Shaws Road Werribee

9741 4911

OCCUPATION:

Teacher

1. My name is Jan Javni. My address is c/- GPSC Shaws Road Werribee, telephone 9741 4911. My DOB 5/4/54. I am employed by DEECD as a Teacher at GPSC. I have held this position at GP since 1991. I started teaching in 1976.
2. I know Mary Pateras. She was the Careers teacher at GP.
3. I have known Mary since October 1991.
4. Late last year I was on a selection panel for the position Senior Years Leader - Pathways & Transition (ref no. 636476).
5. The position was advertised statewide.
6. Applications were sent electronically to the school. There were 3 applications.
7. The applications were copied and given to the panel members who read them against the criteria and then rank or shortlist the candidates for interview.
8. Of the 3 applications 2 were short listed, Mary Pateras and John Hart. John is also from this school. He was the MIPs Assistant. Mary was the Careers Teacher.
9. MIPs stands for Managed Individual Pathways.
10. We have the Careers Teacher who does careers counselling and each student plans towards their pathway and that was separate - it was too much work for one position. John's work was in MIPs and to manage special programs.
11. Mary's interview was on 17/10/07. John's interview was on 17/10/07.
12. I would say having known Mary for so long that she is a brilliant and thorough person in what she does, however her interview didn't come across that way. She almost seemed unprepared for an interview.
13. I have shown you a copy of the questions that were put to Mary in the interview.
14. We took turns in asking Mary questions.
15. Today you will receive the interview notes which show how each of us rated Mary's interview performance.
16. Mary was interviewed after John.
17. John was more prepared and had more evidence to show us of what his plan for the future was.
18. They are both completely different people. They were different interview results but close in outcomes.
19. In my mind John was possibly in front of Mary.

I have read this statement. It is true and correct to the best of my knowledge and belief.

Witness:

Signed By:

Jan Javni

Date:

STATEMENT OF: Jan Javni
AT: GPSC Shaws Road Werribee
DATE: 27/6/08
ADDRESS: c/- GPSC Shaws Road Werribee
TELEPHONE NO.: 9741 4911
OCCUPATION: Teacher

1. My name is Jan Javni. My address is c/- GPSC Shaws Road Werribee, telephone 9741 4911. My DOB 5/4/54. I am employed by DEECD as a Teacher at GPSC. I have held this position at GP since 1991. I started teaching in 1976.
2. I know Mary Pateras. She was the Careers teacher at GP.
3. I have known Mary since October 1991.
4. Late last year I was on a selection panel for the position Senior Years Leader - Pathways & Transition (ref no. 636476).
5. The position was advertised statewide.
6. Applications were sent electronically to the school. There were 3 applications.
7. The applications were copied and given to the panel members who read them against the criteria and then rank or shortlist the candidates for interview.
8. Of the 3 applications 2 were short listed, Mary Pateras and John Hart. John is also from this school. He was the MIPs Assistant. Mary was the Careers Teacher.
9. MIPs stands for Managed Individual Pathways.
10. We have the Careers Teacher who does careers counselling and each student plans towards their pathway and that was separate - it was too much work for one position. John's work was in MIPs and to manage special programs.
11. Mary's interview was on 17/10/07. John's interview was on 17/10/07.
12. I would say having known Mary for so long that she is a brilliant and thorough person in what she does, however her interview didn't come across that way. She almost seemed unprepared for an interview.
13. I have shown you a copy of the questions that were put to Mary in the interview.
14. We took turns in asking Mary questions.
15. Today you will receive the interview notes which show how each of us rated Mary's interview performance.
16. Mary was interviewed after John.
17. John was more prepared and had more evidence to show us of what his plan for the future was.
18. They are both completely different people. They were different interview results but close in outcomes.
19. In my mind John was possibly in front of Mary.

I have read this statement. It is true and correct to the best of my knowledge and belief.

Witness:

Signed By:

Jan Javni
Date:

20. After Mary's interview the panel discussed the answers she had given and we decided that we'd like the opportunity to discuss Q5 again. We were particularly looking for her vision over the next 3 years should she be appointed.
21. John was not required to come to a second interview.
22. The view of the panel was that Mary and John were close. I really can't recall if the other 2 also felt that John may have been slightly ahead. I just can't recall.
23. I have a feeling the referee check was done on the same day as the first interview. Mary's referees were Christopher Mooney (he was the senior years manager last year), John Hart (the other applicant) and Peter Krauz (Careers & Training Coordinator at The Grange Secondary College).
24. Chris Mooney was interviewed by the panel. For obvious reasons we did not interview John Hart and we did not ask Krauz to attend an interview because we were all aware of the wonderful work Mary did with Peter in the region.
25. I can't recall who invited Mary to attend a second interview.
26. The second interview took place on 22/10/07.
27. This interview did not go as well as we hoped.
28. We had 2 set questions for Mary and we ended up asking another 3 - to continue and draw out the information a little further.
29. Mary spoke about her personal life which is not what we were asking and she became upset and ended up leaving the interview in an upset state.
30. We asked Mary, (a) why did she apply for the position, (b) what is your vision over the next 3 years. Then from how she answered those questions a further 3 questions were asked, (a) how can you improve on the current networks, (b) leadership role over the next 3 years to improve networks, (c) stagnation over the past 12-18 months.
31. The question about stagnation arose from Mary's response to a question in the first interview. She had talked about stagnation explaining that her SSO's time (Jenny) had been reduced by 50% and Mary felt that she was now required to do far more administrative work and she could not get as much careers work done.
32. Mary responded to all further questions.
33. However I believe Mary misinterpreted the questions. I think she came into the interview with a lot of things on her mind and that she misinterpreted what we were asking.
34. In relation to the first question asked by Peter Newland, why did you apply ..., there were some words used by Peter to the effect that the panel was surprised and/or that her referees were surprised that Mary had applied for the position. I was surprised to hear Peter say that.
35. I was not surprised that Mary applied for the position. I totally expected it.

I have read this statement. It is true and correct to the best of my knowledge and belief.

Witness:

Signed By:

Jan Javni

Date:

36. I do not recall that Chris said he was surprised that Mary had applied for this position.
37. When we discussed about having the follow up interview with Mary it was simply about covering her vision for the 3 years because we didn't feel she covered that in the first interview and I don't believe we talked about being surprised. I don't believe we entered into any conversation about it.
38. I do not recall that Mary questioned this question about why she had applied and in particular the surprise part, however I do recall that a puzzled look passed across her face but she did attempt to answer it.
39. However, the whole point of this second interview was the question, what is your vision, and it was led into by the question why did you apply.
40. I recorded Mary's responses and these are along the lines that she is committed and passionate. Which is exactly what we were looking for her to say. The second question would have expanded on that, what is your vision and the further parts (a), (b) and (c) were prompts throughout her response to draw her out.
41. I think that interview lasted about 20 minutes but I'm not sure.
42. After Mary left we looked over Mary's answers. We discussed her application, first interview, second interview and referee checks and prior knowledge and we concluded that Mary met the criteria and that we would offer her the position.
43. Because Mary was upset we didn't want to put her under more undue pressure.
44. The first interview was done very formally in the conference room and the second less formally in Peter's office. It was decided that Peter should speak to her alone because we didn't want to put her under any more stress.
45. As I understood it Peter was going to offer the position to Mary and outline how it would fit into the other leading teacher roles and the changed leadership structure of the college.
46. I was on 5 interview panels at the end of last year. Of this 5, every successful candidate was offered the position but 24 hours to think about it because of the new leadership structure and that time allowances had not been decided on.
47. My understanding is that Peter approached Mary and asked her to come into his office to talk about it. My understanding is that she accepted the job but she didn't go into his office and talk about it because she said she had students waiting and she had to go to attend to them.
48. As far as I know, which is hearsay, Mary left the college at some point and that she was upset.
49. I am trying to recall timeframes now. At some stage I rang Mary and tried to get her to come in here and talk about what happened.

I have read this statement. It is true and correct to the best of my knowledge and belief.

Witness:

Signed By:

Jan Javni
Date:

50. I received an email from Mary and I think this might have come in the day after she left the school.

51. Mary told me that Peter offered her the job and she'd accepted and then he said to her that he didn't accept her acceptance.

52. You may otherwise contact me at home on 52823183.

53. My email address is javni.jan.a@edumail.vic.gov.au

54. I undertake not to discuss or disclose the contents of this statement.

I have read this statement. It is true and correct to the best of my knowledge and belief.

Witness:

Signed By:

Jan Javni

Date:

STATEMENT OF: Jan Javni
AT: GPSC Shaws Road Werribee
DATE: 27/6/08
ADDRESS: c/- GPSC Shaws Road Werribee
TELEPHONE NO.: 9741 4911
OCCUPATION: Teacher

1. My name is Jan Javni. My address is c/- GPSC Shaws Road Werribee, telephone 9741 4911. My DOB [REDACTED] I am employed by DEECD as a Teacher at GPSC. I have held this position at GP since 1991. I started teaching in 1976.
2. I know Mary Pateras. She was the Careers teacher at GP.
3. I have known Mary since October 1991.
4. Late last year I was on a selection panel for the position Senior Years Leader - Pathways & Transition (ref no. 636476).
5. The position was advertised statewide.
6. Applications were sent electronically to the school. There were 3 applications.
7. The applications were copied and given to the panel members who read them against the criteria and then rank or shortlist the candidates for interview.
8. Of the 3 applications 2 were short listed, Mary Pateras and [REDACTED]. Mary was the Careers Teacher.
9. [REDACTED]
10. We have the Careers Teacher who does careers counselling and each student plans towards their pathway and that was separate - it was too much work for one position. [REDACTED]
11. Mary's interview was on 17/10/07. [REDACTED] was on 17/10/07.
12. I would say having known Mary for so long that she is a brilliant and thorough person in what she does, however her interview didn't come across that way. She almost seemed unprepared for an interview.
13. I have shown you a copy of the questions that were put to Mary in the interview.
14. We took turns in asking Mary questions.
15. Today you will receive the interview notes which show how each of us rated Mary's interview performance.
16. Mary was interviewed after [REDACTED]
17. [REDACTED] was more prepared and had more evidence to show us of what his plan for the future was.
18. They are both completely different people. They were different interview results but close in outcomes.
19. In my mind [REDACTED] was possibly in front of Mary.

I have read this statement. It is true and correct to the best of my knowledge and belief.

Witness [REDACTED]

Signed By:

Jan Javni

Date:

Jan Javni
28/07/2008

20. After Mary's interview the panel discussed the answers she had given and we decided that we'd like the opportunity to discuss Q5 again. We were particularly looking for her vision over the next 3 years should she be appointed.
21. [REDACTED] was not required to come to a second interview.
22. The view of the panel was that Mary and [REDACTED] were close. I really can't recall if the other 2 also felt that [REDACTED] may have been slightly ahead. I just can't recall.
23. I have a feeling the referee check was done on the same day as the first interview. Mary's referees were Christopher Mooney (he was the senior years manager last year), [REDACTED] and Peter Krauz (Careers & Training Coordinator at The Grange Secondary College).
24. Chris Mooney was interviewed by the panel. For obvious reasons we did not interview [REDACTED] and we did not ask Krauz to attend an interview because we were all aware of the wonderful work Mary did with Peter in the region.
25. I can't recall who invited Mary to attend a second interview.
26. The second interview took place on 22/10/07.
27. This interview did not go as well as we hoped. The panel was aware that Mary was nervous in the first interview and we hoped she would feel more relaxed in a short informal second interview; however this was not the case.
28. We had 2 set questions for Mary and we ended up asking another 3 - to continue and draw out the information a little further.
29. Mary spoke about her personal life which is not what we were asking and she became upset and ended up leaving the interview in an upset state.
30. We asked Mary, (a) why did she apply for the position, (b) what is your vision over the next 3 years. Then from how she answered those questions a further 3 questions were asked, (a) how can you improve on the current networks, (b) leadership role over the next 3 years to improve networks, (c) stagnation over the past 12-18 months.
31. The question about stagnation arose from Mary's response to a question in the first interview. She had talked about stagnation explaining that her SSO's time [REDACTED] had been reduced by 50% and Mary felt that she was now required to do far more administrative work and she could not get as much careers work done.
32. Mary responded to all further questions.
33. However I believe Mary misinterpreted the questions. I think she came into the interview with a lot of things on her mind and that she misinterpreted what we were asking.
34. In relation to the first question asked by Peter Newland, why did you apply ..., there were some words used by Peter to the effect that the panel was surprised

15/11/07

Highlighted text is absent from unsigned copy

I have read this statement. It is true and correct to the best of my knowledge and belief.

Witness: [REDACTED]

Signed By:

Jan Javni
Date:

Jan Javni
22/10/2008

- and/or that her referees were surprised that Mary had applied for the position. I was surprised to hear Peter say that.
35. I was not surprised that Mary applied for the position. I totally expected it.
36. I do not recall that Chris said he was surprised that Mary had applied for this position.
37. When we discussed about having the follow up interview with Mary it was simply about covering her vision for the 3 years because we didn't feel she covered that in the first interview and I don't believe we talked about being surprised. I don't believe we entered into any conversation about it.
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39. However, the whole point of this second interview was the question, what is your vision, and it was led into by the question why did you apply.
40. I recorded Mary's responses and these are along the lines that she is committed and passionate. Which is exactly what we were looking for her to say. The second question would have expanded on that, what is your vision and the further parts (a), (b) and (c) were prompts throughout her response to draw her out.
41. I think that interview lasted about 20 minutes but I'm not sure.
42. After Mary left we looked over Mary's answers. We discussed her application, first interview, second interview and referee checks and prior knowledge and we concluded that Mary met the criteria and that we would offer her the position.
43. Because Mary was upset we didn't want to put her under more undue pressure.
44. The first interview was done very formally in the conference room and the second less formally in Peter's office. It was decided that Peter should speak to her alone because we didn't want to put her under any more stress.
45. As I understood it Peter was going to offer the position to Mary and outline how it would fit into the other leading teacher roles and the changed leadership structure of the college.
46. I was on 5 interview panels at the end of last year. Of this 5, every successful candidate was offered the position but 24 hours to think about it because of the new leadership structure and that time allowances had not been decided on.
47. My understanding is that Peter approached Mary and asked her to come into his office to talk about it. My understanding is that she accepted the job but she didn't go into his office and talk about it because she said she had students waiting and she had to go to attend to them.

I have read this statement. It is true and correct to the best of my knowledge and belief.

Witness:



Signed By:

Jan Javni

Date:

Jan Javni
28/07/2008

48. As far as I know, which is hearsay, Mary left the college at some point and that she was upset.
49. I am trying to recall timeframes now. At some stage I rang Mary and tried to get her to come in here and talk about what happened.
50. I received an email from Mary and I think this might have come in the day after she left the school.
51. Mary told me that Peter offered her the job and she'd accepted and then he said to her that he didn't accept her acceptance.
52. You may otherwise contact me at home on 52823183.
53. My email address is javni.jan.a@edumail.vic.gov.au
54. I undertake not to discuss or disclose the contents of this statement.

I have read this statement. It is true and correct to the best of my knowledge and belief.

Witness:



Signed By:

Jan Javni

Date:

Jan Javni
28/07/2008

Chapter 21

74. Betty Gurovski ' s medical report

75. Email from the Victorian Supreme Court of Appeal
2022

76. Email to and from County Court Self-represented
Litigant Coordinator

BRIEF PSYCHOLOGICAL REPORT

(CONFIDENTIAL)

Client Name: Mary Pateras
Claim No! 0407 [REDACTED]
Address: [REDACTED] et, Docklands, VIC 3008
D.O.B: 06/10/62

Report By: Betty Gurovski
Provisional Psychologist
BA(Psych), Post.Grad.Dip(Psych)
Assoc.MAPS

Reason for Referral:

Mary was referred under the Employers Assistance Program due to symptoms related to stressors at work in her role as the Careers Teacher at Galvin Park Secondary College.

Presenting Problem:

On the initial assessment Mary presented as anxious and agitated. She reported she had been experiencing difficulties falling asleep and had been suffering hot swcats at night. She reported feelings of irritability and an inability to relax. Mary described periods of tearfulness and had been suffering from headaches and poor concentration. In addition Mary reported that she had reduced energy and motivation. Mary indicated that these symptoms had been present for approximately a year, following an incident which occurred at her place of employment in relation to being offered a position as a Careers Teacher and accepted the position however stated the Principle applied pressure to have her withdraw her acceptance. Mary reported that she felt she was not being listened to and had concern for the way the Education Department had treated her. Mary could not identify any other life stressors which may have been contributing to her mental health difficulties.

Mary's mental state and functioning was later reviewed on the 9 of October 2008, one day later after returning back to work at Galvin Park Secondary College. She reported that she felt nauseated at work, with periods of tearfulness and shaking and experiencing of 3 panic attacks. In addition she reported that her appetite was reduced considerably and found it difficult to derive pleasure or enjoyment out of activities, describing a feeling of "numbness" and depressed mood. Motivation and energy remained low.



Crookes Graham
Consulting

Psychologists

83 Garden St., East Geelong
Victoria 3219

Phone: 5229 9055
Fax: 5229 3422

7 Princes Hwy., Werribee
Victoria 3030

Phone: 9742 3500
Fax: 9742 3522

A.B.N.49 152 869 633

The Depression Anxiety Stress Scale (DASS) was completed by Mary to further investigate the nature of her mental health difficulties. Mary's score on the **Depression** and **Anxiety** scales were both within the *Extremely Severe* range, whilst her score on the **Stress** scale fell within the *Severe* range.

Background Information:

Mary is a single mother of three children. She reports good social supports. Mary reports no history of mental illness, describing herself as a resilient person prior becoming unwell. Mary reports that prior to the decline of her mental health she had been assertive and outspoken person at work.


Clinical Impressions and Recommendations:

Mary currently meets diagnosis for a Major Depressive Episode with Anxiety, the primary trigger to this episode appears to be in relation to stress related to her role as the Careers Teacher in her workplace at Galvin Park Secondary College.

It would appear that Mary's current ability to fully function at work is being impaired by her psychiatric symptoms. A gradual introduction of return to work would be suitable for Mary.

In relation to the long term work impact, Mary's prognosis is good given there is no previous history of mental illness. However, this will be dependent on what stress and pressure is placed on her when she returns to work, and the outcome of her relationship difficulties she has previously experienced with senior staff members.

It is recommended that Mary continue with psychological treatment in order to support her to return to work, and provide clinical interventions for both depressive and anxiety symptoms.


Betty Gurovski
Provisional Psychologist



mary peterston

Pateras v State of Victoria, S APCI 2016 0078 - request from applicant

Supreme Court-Court of Appeal Registry <coaregistry@supcourt.vic.gov.au>

Mon, Jul 25, 2022 at 8:44
AM

To: "mary"

Dear Mary Pateras,

I refer to your email sent to the Court at 11:49 am on 15 June 2022.

The Court has no objection to you publishing quoted text from the transcript of the hearing on 6 February 2017 in this proceeding.

Kind Regards,

Anna

Senior Lawyer

Court of Appeal - Supreme Court of Victoria

Telephone: (03) 8600 2080

Email: anna.domine@supcourt.vic.gov.auRegistry: coaregistry@supcourt.vic.gov.au

In line with current physical distancing requirements and restrictions, it is the Court of Appeal Registry's preference that parties communicate with us via email or telephone. Unless otherwise directed, court documents should continue to be filed through RedCrest. In the event that it is necessary to attend the registry counter or hand deliver hard copy documents, please contact the registry to make an appointment.



mary peterston <marypateras@gmail.com>

Permission for the use of transcript -Case No. CI-12-03169

10 messages

mary pateras <marypateras@gmail.com>
To: commonlaw.registry@countycourt.vic.gov.au
Cc: srl@countycourt.vic.gov.au
Bcc: marypateras@gmail.com

Wed, Jun 15, 2022 at 11:13 AM

Good Morning,

My name is Mary Pateras. I was a self represented litigant in the above matter. I am in the process of writing a book and wish to seek permission from His Honour Judge O'Neill to include quoted text from the transcript in my book.

I would appreciate information on the procedural matters I am required to fulfil in accordance with any court rules.

I look forward to hearing from you soon.

Kind Regards

Mary Pateras

Sent from my iPad

CSV-CCV-Commonlaw Registry (CSV) <CCVcommonlaw.registry@courts.vic.gov.au>

Wed, Jun 15, 2022 at
11:13 AM

To: mary pateras <marypateras@gmail.com>

CONFIRMATION OF RECEIPT

Thank you for emailing the **County Court Common Law Registry**.

This confirmation email is to advise that this correspondence has been received and will be reviewed by the Registry in due course. For further updates on this correspondence, please check Court Connect in the first instance.

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- State clearly and briefly what action or outcome you are seeking by submitting the correspondence;
- Provide reasons as to why a listed date is to be vacated or adjourned;
- Enclose both a PDF and Word version of any proposed consent orders;
- Advise of any hearing dates relating to the matter; and
- Include the further requisite information to request a Directions Hearing be listed.

PLEASE NOTE

-

WORK COVER LIST

The Registry does not manage the Common Law Division Work Cover List. All correspondence and/or consent orders must be directly sent to workcoverlist@countycourt.vic.gov.au

**COMMON LAW REGISTRY
COUNTY COURT OF VICTORIA**

PRIVATE & CONFIDENTIAL

The content of this e-mail and any attachments may be private and confidential, intended only for use of the individual or entity named. If you are not the intended recipient of this message you must not read, forward, print, copy, disclose, use or store in any way the information this e-mail or any attachment contains.

If you are not the intended recipient, please notify the sender immediately and delete or destroy all copies of this e-mail and any attachments.

Our organisation respects the privacy of individuals. For a copy of our privacy policy please go to our website or contact us.

srl@countycourt.vic.gov.au <srl@countycourt.vic.gov.au>
To: mary pateras <marypateras@gmail.com>

Thu, Jun 16, 2022 at 2:53 PM

Dear Mary

I refer to your email below.

The standard process around the use of transcripts is that they are not to be used for the purposes of broadcast or other publication.

With this said, I would strongly encourage you to seek legal advice on whether you could use a snippet from the transcript for the purposes of publishing it in your book.

Kind regards

**Case Manager – Self-Represented Litigants
County Court of Victoria**

250 William Street, Melbourne, VIC 3000 | **DX** 290078 Melbourne

T 03 8636 6528 | **E** srl@countycourt.vic.gov.au

www.countycourt.vic.gov.au



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General Enquiries: 03 8636 6508 | **Criminal Division Listings Enquiries:** 03 8636 6570 | **Common Law Division Listings Enquiries:** 03 8636 6515 | **Commercial Division Listings Enquiries:** 03 8636 6516 | **eCase:** an online tool for subpoena submissions, objections and inspections.



I acknowledge the Traditional Owners of the land across Victoria, and pay respect to their Elders, past and present, and to future generations.

[Quoted text hidden]

[Quoted text hidden]

mary pateras <marypateras@gmail.com>
To: commonlaw.registry@countycourt.vic.gov.au
Cc: judgeclark.chambers@countycourt.vic.gov.au
Bcc: marypateras@gmail.com

Fri, Jul 1, 2022 at 9:26 AM

Good Morning,

My name is Mary Pateras. I understand that His Honour Judge O'Neill retired in December 2021. I seek written approval to use quotes from the transcript in the above matter. I have previously sent this request to the common law registry and have not had a response. The case manager for self represented litigants did respond recommended that I seek legal advice. The advice was to seek written permission from the court, in light of the fact that His Honour has since retired.

I look forward to hearing from you soon.

Kind Regards

Mary Pateras

Sent from my iPad

Begin forwarded message:

From: srl@countycourt.vic.gov.au
Date: 16 June 2022 at 2:53:20 pm AEST
To: mary pateras <marypateras@gmail.com>
Subject: Re: Permission for the use of transcript -Case No. CI-12-03169

Dear Mary

I refer to your email below.

The standard process around the use of transcripts is that they are not to be used for the purposes of broadcast or other publication.

With this said, I would strongly encourage you to seek legal advice on whether you could use a snippet from the transcript for the purposes of publishing it in your book.

Kind regards

Case Manager – Self-Represented Litigants

County Court of Victoria

250 William Street, Melbourne, VIC 3000 | **DX** 290078 Melbourne

T 03 8636 6528 | **E** srl@countycourt.vic.gov.au

www.countycourt.vic.gov.au



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[Quoted text hidden]

CSV-CCV-Commonlaw Registry (CSV) <CCVcommonlaw.registry@courts.vic.gov.au>

Fri, Jul 1, 2022 at 9:27 AM

To: mary pateras <marypateras@gmail.com>

CONFIRMATION OF RECEIPT

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- Advise of any hearing dates relating to the matter; and
- Include the further requisite information to request a Directions Hearing be listed.

PLEASE NOTE

-

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**COMMON LAW REGISTRY
COUNTY COURT OF VICTORIA**

[Quoted text hidden]

mary pateras <marypate
To: commonlaw.registry@countycourt.vic.gov.au
Bcc:

Mon, Jul 25, 2022 at 10:24 AM

Dear Registrar,

I refer to the email trail below to which I have not had a response. I do not understand the length of time it has taken, given that the same question was asked of the Supreme Court of Appeal and they have confirmed in writing that I am entitled to use quotes from the transcript when my matter went to Appeal.

Could you please give this matter urgent attention.

Kind Regards

Mary

Sent from my iPad

On 1 Jul 2022, at 9:26 am, mary pateras < > wrote:

Good Morning,

[Quoted text hidden]

CSV-CCV-Commonlaw Registry (CSV) <CCVcommonlaw.registry@courts.vic.gov.au>

Mon, Jul 25, 2022 at 10:24 AM

To: mary pateras >

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**COMMON LAW REGISTRY
COUNTY COURT OF VICTORIA**

[Quoted text hidden]

srl@countycourt.vic.gov.au <srl@countycourt.vic.gov.au>

Wed, Jul 27, 2022 at 9:17 AM

To: mary pateras <

>

Cc: "CSV-CCV-Commonlaw Registry (CSV)" <CCVcommonlaw.registry@courts.vic.gov.au>

Dear Mary

I confirm that your request has been referred to a Judicial Officer for consideration and you will be informed in due course as to the decision.

Kind regards

Eleni

Case Manager – Self-Represented Litigants

County Court of Victoria

250 William Street, Melbourne, VIC 3000 | DX 290078 Melbourne

T 03 8636 6528 | E srl@countycourt.vic.gov.au

www.countycourt.vic.gov.au



? How was your experience with the County Court? Let us know by taking our anonymous [online survey](#).

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Criminal Registry Enquiries: 03 8636 6570 | **Common Law Registry Enquiries:** 03 8636 6515 | **Commercial Registry Enquiries:** 03 8636 6690 | **eCase:** an online tool for subpoena submissions, objections and inspections.



I acknowledge Aboriginal and Torres Strait Islander peoples as the First Peoples and Traditional Owners and Custodians of the land and waterways upon which our lives depend. I acknowledge and pay my respects to ancestors of this country, Elders, knowledge holders and leaders – past and present. I extend that respect to all

Aboriginal and Torres Strait Islander peoples.

[Quoted text hidden]



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[Quoted text hidden]

mary pateras <

Thu, Jul 28, 2022 at 11:44 AM

To: srl count court.vic. ov.au

Bcc:

Good Morning Eleni,

Thank you for your email. Could you please pass on the following further enquiry to the Judicial Officer officer who is presiding over this request given that His Honour Judge O'Neill has retired.

In May of 2019, I had personally emailed his Honour raising concerns about the existence of various documents directly related to the matters in issue during the trial which had not been disclosed by the defendant despite numerous court orders and a notice to produce seeking the documents I believed reasonably existed. The defendant filed affidavits stating that the documents could not be located. I received a response from his Honours Associate at the time that read as follows:

Dear Ms Pateras

Your email of the 10 May 2019 has been provided to his Honour who has asked me to respond as follows:

Having rendered his judgment in the matter, and the case having been through the appeal process, his Honour is not able to make any comment on the case, the evidence or the documents tendered in evidence.

Further given his position, his Honour is not able to provide you with any advice as to any steps which you may wish to take.

Yours sincerely,

Associate to Judge O'Neill

By way of courtesy I would like to inform the court that my book with also included some commentary around the matters in my email to His Honour and the above response. I will not name his Honour but rather refer to His Honour as the trial Judge.

Further, to that I am in the process of launching a website called Teacher's raise your hand and intend to share links to the reasons for judgment along with the exhibits that we're tendered into evidence.

During my conversations with the Supreme Court, I was informed that given that these documents were in the public domain there would not be any issues with sharing the said documents.

Should the County Court be in a different position or view, I would appreciate some clarification of these matters from the Judicial Officer considering my enquires.

I look forward to hearing from you.

Kind Regards

Mary

Sent from my iPad

On 27 Jul 2022, at 9:17 am, srl@countycourt.vic.gov.au wrote:

Dear Mary

I confirm that your request has been referred to a Judicial Officer for consideration and you will be informed in due course as to the decision.

Kind regards

Eleni

Case Manager – Self-Represented Litigants

County Court of Victoria

250 William Street, Melbourne, VIC 3000 | **DX** 290078 Melbourne

T 03 8636 6528 | **E** srl@countycourt.vic.gov.au

www.countycourt.vic.gov.au



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[Quoted text hidden]



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[Quoted text hidden]

srl@countycourt.vic.gov.au <srl@countycourt.vic.gov.au>

To: mary pateras <marypateras@gmail.com>

Thu, Jul 28, 2022 at 11:58 AM

Dear Mary

I confirm your email has been referred to the Judicial Officer.
Kind regards

Case Manager – Self-Represented Litigants

County Court of Victoria

250 William Street, Melbourne, VIC 3000 | **DX** 290078 Melbourne

T 03 8636 6528 | **E** srl@countycourt.vic.gov.au

www.countycourt.vic.gov.au

Chapter 22

77. Dr. Mohr's Letter 2016

78. Chapter 22 Doulis v State of Victoria -Supreme Court of Victoria 2014.

79. Chapter 22 Letter to Minter Ellison Lawyers 2016

80. Chapter 22 Supreme Court of Appeal Order

23rd May 2016

Supreme Court of Appeal 210 William Street,
MELBOURNE. 3000

Re: Mary PATERAS

WERRIBEE 3030 DOB: 06/10/62

To whom it may concern,

Ms. Pateras attended the County Court Melbourne in front of his Honour Judge O'Neill.
Judgment dated December 1st 2015.

After the Court period, Ms. Pateras suffered a relapse of her mental state and was unable
therefore to read and take in the judgment until mid-April 2016 by which time I believe she
was out of time to apply for an appeal.

Ms. Pateras wishes to make inquiries to the Supreme Court of Appeal in relation to this and
wishes to apply for an extension of the appeal time.

It would be greatly appreciated if an appeal would be considered. Thank you for your
consideration in this matter.

DR JANETTE MOHR

April 11, 2016

Mr Davi
Minter Ellison
Level 23 Rialto Towers
525 Collins St. Melbourne, Vic. 3000

By email: david.poulton@minterellison.com

Dear Mr Poulton,

RE: MARY PATERAS v STATE OF VICTORIA

I refer to our telephone conversation on Thursday April 9 2016 in relation to the above matter in which I was a self-represented litigant.

By way of courtesy, I advise that I will be appealing the judgement for the defendant made by His Honour Judge O'Neil on December 1 2015 in the County Court (Melbourne).

As I briefly mentioned to you over the phone a very close and dear friend of mine died during the trial. As a result, the length of time that it has taken me to grieve the loss of my friend was complicated by my mental capacity and as such I had not read His Honours reasons for judgment until last Tuesday. This will form as part reason for the delay in appealing the judgment outside of the time limits.

I have made enquiries to the Supreme Court of Appeal and was provided with the self-represented litigants guide and information pack. As you reasonable suggested via our telephone conversation the process of appeal is not an easy task for a qualified lawyer let along for someone who is self-represented. I acknowledge and appreciate your comments; however I strongly believe that there are valid legal grounds for appeal.

During our telephone conversation I also explained that I am no longer in possession of the documents listed in the affidavits' of documents from both the plaintiff and the defendant that were filed during the discovery process at the County Court. Can you confirm that you are still in possession of these documents and that it would be reasonable for me to either inspect the documents at your premises or be provided with a copy of these documents for the purpose of completing the appeal process?

Since our conversation I have briefly explored other options that may be available to me. It has been suggested that I ask you if you would consider it appropriate for an informal conference or mediation as an alternative means to an application to the Supreme Court of

Chapter 23

81. Submissions for Funding from the Attorney General.

82. Chapter 23 High Court Order, 2017

83. Chapter 24 Email from Federal Court of Australia



Australian Government

Attorney-General's Department

**APPLICATION FOR ASSISTANCE BY THE COMMONWEALTH
FOR LEGAL AND RELATED EXPENSES FOR SCHEMES
ADMINISTERED BY THE ATTORNEY-GENERAL**

This form is to be completed by applicants seeking assistance for legal and related expenses from the Commonwealth under statutory and non-statutory schemes administered by the Attorney-General.

The form is to be fully completed. Please type or print neatly and answer ALL questions. Assistance may be refused if all information (including attachments) is not provided. If space provided is insufficient, include additional material on a separate page and attach to the form.

The fact that a person has applied for financial assistance and all information provided by an applicant, or on an applicant's behalf, will be treated in confidence and will not be disclosed except:

- (a) where this is necessary for purposes relevant to administering the financial assistance scheme
- (b) in accordance with the express authority of an applicant
- (c) to correct the public record, or
- (d) where required by law.

This form must be signed in the presence of a Justice of the Peace, Commissioner for Declarations or other authorised person in your State or Territory before whom a declaration may be made.

This form and all attachments may be lodged by email to finass@ag.gov.au. If you are unable to submit an application by email, you may post to the following address:

Assistant Secretary
Legal Assistance Branch
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

Phone: (02) 6141 4770

2. What are the facts of the case?

I. What is purpose of the rules of procedural fairness in Australia: is the guiding principle natural justice and the dignity of the individual, or is it utilitarianism? Is the answer different in the case of a self-represented individual against the State?

2. Does Kohler v Cerebis cover the field of consideration in cases of foreseeability of psychiatric injury and was Dou/is v State of Victoria therefore incorrectly decided?

3. In cases of a self-represented litigant who is suffering from psychiatric injury against the State, should the Court adopt the approach taken by the dissenting minority Kirby and Callinan JJ in Whisprun Pty Ltd v Dixon in assessing the litigant's credibility?

4. Does the principle that 'judgments are not to be read like statutes' justify a trial judge in misstating the wrong legal test in the central enquiry in question?

5. Should the State, as a model litigant, be permitted to submit evidence in inadmissible form as an exhibit when acting against a self-represented litigant?

6. Was it in accordance with procedural fairness for the State to be permitted to cross-examine a self-represented litigant over 6 days, with extensions, and then for that self-represented litigant to be imposed a time limit for her cross-examination of the State's key witness, only to have that time limit strictly enforced and curtailed when she had cross-examined for less than one day?

7. Where there is a prima facie denial of procedural fairness in the case of a State against a self-represented litigant, should an appellate court order a retrial unless it can be certain that there is no possibility that a different outcome could have been achieved?

8. Should specific circumstances of a litigant be taken into account in considering the scope of procedural fairness and the duty to assist a self-represented litigant?

9. Where the State does not comply with its discovery obligations in the case of a self-represented litigant, and further relevant evidence is obtained by a self-represented litigant through Freedom of Information processes, and it is clear that those processes are ongoing, should that be grounds for a retrial?

10. Should the Court of Appeal have considered the likelihood of the various errors and breaches of procedural fairness by the County Court in aggregate, and erred on the side of caution in granting a fair trial?



HIGH COURT OF AUSTRALIA

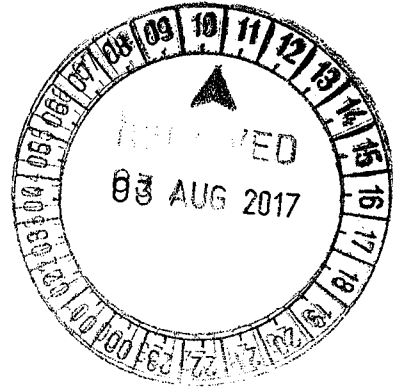
CANBERRA OFFICE OF THE REGISTRY
P O Box 6309
CANBERRA ACT 2604
olivia.gesini@hcourt.gov.au
<http://www.hcourt.gov.au/>

Telephone (02) 6270 6857
Facsimile (02) 6273 3025
ABN: 69 445 188 986

Our ref: M39/2017
Your ref: Jamie Arthur Bedelis

2 August 2017

Bedelis Lawyers
Shop 6, 33-39 Centreway
MOUNT WAVERLEY VIC 3149



Dear Sir,

Pateras v. State of Victoria (M39/2017)

The Court has directed that this application be listed for determination without hearing oral argument.

The application is listed for determination at 9:45 am on Wednesday, 9 August 2017 in Brisbane. There is no need for the parties to attend in Brisbane that day.

The result of the application will be posted on the High Court website at <http://www.hcourt.gov.au/registry/special-leave-applications-results-2017> by the end of the day. The Registry will also notify the parties by letter of the result.

Yours faithfully,


Olivia Gesini
Deputy Registrar

Chapter 24.

83. Email from Federal Court of Australia

84. Chapter 24 Weekly Payments. Things Change. Article written by Redlich Workplace Lawyers

85. Chapter 24 Letter from Gallagher Basset about weekly payments 2020

86. Chapter 24 Federal Court of Australia Order

87. Chapter 24 Submissions made to the Federal Court of Australia 2024



mary peterston <maryp

m>

RE: Permission to use transcript-File No. VID318 of 2021 [SEC=OFFICIAL]

Associate AndersonJ <Associ @fedcourt.gov.au>

Tue, Aug 2, 2022 at 7:23 AM

To: mary pateras com>

Cc: EA - Anderson J <EA.AndersonJ@fedcourt.gov.au>, Auscript Client Services <clientservices@auscript.com.au>

OFFICIAL

Dear Ms Pateras

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That approval is not granted.

His Honour's chambers will not deal with this matter any further.

Regards

[Quoted text hidden]

Weekly payments entitlements: Things change

15 Aug 2017

by Redlich's Work Injury Lawyers



Nothing in the world seems to stay the same. This is also true when someone has been badly injured at work.

A person who is injured at work is entitled to compensation by weekly payments of a percentage of their previous wages. The capacity to go back to work of someone who has been injured and the corresponding weekly payments are often disputed by the insurance companies. Once determined, either by WorkCover, a Judge or by a Medical Panel, it is not forever final.

The law recognises that a worker's entitlement to weekly payments can change over time. Therefore, a decision made at one point in time will not necessarily finalise the issue of an injured worker's capacity to work and their weekly payments forever.

In simple terms, if you have previously gone to Court and resolved your weekly payments for a limited period of time, you are not prevented from asking for your weekly payments to be reinstated in the future, if things change.

Case Law

In *Rachel Fisuns v Mercy Health & Aged Care Inc [2017] VMC006* the Employer sought to refer the issue of the worker's current work capacity to the Medical Panel. The injured worker objected because this issue had previously been decided by the Medical Panel in 2012. The Plaintiff contended that going there again would be an abuse of process .

Magistrate Ginnane held that a second referral to the Medical Panel was not an abuse of process because the evidence showed a clear change in the Plaintiff's circumstances. His Honour held that in order for a Court to consider capacity when a prior determination had been made, there must be a change in circumstances and evidence of a potential change in capacity as a result of those changed circumstances.

In this case the emergence of non-work related factors (such as bankruptcy, a family death and parenting responsibilities) after the 2012 Medical Panel Opinion and two medical reports suggesting a change in the cause of the Plaintiff's incapacity were sufficient to meet this test.

A similar decision was reached in *Turner Clinical Laboratories [2016] VMC009*. Ms Turner had previously issued court proceedings in respect of the termination of her weekly payments of compensation. In 2010 she resolved these proceedings. The terms of settlement determined that payments were to be paid for 130 weeks and ongoing medical and like expenses with a denial of liability. The Plaintiff in 2015 made a request for weekly payments of compensation after the 130 week entitlement period on the basis that she had no capacity. The parties sought a preliminary ruling as to whether the previous dismissal of Court proceedings prevented Ms Turner from now seeking additional weekly payments. The Court held that the only issue resolved in 2010 was Ms Turner's capacity at the time "*however, it did not extinguish her right to prove an entitlement to weekly payments beyond 130 weeks if she is able to satisfy the evidentiary onus that from 25 May 2015 her psychiatric condition has deteriorated to such an extent that she has no current work capacity which is likely to last indefinitely.*"

What this means for injured workers

These two cases demonstrate that weekly payments, and the concept of capacity, are not set in concrete .

A decision or ruling on these issues, or an agreement reached by parties, may not resolve the issue once and for all. An injured worker or the WorkCover agent may be able to re-open the issue later if a clear change of circumstances exists.

If your weekly payments have been terminated, or for more information, contact Redlich's Work Injury Lawyers on (03) 9321 9988.

Chapter 25

88. Letter from Acting Executive Legal Advisor, Department of Education 2023

89. Garry heany statement in county court

90. Peter stone statement in county court

91. Sue conquest statement in matter of peter stone

92. Leanne gagatsis statement in county court



Department of Education

People and Executive Services

2 Treasury Place
East Melbourne Victoria 3002
Telephone: 03 9637 2000
DX210083

Confidential

Ms Mary Pateras

By email: mary [REDACTED]

COR23125235

Dear Ms Pateras

RE: VID318 of 2021 - Pateras v State of Victoria (Department of Education)

I refer to your correspondence dated 9 August 2023 to the Premier, the Hon Daniel Andrews MP, and Minister for Education, the Hon Natalie Hutchins MP.

As your correspondence raises concerns relating to the conduct of the Department of Education (**Department**) in the above legal proceeding in the Federal Court of Australia (the **Federal Court**), the Minister has asked that I provide a response to you directly, in my capacity as Acting Executive Director of the Department's Legal Division.

I understand that you are a party in the above legal proceeding concerning the enforcement of a costs order in favour of the Department, and the history of this matter can be summarised follows.

- Between 2010 to 2022, you pursued numerous legal claims against the Department and were unsuccessful.
- Amongst other claims, you pursued a discrimination claim against the Department in the Federal Court despite receiving correspondence from the Department in which you were expressly advised that should you continue to pursue claims which the Department considered unmeritorious and were unsuccessful, the Department would seek costs orders against you.
- In March 2021, the Federal Court wholly dismissed your claim and ordered that you pay the Department's costs in the proceeding (**Orders**).
- Following these Orders, the Department sought, in good faith, to negotiate a reasonable and genuine settlement with you in resolution of the Orders. However, you declined the Department's offer and specifically invited the Department to enforce the Orders, which has resulted in the current proceeding in the Federal Court.

In the circumstances, you continue to have an opportunity to raise any concerns you consider relevant to the current proceeding in submissions to the Federal Court. Otherwise, as your

correspondence raises matters currently before the Federal Court and there is an established process for corresponding between the parties to that proceeding, I confirm the Department will not be making any further comments in response to your correspondence.

Yours faithfully

<

Ev
Acting Executive Director
Legal Division

22/09/2023

IN THE COUNTY COURT
OF VICTORIA
AT MELBOURNE
**DAMAGES AND COMPENSATION LIST
GENERAL DIVISION**

CI- 12 - 03169

BETWEEN

MARY PATERAS

Plaintiff

And

**STATE OF VICTORIA (DEPARTMENT OF EDUCATION AND
EARLY CHILDHOOD DEVELOPMENT)**

Defendant

WITNESS STATEMENT

Filed pursuant to the Order of His Honour Judge Saccardo dated 22 May 2015

Date of document: 25 May 2015
Filed on behalf of: The Plaintiff

Solicitors Code:
DX:

Prepared by:
Mary Pateras

Werribee South, VIC 3030

Tel. No.:

I Gary Leo Heaney of
AND SAY as follows:-

Victoria, MAKE OATH

1. I have agreed to be a witness in the above proceedings.
2. I am able to provide evidence to the Honourable Court on the matters outlined in my statutory declaration dated 27 October 2014 which I have attached to this statement.

Signed:

STATUTORY DECLARATION

I, Garry Leo Heaney

of

in the State of Victoria, do solemnly and sincerely declare that

I was employed at Galvin Park Secondary College (previously Werribee Technical School) from January 1976 until September 2007.

I held many positions of responsibility, culminating in the role of an Assistant Principal at Galvin Park Secondary College until September 2007. I took Long Service Leave from April 2007 until September 2007 when I retired.

I worked closely with Mary Pateras on many occasions from the time she was appointed to the college. We shared responsibility for year level cohorts and were part of many crucial management teams including: VCE Implementation, School Council, Individual Learning Programs, Transition and College Management (the key decision making body at the college).

I formed the view that Mary was an exceptionally hard worker who was able to enlist the support of those around her to achieve shared goals (be they students, parents or staff). I often observed Mary in her role as Careers Counsellor, working with students, parents and employers into the evening and on weekends, trying to maximise the opportunities for the students in her care.

I was operating as an Acting Assistant Principal when Peter Newland was appointed to the college and my position was made permanent soon after. Part of my role was to monitor staff wellbeing and assist in the management of staff who were returning to work after injury or illness. Staff returning after extended absences usually attended a pre-return meeting with an advocate (usually a union representative or work care representative) where a case specific return to work program was developed and a timeline agreed. This program included scheduled review meetings and the nomination of mentors on staff who would assist the return to work. Generally speaking, the Principal of the college attended the initial meeting and the rest was left to me.

The college had developed a focus on Staff Wellbeing under the previous principal and the emphasis was on being as welcoming and supportive as possible. Staff on leave were encouraged to visit the college at any reasonable time to maintain their social and academic links with the college and so assist their eventual return. I am not aware of anyone on leave being denied access to the college in the 30 odd years I taught there and was surprised to learn that this had changed after I left.

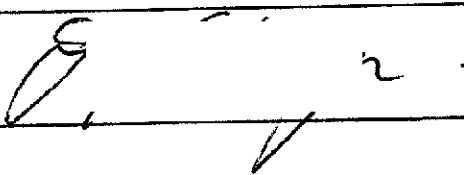
My assessment of Peter Newland as a Principal is that he was focused on the broader issues of state wide curriculum delivery rather than the day to day management of the college. He saw the potential of Individual Learning Programs as a means of re-engaging many underachieving students at Galvin Park but chose to focus on promoting it at Regional Level and ceded the actual college implementation to a core management team. When key members of this team failed to deliver, he chose to ignore warnings and advice and began to focus on an ever narrowing inner circle of confidantes. The college's failure to achieve annual performance benchmarks gradually took their toll on Peter and his ability to make sound decisions. When I left the college on long service leave in April 2007, he had presented in my office on two separate occasions, in tears, unable to see a way forward and feeling terribly isolated.

While I had no direct involvement in the issue that led to Mary's current action, I had certainly identified the need for early intervention. It had become apparent to me and others that Mary's attendance and effectiveness as careers counsellor had slipped well below her norm by March 2007. My urging that the issue be pursued and support offered was dismissed by Peter whom I felt, had come to regard my pending retirement as having already occurred.

When I went on leave in April 2007, it was apparent to me that a number of important issues were not being addressed by college management.

I acknowledge that this declaration is true and correct and I make it in the belief that a person making a false declaration is liable to the penalties of perjury.

SIGNATURE OF
PERSON MAKING
DECLARATION



Declared at WARRIAGE
in the State of Victoria on the 27th day of OCTOBER 2014.
Before me,

SIGNATURE



NAME,
ADDRESS &
QUALIFICATION
OF WITNESS

ROBERT BRADLEY JP
40 VICTORIA DRIVE
HOPPERS CROSSING 3029
JUSTICE OF THE PEACE FOR VICTORIA
REG. NO 12088

IN THE COUNTY COURT
OF VICTORIA
AT MELBOURNE
DAMAGES AND COMPENSATION LIST
GENERAL DIVISION

CI- 12 - 03169

BETWEEN

MARY PATERAS

Plaintiff

And

**STATE OF VICTORIA (DEPARTMENT OF EDUCATION AND EARLY
CHILDHOOD DEVELOPMENT)**

Defendant

WITNESS STATEMENT

Filed pursuant to the Order of His Honour Judge Saccardo dated 12 June 2015

Date of document: 9 August 2015
Filed on behalf of: The Plaintiff

Prepared by:
Mary Pateras

Tel. No.: 043 038 8831

I Peter Stone of 6
follows:-

South 3030, MAKE OATH AND SAY as

In addition to my previous statement dated 25 May 2015 I am able to contest to the following additional matters:

1. I commenced work cover leave due to severe depression on or about 23 June 2008.
2. The day after having submitted my work cover claim I was contacted by my return to work officer Leanne Gagatsis.
3. To my knowledge the school and the Western Metropolitan Region had an appointed return to work coordinator at all times. I believe Leanne Gagatsis was the schools return to work officer upon Garry Heaney's (Assistant Principal staff

and student wellbeing) retirement in September 2007. I believe that Kath Kennedy was the Western Metropolitan Regions return to work officer from 2007.

4. Within 2 days a return to work plan was devised in conjunction with Leanne Gagatsis and Tracy Morrison (HR Manager)
5. Kath Kennedy from the Western Metropolitan Region rang me shortly after and assisted throughout my workcover matter.
6. I spoke to Kath Kennedy regularly and I met with both Leanne and Kath where another 2 return to work plans were completed in line with my certificate of Capacity.
7. I know that Leanne Gagatsis was also the chair and/or member of the schools OHS designated work group and played a pivotal role in deciding how health and safety issues would be represented including bullying and stress. The school also employed Brian Way as a project manager to assist school management in eliminating any hazards that were identified at the school and to do an audit of electrical equipment and safety compliance of testing and tagging.
8. In mid-2007 whilst acting Principal I was involved in assisting a member of staff who submitted a work cover claim for anxiety and stress. I know that personnel from the Region assisted the staff member in a gradual return to work at another school.
9. I can recall another member of staff being on work cover in 2007/2008 due to a work related back injury. Return to work officers from the school and the region assisted her in a gradual return to work.
10. Organisational health had become widely recognised as an essential element in determining beneficial educational outcomes for students and improving the organisational health of the school system. As such the school actively participated in a range of educational initiatives such as Excellence to Education and the Building the Capacity for Improvement Program.

11. Improving organisational health was part of the schools management goals in accordance with the school charter and the schools strategic plan between 2003 and 2008 whilst I was Assistant Principal.
12. In 2007 The Principal class at the school; Peter Newland, Joanne Ryan, Leanne Gagatsis, Kerri bartels and myself were mandated to partake in the Building Capacity for Improvement Program (BCI) by Katherine Henderson (Western Metropolitan Region).
13. I recall that everyone in the leadership team including Peter Newland felt that the program would be too time intensive (over 12 months) and that we did not wish to participate. Mr Newland explained that he was directed by Katherine Henderson that due to our continuing declining results as shown in the annual school level reports of staff opinion, student opinion and parent surveys we had no choice in the matter.
14. We were assigned an external coach by the name of Roger Dingle (Insight SRC) to assist us in developing leadership skills that would improve organisational health and wellbeing for both staff and students.
15. As part of this program we were to reflect on our own leadership practices. We were asked to assess each other capabilities via a 360 degree feedback process. Each member of the team was asked to publically state what they perceived to be each member's strengths and weaknesses.
16. During this process Peter Newland burst into tears and sobbed uncontrollably saying "he had no friends." The meeting was adjourned. This matter was not discussed again by the team as a group.
17. As Mary Pateras' partner over the past 8 years I can attest to the voracity of her claims. Peter Newland failing to appoint her to the Leading Teacher position for 2008 had taken its toll on Mary. I believe that her struggle to be listened to by the Department of Education in the early stages of her complaint about Peter Newland more and more weighed on her mental health.

18. Mary has become housebound and stranded. On numerous occasions she has telephoned me whilst attempting to do the household shopping in tears having suffered a panic attack.
19. Her caring and supportive children and mother are often at a loss as how to best help her. Over recent years since becoming a grandmother Mary has managed to make an effort to contact or visit her mother and daughter fortnightly. However I know that that whilst she treasures her time with her granddaughters she struggles due to her ongoing psychiatric condition.
20. She has been heavily medicated over time with a cocktail of anti-psychotic and anti-depression drugs and continues to see herself as a burden to others. Mary is often unsure of what day it is and loses track of time, as such her children attend to the running of the household and cooking the meals.
21. Mary and I have maintained separate households throughout our relationship partly due to Mary's psychiatric condition and discussions with her psychiatrist about the psycho-dynamic effect we have on one another as a result of my own difficulties with Peter Newland and my own situation.
22. We had considered getting married in January of this year; however Mary was not able to cope planning for the wedding whilst the legal matter into her case was pending.
23. I have attached copies of my return plans to this statement.

STATEMENT IN THE MATTER OF:MR PETER STONE

PLACE: Western Metropolitan Regional Office

NAME: Susanne Conquest

ADDRESS: C/- Western Metropolitan Regional Office
Wool House, Level 4,
369 Royal Parade
Parkville Vic 3052

CGU Workers' Compensation (Vic) Ltd
06 AUG 2008
REC - MELB MAIL ROOM

TELEPHONE NO:(03) 9291 6500 (Business)

DATE OF BIRTH: [REDACTED]

EMPLOYER: D.E.E.C.D.-Western Metropolitan Regional Office

WITNESS DECLARATION

I declare that all of the information provided in this witness statement is, to the best of my knowledge, true and correct.

I am aware that to provide any false or misleading information in this witness statement may be punishable by law.

I understand that this witness statement may be used or disclosed in proceedings before a Court, the Accident Compensation Conciliation Service, or in other circumstances required or authorized by law; to persons involved in managing, processing or assessing the claim; to the claimant's employer and to the claimant on request.

STATES

I have been employed as a Senior Education Officer at the Western Metropolitan Regional Office, Wool House, Royal Parade, Parkville Vic 3052, Telephone:(03) 9291 6500 since February 2005.

PETER STONE has been employed at Galvin Park Secondary College as a full-time Teacher for many years and is currently Assistant Principal (Senior Sub-School).

For the past three years I have overseen the schools in the Hobsons Bay and Wyndham networks.

As part of my responsibilities Galvin Park Secondary College has been one of the schools I have overseen in my job role.

SUSANNE "SUE" CONQUEST/2

*
20
In 2007 the school was involved in a BCI (Building Capacity for School Improvement) Program that is focused on utilising the organizational health and feedback to drive school improvement. There is an external coach that works with the school project team over a 12 month period. Roger Dingle was the external coach appointed to the school.

I was not directly involved with the program. A work colleague, Carolyn Woodhouse who was at that time an Acting Senior Education Officer worked with the Galvin Park Secondary College team.

Following the feedback process, Carolyn alerted me about issues raised in relation to the cohesiveness of the leadership team that included Peter Stone and his colleagues.

In early March 2008 Peter Stone requested to meet with me. A meeting was scheduled for the 5th March 2008.

On this day we met at the Western Metropolitan Regional office in Parkville.

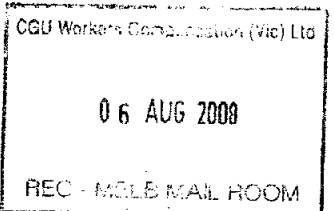
Peter Stone advised that at that time he was currently on Long Service Leave during Term 1, 2008 to support his partner who was ill

Peter Stone sought my assistance in a placement at another school. I did not get a sense that this request was directly related to his relationship with Peter Newland, College Principal, but was more to do with his perceived difficulty at returning to Galvin Park Secondary College.

I indicated that I would try and support him, however I needed to adhere to Western Regional protocol and procedures. In our discussion Peter Stone informed me he had not put forward an expression of interest to be considered for the pool of Acting Principal Class positions within the Region.

Following the meeting I enquired through the Executive Leadership level if there were any possibilities for a position on behalf of Peter Stone. I was informed at that time there were no available positions and was also reminded of the importance to adhere to the correct formal regional processes.

I advised Peter Stone of that and that he had the option of applying for a position in another school through the normal Departmental processes.



SUSANNE "SUE" CONQUEST13

Signature: [Redacted Signature]

Name of Witness: C. RIZZO

Date: 28. 07. 08.

Statement taken at Western Metropolitan Regional Office, Wool House, Royal Parade, Parkville by C. Rizzo of M. A. Sedawie & Company on the 28th July 2008.

Investigator Signature: C. RIZZO

Enquiry Agents Licence No: 675-029-10S

Claim No: 040 [Redacted]

Has the person agreed to sign. Yes

Interview Commenced: 2.00 p.m.
Interview Ceased: 3.00 p.m.

CGU Workers Compensation (Vic) Ltd
06 AUG 2008
REC MELB MAIL ROOM

STATEMENT IN THE MATTER OF: MR PETER STONE

PLACE: Galvin Park Secondary College

NAME: Peter Newland

ADDRESS: C/- Galvin Park Secondary College
Shaws Road
Werribee Vic 3030

TELEPHONE NO: (03) 9741 4911 (Business)

EMAIL: newland.peter-g@edumail.vic.gov.au

DATE OF BIRTH: [REDACTED]

EMPLOYER: D.E.E.C.D.-Galvin Park Secondary College

WITNESS DECLARATION

I declare that all of the information provided in this witness statement is, to the best of my knowledge true and correct.

I am aware that to provide any false or misleading information in this witness statement may be punishable by law.

I understand that this witness statement may be used or disclosed in proceedings before a Court, the Accident Compensation Conciliation Service, or in other circumstances required or authorized by law; to persons involved in managing, processing or assessing the claim; to the claimant's employer and to the claimant on request

STATES

I have been employed at Galvin Park Secondary College, Shaws Road, Werribee Vic 3030, Telephone No: (03) 9741 4911 for 9 years and as Principal for just over 5 years.

PETER STONE has been employed at Galvin Park Secondary College for 20 years as a full-time Teacher working Monday - Friday on a 38 hour week. His role is as Senior Years Assistant Principal and is also employed as a teacher.

As an employee, Peter has generally been punctual when reporting for work. He has not been in the habit of over using his leave entitlements.

PETER NEWLAND...../2

As part of the 'Building Capacities for Improvement' Leadership Development Program in 2007 Peter was required to develop leadership skills along with myself as Principal, the Business Manager and the other two Assistant Principal's.

On a daily basis, Peter is directly answerable to myself as College Principal.

Leading up to Peter's cessation from the college on the 21st May 2008, he did not raise any issues with regard to a professional working relationship with myself.

At the end of 2007, Peter requested Long Service Leave for Term 1 2008.

In that request he made reference that his partner was not well and wanted to support her. He also made reference to the fact he was finding it difficult to accept feedback from staff on his work performance and behaviour. In that email he makes no reference to me.

I am unaware of staff making reference to Peter's personal life up until receipt of his email dated Wednesday the 20th December 2008.

I spoke to Peter about these issues. We agreed that on the basis of his request and that of the needs of his partner and his sense of himself the leave would be granted on the understanding his issues would be addressed upon his return.

* Peter returned to the College at the commencement of Term 2 on the 7th April 2008.

Peter's partner who is also a staff member who at that time had a WorkCover Claim and had also issued a complaint about me to the Merit Protection Board and to the Department.

19 During the Term 1, 2008 holidays, a Conciliation Meeting was held with regard to her WorkCover Claim. Peter attended this meeting in support of his partner.

Following the meeting, the Executive Leadership met during the holidays to prepare for Term 2 which Peter attended.

I attempted to discuss with him in the meeting any concerns he may have in terms of him working with me, and in particular in regards to his partner's WorkCover Claim.

At that meeting Peter indicated he was not prepared to discuss these matters with anyone else being present. My response was I would be willing to meet with him with a third party present. He agreed to that at the time.

When I reminded Peter of this opportunity in early Term 2 his response was that he did not want to discuss this at all. He felt that it was better to leave the situation without discussion.

PETER NEWLAND...../3

Over the following weeks, Peter continued to report for work and performed his required duties. Nothing untoward occurred.

J On the 21st May 2008 we had a short Executive Meeting and as part of that I asked Peter if he could complete a task for me on Friday the 23rd May 2008. He replied that as he had a prior commitment, he would not be at the College on this day. As he was reading my body language, he queried whether I had a problem with that. I reminded Peter he had already taken two days off work on the 15th and 16th May 2008. Peter explained he had a medical certificate to cover his absence. I responded that on Friday the 16th May 2008 he had been well enough to have attended the Merit Protection Board Hearing to support his partner. *9*

No further comment was made and we moved on and into a School Council Meeting, followed by dinner. Peter attended the Council Meeting and the dinner.

The following day, the 22nd May 2008, Peter called in sick.

On the 23rd June 2008 the College received a WorkCover Claim on Peter's behalf which included his statement where he articulated his concerns.

To date, Peter remains absent from the workplace.

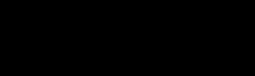
Signature: 

Name of Witness: C. RIZZO

Date: 22/7/08

Statement taken at Galvin Park Secondary College, Shaws Road, Werribee by C. Rizzo of M. A. Sedawie & Company on the 22nd July 2008.

Enquiry Agents Licence No: 675-029-10S

Claim No: 04070 

Has the person agreed to sign. *Yes*

Interview Commenced: 9.15 am.
Interview Ceased: 10.00 a.m.

STATEMENT IN THE MATTER OF: MR PETER STONE

PLACE: M. A. Sedawie & Company
567-569 High Street
Northcote Vic 3070

NAME: Leanne Gagatsis

ADDRESS: C/- Galvin Park Secondary College
Shaws Road
Werribee Vic 3030

TELEPHONE NO: (03) 9741 4911 (Business)

EMAIL: gagatsis-halge.leanne.d@edumail.vic.gov.au

DATE OF BIRTH: [REDACTED]

EMPLOYER: D.E.E.C.D. - Galvin Park Secondary College

WITNESS DECLARATION

I declare that all of the information provided in this witness statement is, to the best of my knowledge, true and correct.

I am aware that to provide any false or misleading information in this witness statement may be punishable by law.

I understand that this witness statement may be used or disclosed in proceedings before a Court, the Accident Compensation Conciliation Service, or in other circumstances required or authorized by law; to persons involved in managing, processing or assessing the claim; to the claimant's employer and to the claimant on request.

STATES

I have been employed at Galvin Park Secondary College, Shaws Road, Werribee Vic 3030, Telephone No: (03) 9741 4911 for 16 years and as Acting Assistant Principal for three terms in 2007 prior to becoming one of three Assistant Principal's (School Operations) in 2008.

PETER STONE has been employed at Galvin Park Secondary College as a full-time Teacher for many years, including being Assistant Principal (Senior Sub-School) for the past 4 years.

CGU Workers Com
(Vic) Lt
20 AUG
REG - MELB 1

LEANNE GAGATSI...../2

At the end 2007 I worked closely with Peter when we were working closely on a building project which included the physical restructure at the College of a senior school office and an open learning space for Year 10 as part of the managed individual pathways for students which Peter is in charge of. At that stage, I had no inclination of Peter being stressed.

The first time that myself, the other Assistant Principal and the Business Manager became aware of Peter taking Long Service Leave for Term 1, 2008 was when we were told in the foyer of a Hotel at our end of year function on the last day of the 2007 school year, the 20th December 2007.

We were told by Peter that he needed to take time off work for compassionate reasons to look after his partner, Mary Pateras who is also an employee at the College. I was extremely shocked, particularly as I have known Mary for some time and believed at the time she must have had a serious illness.

Peter did not mention having any issues with Peter Newland, the College Principal.

We then went into operation mode as to how we were going to cover Peter's position for term one.

Prior to school starting in 2008, Peter attended a school administration meeting to discuss the planning of the first term. At that particular meeting we had the opportunity to discuss how the administration of the college would be managed in Peter's absence and he appeared to be fine.

During this discussion Peter did say that during his absence in Term 1 2008, he would be using that time to look for an Assistant Principal position at another school, but did not give a reason for this change. He also discussed when, how and what the announcement to staff would be in relation to his absence in term one.

Between Terms 1 and 2, Peter along with myself and the administration team attended a pre-planning meeting for Term 2.

The only thing that occurred during that meeting was when Peter Newland asked if Peter felt comfortable in relation to our team after our (BCI) Building Capacity for Improvement Program Day last December. Peter responded there was something he would like to speak to Peter about but it was to be in private. The Principal then offered Peter the opportunity to have a support person during this meeting and Peter mentioned he would like the AEU representative. I am unaware if this meeting eventually took place.

CGU Workers Compe
(Vic) Ltd
20 AUG 2008
REC - MELB MAIL

LEANNE GAGATSI...../3

I cannot recall any discussion in relation to Peter's partner, Mary being broached during this meeting.

Upon Peter's return to the College at the beginning of Term 2, 2008 his physical and mental state was as normal.

On the morning of the 15th May 2008 Peter Stone, myself and the Leading Teacher (Senior School) had a meeting to discuss the restructuring of the VCE program.

During that meeting Peter said he "felt sick", he felt as if he wanted to be ill and ended up getting a glass of water and took a couple of Panadol. He then returned to the meeting and intermittently whenever he felt nauseous he would leave the room. Eventually the meeting was prematurely stopped.

It is my belief that it was around lunch time that Peter then left the College grounds.

Peter returned to the College the following week. He attended the School Council Meeting and the dinner on the 21st May 2008 and appeared to be fine whilst attending these functions.

I was aware that Peter was going to be away on a pre-arranged trip on Friday, the 23rd May 2008. However, on Thursday, the 22nd May 2008, Peter contacted me to say he was ill; that he had gone to his doctor's and had been given a four week medical certificate. He also said his doctor was unsure of his condition, that he was to be sent for medical tests and he would re-contact me the following week to let me know the outcome.

Since that time and because I am Peter's Return to Work Officer, I have held a couple of discussions with him.

As Peters designated Return to work officer, I have held a couple of further discussions with him in relation to his health.

I have read the above statement and to the best of my knowledge believe it to be true and correct.

Signed: _____



Dated: _____

25/7/08

Name of Witness: LEANNE GAGATSI

CGU Workers Compe
(Vic) Ltd
20 AUG 2008
REC - MELB MAIL

LEANNE GAGATSI...../4

Draft Statement taken over the telephone at M. A. Sedawie & Company, 567-569 High Street, Northcote by C. Rizzo on the 22nd July 2008.

Enquiry Agents Licence No: 675-029-10S

Claim No: 0401 [REDACTED]

Has the person agreed to sign. Typed copy of Statement forwarded for perusal prior to signing.

Interview Commenced: 12 Noon

Interview Ceased: 12.45 p.m.

CGU Workers Compens
(Vic) Ltd
20 AUG 2008
REC - MELB MAIL R

STATEMENT IN THE MATTER OF: MR PETER STONE

PLACE: Docklands
NAME: Peter Stone
ADDRESS: Apartment 1904 / 70 Lorimer Street,
Docklands Vic 3008
TELEPHONE: (03) 80[REDACTED] Mobile: 0433 [REDACTED]
EMAIL: p.sto[REDACTED]
DATE OF BIRTH: 16th September 1955
EMPLOYER: D.E. E. C. D. - Galvin Park Secondary College

WITNESS DECLARATION

I declare that all of the information provided in this statement is, to the best of my knowledge, true and correct.

I am aware that to provide any false or misleading information in this statement may be punishable by law.

I understand that this statement may be used or disclosed in proceedings before a Court, the Accident Compensation Conciliation Service, or in other circumstances required or authorized by law, to persons involved in managing, processing or assessing the claim; to the claimant's employer and to the claimant on request.

STATES

I am 52 years old and reside at the given address with my partner. I have two adult children who reside with their mother who are not reliant on my earnings.

I commenced with the Department of Education approximately 30 years ago and have been employed at Galvin Park Secondary College, Shaws Road, Werribee Vic, Telephone: (03) 9741 4911 for 20 years as a full-time employee. I work a 38 hour week, Monday - Friday from 8.45 a.m. - 3.50 p.m. and average an approximate 50 hour week with a 15 minute morning recess and 40 minutes for lunch.

PETER STONE/1

[Handwritten signature]
[REDACTED]

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Prior to my commencement with the Department of Education, I was on a studentship and went straight from University into a teaching role.

I have not previously claimed on WorkCover or am I in any concurrent employment outside my working hours at the College.

My hobbies and interests include, music and reading. I enjoy a social alcoholic drink, I smoke cigarettes and wear glasses for distance purposes. I was born in Australia.

In 2007 I was one of three full-time Assistant Principals at the college.

In 2008 I was given one Year 11 VCAL class to teach Work Related Skills with 19 students in the class, not necessarily on one given day.

I am also rostered on weekly yard duty.

As a teacher, I am required to complete reports, maintain attendance records, develop and deliver curriculum and complete correction.

I attend Team meetings, Year Level Meetings and Department Meetings as part of the VCAL teaching allotment.

As an Assistant Principal, I am responsible for the senior years. The college is split into middle and senior years.

I am responsible for all enrolments, managing the Senior Years Teams and managing all programs. My team includes the Senior Years Manager, the Transition and Pathways Coordinator, The VCAL Coordinator and VET in Schools Coordinator. As part of my responsibilities I set, implement, monitor and review all policies and programs.

I am a member of the College School Council and Chair the Policy the Education sub-committee of Council

I am required to attend some external Departmental Meetings and school based curriculum Meetings, Team meetings, plus Leadership Meetings.

The rest of the job is working through problems with staff, parents and students.

I am directly answerable to Peter Newland, College Principal.

In October 2007, my partner, Mary had had a run in with Peter Newland, College Principal over her ongoing leadership appointment at the college.

The dispute with Peter Newland ended up in a complaint to the Department of Education because of Peter Newland's treatment of my partner in late October 2007.

PETER STONE/2



CGU Workers Com, (Vic) Ltd
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Peter denied his behavior and the subsequent basis of my partners work cover claim.

However on the day of the incident with my partner, Peter had rung myself as at that time I was absent due to illness.

Peter was fairly distraught over the phone, he admitted to his behaviour towards my partner, but knew that he had done the wrong thing, that he wanted me to agree to his behaviour and decision. I advised him that he, as Principal, had to make his own judgments.

Near to the end of the year and as my partner's dispute and resolution was ongoing I was finding it extremely difficult to work at the College. I was stressed, had difficulty talking with Peter particularly being aware that Peter had openly lied about my partner's position in relation to the complaint.

In early December 2007, my partner put in a WorkCover Claim for stress arising from the dispute that was eventually successful after having gone to Conciliation. My partner also filed a Grievance with the DEECD and the Merit Protection Boards against Peter Newland and the DEECD in the same month.

During this process I became increasingly aware of Peter Newland's fallacious statements in relation to my partner's claim that is currently under investigation externally to the Education Department as per their instructions.

By December 2007 I would arrive home and often stated to my partner, that I felt physically ill, that I was finding it difficult to be any where near to Peter Newland.

On approximately the 19th December 2007 I requested in writing to have Term 1, 2008 on Long Service Leave. Peter questioned this late request; I explained I wanted the time off on compassionate grounds to support my partner who was going through a really difficult time whilst trying to sort out her situation with Peter through the Department. My leave request was granted.

Many of the staff had questioned the failing relationship between Peter and myself I personally chose not to discuss the situation with any of my colleagues.

During Term 1, 2008 I remained home.

On the week prior to the commencement of the 2008 academic year, I attended a Western Regional Meeting.

During a coffee break Peter called me aside and asked if I was prepared to work with him considering what was happening between him and my partner. I asked him the same question and we both agreed we could.

PETER STONE/3

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After Peter stated that considering what had occurred between my partner and himself, he asked if I had considered applying for a position outside the college and advised that he considered that I should do this and that he would provide a reference to support my transfer else where.

I responded that I agreed it would be a positive move and that during my absence I would endeavour to find another position. He asked me to inform my work colleagues of that. I then proceeded to advise my work colleagues of my decision. I advised that I would look at all avenues in regards to a position else where.

In February 2008 a lot of information was obtained either through WorkCover or through the Merit & Protection Board via F.O.I.

I made an appointment with Sue Conquest, Senior Education Officer at the Western Regional Office whom I met with during Term 1, 2008. After fully explaining my workplace situation, she personally advised that she felt that Peter's and my own professional relationship had broken down and that she would try to assist me with obtaining a position either at another school or within the regional office. She later advised me that she was unable to help.

At the time I also contacted Conduct & Ethic's Branch for assistance, but was unsuccessful and in an email, they suggested I seek counseling due to stress.

With no other option, I then decided to return to the college.

Prior to the beginning of Term 2, 2008 I attended a Leadership Planning Meeting with my work colleagues before returning to the college at the commencement of that term. Apart from my work colleagues the Business Manager, Tracey Morrison was in attendance.

At the commencement of this meeting and after welcoming me back Peter announced to all attendee's that my partner's WorkCover Claim had been successful. He stated that he didn't agree with the decision.

He then proceeded in what I considered to have been an inappropriate manner to demand I disclose my feelings in relation to his announcement and asked "where I stood". He wanted my opinion on the claim. I refused to discuss the matter as it was in relation to another staff member. He asked me to explain my involvement to the group a number of times.

PETER STONE/4

CGU Workers Com
(Vic) Ltd
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Peter then demanded I discuss my confidential meeting with Sue Conquest which I refused stating I would not disclose the contents of the meeting publicly, but did mention I was willing to meet with him privately to which he declined without a witness. He then stated that he would contact Conduct and Ethics in relation to any work with me. Everybody in the room was extremely uncomfortable and I felt victimized and ostracized and was shocked by Peter's ongoing threatening manner and attitude towards myself.

Over the following weeks my work situation remained the same. The next four week period was an extremely difficult time for me, I felt physically ill, I spent many lunch times sitting in my car often crying and did not know what to do about Peter Newland.

Apart from not having a professional relationship, there was never any thing publicly aggressive between us and that Peter's general attitude was to stare at myself or ignore me.

After work on the 15th May 2008 and due to suffering from a constant and intense headache, I consulted with Dr Giam, my General Practitioner. I was away from the college on the 15th and 16th May 2008 after having received a general Medical Certificate stating I was unfit for work and received prescribed medication to assist with migraines and nausea.

On the afternoon of the 16th May 2008, I attended my partner's formal complaint hearing with the Merit Protection Boards against the Department to support her.

On the following week, on the 21st of May, Peter approached me. In a condescending and demeaning manner he commented on my absence/s and of attending my partner's hearing on the 16th May 2008 stating that I clearly I had not been that ill.

On the 22nd May 2008 I returned to my doctor. I was issued with a general Medical Certificate stating I was unfit for work for 4 weeks. Because my doctor was concerned about ongoing stomach complaints and nervous tension I was sent for medical tests.

I then immediately contacted the college and spoke with Leanne Gagatsis, Assistant Principal (School Operations) to advise of my medical tests, including blood tests and that I would contact her within a week to give her the results and tell her whether I would be able to return to work.

On the 28th May 2008 I received an email from Peter Newland advising he had contacted the Department and had requested a replacement during my absence which astounded me as he had not even bothered to confer with myself about my return to work - see attached.

PETER STONE/5



CGU Workers Compe
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I found Peter's advice amazing particularly as I am well aware that the college is not in the situation to replace staff during absences; that during my absence in Tern 1,2008 had not been replaced nor was Peter's position replaced during his own absence. I knew that Peter was making every effort to make me feel 'unnecessary' at the College

Also during my absence Peter had forwarded on an email to myself requesting that I complete notes from a previously held Executive Leadership Meeting I had Chaired, including signing off on my 2008 Performance Plan and other issues. I was surprised at his request particularly as the relevant documentation was still at the college

On the 30 May 2008 I again consulted with my General Practitioner and received a WorkCover Certificate stating I was unfit for work from the 22- May 2008 to the 1 June 2008

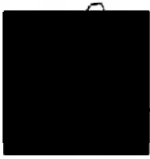
On the 22 June 2008 I met work colleague, Lara DiFonzo, in the city where she asked how I was and mentioned she felt she understood the reason for my absence she then proceeded to tell me that other staff were concerned at how Peter had treated me publicly and that some of the staff had complained, but that there were other colleagues I could contact about this, but would prefer not comment further.

Once I had arrived home and after speaking with my partner, she contacted Shirlene Anderson an SSO in the main front office and enquired if she was aware of what Peter had said about myself to the staff She was told that during a staff meeting, Peter had implied whilst demonstrating that I have a mental problem I was disgusted and distressed with hearing this. Upon contacting another work colleague, Yvonne Fyvie, classroom teacher I was told that in the same staff meeting Peter had announced that "I was not suffering from a terminal illness, but that I had mental and emotional problems". To date I have not had the energy to follow this information up but another staff member, Mario Russo confirmed this sequence of events in a telephone conversation with me

I personally feel that Peter Newland is taking every opportunity to make my life unbearable at the college, to discredit me wherever possible and I believe that Peter's actions are solely borne out of my alleged failure to support him in his role as College Principal which I completely dispute.

I continue to take prescribed medication that now includes Valium and medication for high blood pressure. I am still suffering from; nausea, anxiety, disrupted sleep and loss of appetite

PETER STONE 16



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I have read the above statement and to the best of my knowledge believe it to be true and correct.

Signed: _____ Dated: _____

Name of Claimant: PETER STONE

Draft Statement taken at Apartment 1904 / 70 Lorimer Street, Docklands by C. Rizzo of M. A. Sedawie & Company on the 8th July 2008.

Enquiry Agents Licence No: 675-029-10S

Claim No: 0407 [REDACTED]

Has the person agreed to sign: Typed copy of Statement forwarded for perusal prior to signing.

Interview Commenced: 10.00 a.m. / Interview Ceased: 12 Noon

PETER STONE/7

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20 AUG 2008
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COUNTY COURT
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COURT OF VICTORIA

EXHIBIT

No. CI-12-03169

Plaintiff

and

STATE OF VICTORIA

Defendant

STATEMENT OF LEANNE GAGATSI-HALGE

Date of document 26 August 2015

(— Filed on behalf of the defendant

Prepared by
MINTER ELLISON

Lawyers
Rialto Towers
525 Collins Street
MELBOURNE VIC 3000

Solicitors Code 8510
DX 204 MELBOURNE
Telephone (03)86082000
Facsimile (03)86081000
Reference CXB DSP 30-7068020

-
1. I am an Assistant Principal at Wyndham Central College (previously Galvin Park Secondary College), responsible for curriculum and timetabling. I previously worked with the plaintiff in this proceeding, Mary Pateras.
 2. I am aware that Mary has made a number of allegations against me, namely:
 - (a) Failure to assist her to return to work as her return to work officer and/or in any capacity as an Assistant Principal;
 - (b) Failure to participate in conciliation conferences with the Accident Compensation Conciliation Service as requested by her and in accordance with a WorkCover management kit and the provisions of the *Accident Compensation Act 1985*;
 - (c) Failing to formally contact her until some eighteen months into her claim and intervene and provide support in the critical early stages of the matter as would be expected from a reasonable person in her position.
 3. For the reasons set out below, I reject the allegations Mary has made against me.

4. In 2006,I was the school's daily organiser and also a teacher.In term one 2006 and for three terms in 2007,Gary Heaney,a former Assistant Principal,went on long service leave.I assumed aspects of Gary's role,namely timetabling and building works,and Dani Angelico took on my role as daily organiser.At the end of Gary's leave,however,he retired.I applied for the Assistant Principal position,and I was the successful applicant.I commenced in the role on a permanent basis at the beginning of the 2008 school year (late January).
5. There was a restructure for the 2008 school year.Part of that restructure during 2007 involved the senior year's team creating and advertising a Leading Teacher role in Careers & Pathways.At that time,Mary was the Careers Counsellor and Co-ordinator,and I am aware that she applied for the Leading Teacher position.
6. As far as I am aware,Mary had one interview for the position.At the time of that interview,my office was located between the senior years and middle school offices, with Joanne Ryan(then an Assistant Principal for middle years)next door.There was a conference room across the hall,in which the interviews were conducted,and a waiting area just outside our offices.
7. I remember that Mary was waiting in that area prior to her interview,which I understand was on 17 October 2007.I asked her if she wanted to come into my office to wait and if she wanted something to drink.Mary told me that she was not well,and that she could not move.I remember that Joanne was also there and that the three of us were talking together.
8. I was told by Peter Newland that Mary left her interview early,when Peter Newland (then the school Principal)came out of the conference room and was looking for Mary.I told Peter that Mary was not well prior to the interview,but that I otherwise did not know where she was.
9. Early the following Monday,Peter Stone(then an Assistant Principal for Senior Year's and Mary's partner)told me that Mary had been unwell and in hospital over the weekend.Later that day,I received a telephone call from Mary to tell me that she left the school and wasn't returning on that day.Normally the process for staff would be to call the daily organiser,but Mary did not follow this process.I asked her if she was okay and she replied firmly that she did not want to talk about it.As part of the normal process,I told Mary that I would pass on her message to Human Resources

(Tracy Dalton) and the daily organiser (Dani Angelico). I understand that in her Statement of Claim Mary states that she told me "that she left the school premises after a distressing meeting with Mr Newland". I agree that she told me that she had left the school; however, she did not tell me the reason why or the circumstances of her leaving. She specifically told me that she did not want to talk about it.

10. Later that day, Peter Newland came to ask me about Mary. I believe at that time he had been told that she was unwell and had gone home. I did not have any information other than what had been told to me by Peter Stone and Mary, described above.
11. I was asked by Peter Newland to make a statement in respect of the above matters, headed 'Statement requested by Mary Pateras 15 February 2008'. I have seen a statement and I believe it to be accurate.
12. I am aware that Mary alleges in her Statement of Claim that she telephoned me after hours at 7.17pm on 28 October 2015, leaving a message for me to return her call. I have no recollection of any such message.
13. Mary also alleges in her Statement of Claim that she attended school on 16 January 2008 and that I approached her and "asked her to leave the premises pending the outcome of the investigation and outcome of [her] workcover claim". I deny that allegation. At that time, I do not believe that I was even aware that Mary had made a WorkCover claim or why she would be at the college. I certainly did not tell her to leave the premises; I do not believe that I had any authority to order another staff member off the premises.
14. The first day of the 2008 school year was 29 January. I was not aware that Mary would be returning on this date, and I am not sure who, if anyone, she told that she would be returning. As per the DEECD process at the time, staff who are on leave have to decide and notify the college by 1 November the previous year whether they will be returning for the start of the school year.
15. Contrary to Mary's allegations, I do not remember seeing her on 29 January 2008 at the morning briefing session. It should be noted that the school had approximately 120 staff members in one room. I was told later that day that Mary had been there. I am aware that Mary alleges that I asked her at about 2pm to give a brief presentation to the Year 10 Team Leaders. I deny that allegation. As stated, I do not remember seeing Mary, let alone speaking to her or asking her to give a presentation. At 2pm the

staff were in learning area meetings and not year level meetings so this would not have been possible. Furthermore, it was not my role to direct Mary to give any presentations as she was led by the senior team leaders. My own presentation at the briefing dealt with a facilities update.

16. On 11 February 2008, I was asked by Peter Newland to attend a meeting outside the school with him, Mary, Joan Brady and Jan Javni. I was not initially told what the meeting was about. I was asked to take minutes of the meeting, in which Mary requested documents from Peter Newland, which were provided. Peter Newland asked Mary that any further correspondence should be directed to him, rather than any other staff members, to which Mary agreed.
17. I am aware that Mary alleges that I was her return to work co-ordinator. I deny that this was the case. I have recently seen a typed return to work plan with my name on it; however, it is unsigned and I have not seen the document for the document type before.
18. If Mary had a return to work officer, I understand that, in the first instance, it would have been Peter Stone, as the Assistant Principal in charge of her area. Peter Newland may also have been involved, both as the school Principal and as the person to whom correspondence concerning Mary was to be directed. However, I understand that eventually Mary's return to work was managed by the Department via the regional office.
19. A return to work meeting was organised at one point. I recall that there was a meeting, involving Mary and Peter (the senior year's leadership team and AEU representation); I was asked at the end of the meeting to prepare a timetable in respect of what had been discussed and agreed. I believe that was my only involvement in any return to work plan. My recollection is that Mary did not actually fulfil this return to work timetable.
20. It may be that Mary assumed that I was her return to work officer, as Peter Stone made a WorkCover claim in late 2008 in respect of which I was designated his return to work co-ordinator. I understand that normally this would have been managed by Peter Newland, but as Peter Stone's claim involved a dispute with Peter Newland, the role had to be designated to someone else.

21. However, although Mary continued to email me about various matters in 2007 and 2008, I do not believe that she ever queried whether I was her return to work officer or contacted me on that basis.
22. I am aware that Mary has made allegations in respect of picking up personal belongings of Peter Stone, in early 2009. After Peter Stone left the school, I was moved into his old office. However, he had not cleared out his office or removed his personal belongings, and so most of this was boxed, labelled, and put into storage by Educational Support staff at the college. I understand that Mary wanted to collect a personal suit and a cup on behalf of Peter. I was not present at the school at the time that Mary arranged to have the items collected, but they were in my office, ready to be picked up, and I gave instructions to Human Resources to that effect. Unfortunately, when Mary's son came to collect the items, the labelled boxes were retrieved from storage.
23. After that incident, Mary sent me an aggressive email and emailed all staff with photos attached. She also called me at home, causing me great distress. I lodged a formal grievance in respect of this incident. Mary later entered the school whilst we were at a morning briefing and emptied the boxes all over my office and that of the new principal (Joanne Ryan). She strategically left Peter Stone's business card on my desk.
24. In relation to the specific allegations made by Mary, I say as follows:
- (a) I was not Mary's return to work officer;
 - b)) I do not believe that my role as Acting Assistant Principal in 2007 and substantive Assistant Principal from 2009 required me to have any involvement in returning Mary to work apart from preparing a timetable when requested as described above;
 - (c) Mary never asked me to participate in conciliation conferences, nor do I believe that I was required or instructed to do so;
 - (d) I continued to reply to Mary's emails in 2007 and 2008, and it is unclear to me what intervention I should have instigated and what support I should have provided to Mary, having regard to my lack of involvement in her interview and job offer process and my leadership portfolio at the school at that time.

Chapter 26

93. Letter dated 23 January 2012 from Minter Ellison
Lawyers to CGU

94. Statutory offer

Form 59
Rule 29.02(1)

Affidavit

No. VID318 of 2021

Federal Court of Australia

District Registry: Victorian

Division:: General - Administrative and Constitutional Law and Human Rights

MARY PATERAS

Applicant

THE STATE OF VICTORIA (DEPARTMENT OF EDUCATION AND TRAINING) AND ANOR

Respondents

Affidavit of: MARY PATERAS

Address: [REDACTED] TORIA [REDACTED]

Occupation: ill-health retired Teacher

Date: 16 August 2021

This is Exhibit Marked "MP5" now produced and shown to Mary Pateras at the time of swearing her Affidavit dated 18 August 2021.

Before me:

CERTIFIED TRUE COPY
ORIGINAL SIGHTED BY ME
ON 18/8/21
[Signature]
Mark Andrew Adams
Justice of the Peace
81 Rail Street, Warragul, Vic 3178



EXHIBIT "MP5"

**Documents from Gallagher Basset Services between
2019-2020**

17 October 2019

Mary Pateras
 [REDACTED]
 [REDACTED]

CLAIM NUMBER
 04 [REDACTED]
(Please include this number on documents you send about this claim)
DATE OF INJURY
 22 October 2007
EMPLOYER
 DEPARTMENT OF EDUCATION & TRAINING

Dear Mary

Outcome of your request for information

Gallagher Bassett Services Workers Compensation Vic Pty Ltd (Gallagher Bassett) confirms your request which was received on 02 October 2019 for the following information:

- All documents as per your request

Your request has been considered in accordance with section 9 of the *Workplace Injury Rehabilitation and Compensation Act 2013* (the Act).

After careful consideration, only some of the information you requested can be released. Please find enclosed the information approved for release.

Why has some information not been released?

We believe that some of the information requested is exempt from release for the following reason(s):

- Information covered by legal profession privilege is exempt from release under section 9(4)(a) of the Act. Legal professional privilege protects:
 - legal advice given to a client by their lawyer;
 - instructions given to a lawyer by their client; and
 - a document created or provided for the purpose of litigation

The following information is exempt for this reason:

Document	Author	Date	Exemption (whole or part)
Medical report	Dr Entwisle	20/01/12	Whole
Medical report	Dr Entwisle	25/08/15	Whole

Authorised Agent of the Victorian WorkCover Authority

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If you are not satisfied with the outcome of the request, you may:

- lodge a complaint directly with us by phone on freecall 1800 734377
- contact WorkSafe Victoria (WorkSafe) on freecall 1800 136 089 or www.gallagherbassett.com.au
- write to Freedom of Information and Privacy, WorkSafe, PO Box 279 Geelong, Vic 3220

If you are still unhappy with the outcome you may then complain to Ombudsman Victoria. Ombudsman Victoria is independent, impartial and provides a free service. You can contact Ombudsman Victoria on freecall 1800 806 314 or at www.ombudsman.vic.gov.au.

Can I dispute this decision?

Yes. If you dispute this decision or this notice, you have the legal right to:

1. Refer a dispute to the Accident Compensation Conciliation Service (ACCS)

To refer a dispute to the ACCS you must send or deliver a Request for Conciliation form to:

*The Senior Conciliation Officer,
ACCS, Level 1, 215 Spring Street, Melbourne, VIC 3000*

Please send or deliver the form within 60 days of receiving this letter.

The Senior Conciliation Officer may allow the application to be lodged more than 60 days after the decision if the particular circumstances are considered appropriate. Reasons for a late lodgement must be provided with the request form.

Request for Conciliation forms are available from Gallagher Bassett. You can also obtain a form and information brochure from the ACCS at conciliation.vic.gov.au or by calling 1800 635 960. Conciliation is a free service.

2. Go to Court to challenge the decision

You can apply to the Magistrates' Court or the County Court to challenge the decision.

Usually, you can't do this until the Conciliation Officer gives you a certificate to say that the Conciliation process has finished. The Conciliation Officer won't do this until they are satisfied that you have taken all reasonable steps to settle the dispute.

You should consider getting advice from a lawyer before going to Court. The Law Institute of Victoria can refer you to a lawyer who may be able to assist you. Their details are in the fact sheet enclosed with this letter.

Can I ask Gallagher Bassett to reconsider its decision?

Yes. In addition to the legal right of review provided by the legislation you may also ask Gallagher Bassett to undertake an internal review of the decision.

To assist with the internal review, you should explain why you disagree with the original decision. You can also give Gallagher Bassett any additional information you have which is relevant to the decision. We will pay the *reasonable* costs of obtaining that additional information.

Authorised Agent of the Victorian WorkCover Authority

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Gallagher Bassett Services
Workers Compensation Vic Pty Ltd
Locked Bag 3570
GPO Melbourne VIC 3001
T (03) 9297 9000
F (03) 8623 8701
TOLL FREE 1800 774 377
W gallagherbassett.com.au
ABN 70 100 375 620

Asking for internal review does not affect your legal rights. It also does not stop the time period to lodge your review with the ACCS. Do not wait to request a conciliation just because you have requested an internal review.

Getting assistance for conciliation

Enclosed is a list of services that can answer general enquires and assist you with disputed claims and the ACCS process.

Where can I get more information?

- Contact me at tom_forbes@gbtpa.com.au
- Go to the WorkSafe Victoria website www.worksafe.vic.gov.au

Yours sincerely

Tom Forbes
Access to Information Officer
Email: tom_forbes@gbtpa.com.au
Direct fax number: (03) 86239735
Gallagher Bassett Services Workers Compensation Vic Pty Ltd
On behalf of WorkSafe Victoria
a trading name of the Victorian WorkCover Authority



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23 January 2012

Ms Alissa Fotiades
Senior Legal Manager
CGU Workers Compensation
DX 605 MELBOURNE

Dear Alissa

Serious injury advice

Claim No	04 07 [REDACTED]
LAID No:	144690
Worker:	Mary Pateras
Employer:	State of Victoria
Plaintiff firm:	Adviceline Injury Lawyers
Head of damage:	Both
Key event date:	120 days – 31 January 2012
Streaming category:	A

1. Application

Your determination must be made on or before 31 January 2012. The worker has a deemed serious injury.

The worker alleges serious injury in the form of a psychiatric condition. The application is for both pain and suffering and loss of earning capacity. She relies on injury occurring on or about 22 October 2007 and throughout October, November and December 2007.

On 12 December 2007 the worker made a claim for compensation alleging stress following her application for a job within the School. The claim was initially rejected and following the commencement of court proceedings, a settlement was reached for the payment of a limited period of arrears of compensation from 29 June 2008 to 22 April 2009.

On 22 January 2012 the worker made an impairment benefits claim for a psychiatric injury (including Alopecia Aretha), irritable bowel syndrome, aggravation of gastroesophageal and teeth. All injuries were accepted. She was assessed as suffering a combined 45% whole person impairment. She has received \$106,400 in compensation.

2. Background

The worker is 48 years of age and began working at Galvin Park Secondary College in 1998 as a teacher. She began teaching textiles and in 2001 commenced as the Careers Counsellor.



In 2007 the position of Careers Counsellor became a Leading Teacher 1 position and was advertised throughout Victoria. She applied for the position and was granted a formal interview. The interview took place on 17 October 2007 at the school with Peter Newland, Principal; Jan Javni, Teacher Development Manager; and Alison Armstrong, Information Manager.

The worker was asked to attend a second interview, which was held on 22 October 2007. She claims she was told that it would be an informal chat in Peter's office but when she arrived both Jan and Alison were also present. The worker alleges that the first question Peter asked was why she had applied for the job, as her application had become as a bit of a surprise to some panel members and her referees. She describes she was taken aback by his question. She was then asked a few further questions about leadership and her response was that she said she was prepared to accept the panel's decision.

She returned to her office to continue working. She claims the same day while walking to her car, she was intercepted by Peter in the corridor. She describes that he said something about the interview panel and she replied that she had said all that she could say. Peter then asked her whether she wanted to know the outcome and asked her to accompany him to his office. They went into his office, closed the door, and he told her that she was the successful applicant.

The worker claims that when she got up to leave his office, Peter asked her to sit down again and said words to the effect that he did not think it was in the best interests of the school that she accept the position. Peter then said that he expected her to come back in 24 hours with a different answer. She describes that she was shocked by his behaviour and said that she would not change her position.

After this conversation, the worker alleges she started crying, left school and attended her GP, Dr Mallone the next day. Notes confirm an attendance and also confirm a record of the incident with Peter.

The worker lodged a formal complaint with the Department on 7 November 2007. She attempted to return to work on the first day of the 2008 school year and after attending a staff meeting she broke down and thereafter remained off work.

On 23 February 2008 she received notification by the Department that her complaint had not been substantiated. This caused her to lodge a grievance with the Merit Protection Board on 7 March 2008 and on 16 May 2008 her grievance was upheld and a re-investigation was recommended. An external investigation was carried out in August 2008 which concluded that the discussion between the worker and Peter was carried out in such a way as to dissuade her from accepting the position. As a result the Regional Director requested that Peter offer the worker the position. This occurred and the worker accepted the offer.

The worker claims she attempted to return to work on 8 October 2008. When she arrived at work she received an email from Peter Newland asking her to complete work for Victoria University that was due in the next two days. She deposes that this was a big task and she was not given any assistance. She stayed at work until 6:30pm. She describes that she had a panic attack and was not able to return to work the next day. (We are yet to confirm this with the employer).

On 18 October 2010 the worker lodged a complaint with the Equal Opportunity and Human Right Commission alleged discrimination by Peter because of her impairment, marital status and parental/carer responsibilities along with victimisation. In August 2011 the matter proceeded to VCAT, and settled at mediation for \$8,000 as an ex gratia payment, waiver of an overpayment owed by the worker to the department of \$2,021.85 and a written apology.



3. Medical Evidence

Before the incident the worker deposes that she loved her work and now she feels as though she has lost her identity. At the time of the incident she had not smoked for eight years, but began smoking again in February 2008. She describes that she more or less lives as a recluse, has difficulty concentrating and generally feels lethargic.

In November 2010 a Medical Panel opined that the worker was suffering from a partially treated major depression with anxiety and panic features and with features of traumatisation. It was also the Panel's opinion that the worker was suffering from irritable bowel syndrome and aggravation of gastroesophageal reflux.

We recently had the worker re-examined by Dr Entwisle who has diagnosed her to be suffering from a Major Depressive Illness, which has improved since his last examination of her in 2010. In his opinion she has no current work capacity.

4. Liability

The worker's allegations of negligence make specific allegations about Peter and the Department. Allegations against Peter include discriminating against her and failing to assist her return to work. The allegations against the Department include failing to respond adequately to her complaints, failing to adequately investigate her complaints in a timely manner and failing to ensure a mediation took place.

According to Peter, following a referee interview on 19 October 2007, the Panel considered whether the worker had met the selection criteria and it was not satisfied that the worker had provided enough evidence to meet Criterion 5. She was therefore asked to re-attend for a second interview. He confirms the panel asked her why she applied for the job and further questions were asked that were designed to allow her thoughts and plans to be articulated. Following the interview the panel felt that the worker had met the criteria. However, before accepting the position, the panel wanted the worker to consider a few elements. When she was asked to meet with Peter, he expressed that the panel wanted to offer her the job and in doing so wanted to discuss several points before she accepted the job. Peter describes that the worker was uncomfortable and was not prepared to discuss the matters related to the role. She was therefore asked to meet again the following day.

Peter denies that he acted inappropriately. He confirms sending her an email on 23 October 2007 in response to receiving an email from her advising him that she could not attend the staff meeting and that she felt completely shattered by his comments the previous day.

The letter of complaint to the Department, addressed the Acting Regional Director and dated 7 November 2007 was received on 13 November 2007. Prior to this it appears the worker also emailed a copy of the letter to the Merit Protection Board on 8 November 2007. The Board however, felt it should be treated as a complaint rather than a grievance and referred it to the Regional Director on 13 November 2007, who subsequently wrote to the worker on 10 December confirming the matter would be investigated. On 19 December 2007 a further letter was sent to the worker advising that her complaint would be investigated and invited her to contact the author should she wish to discuss the matter. The worker did call on 21 January 2008 to chase-up the status. In a letter dated 20 February 2008 the worker was advised of the investigation outcome, namely that her complaint was unsubstantiated and no further action would be taken.

A grievance was then lodged with the Merits Board on 8 March 2008 and on 16 May 2008 the grievance, insofar as it related to the conduct of the investigation, including the way the investigation was conducted and its length of time was found to be substantiated.

As a result of the Board's finding an external investigator was appointed which concluded in August 2008 and recommend the worker be offered the job.

Based on Peter's recollection of the meeting which occurred and is alleged to be the significant cause of the worker's condition, we have some reservation whether this amounts to a form of bullying and/or harassment. What is concerning is the finding of the independent examiner that Peter was motivated to dissuade the worker from accepting the position and that he did so by suggesting that she reconsider accepting the position in the interests of the school.

We also note with some concern that the Board's finding that the investigation process was flawed, and in particular it notes the length of time it took to complete. Despite this finding, perusal of the Department's Guidelines for Managing Complaints make no reference to a timeframe.

Even accepting that Peter's actions do amount to bullying, the worker will need to establish that in all the circumstances, it was reasonably foreseeable to the employer that the worker was at risk of sustaining a psychiatric illness.

Prior to the meeting the worker had a significant amount of time off work, which the worker has deposed to in her affidavit as being as result of having to care for her son who was ill and her own health issues. There is no evidence that employer was aware at anytime prior to receiving her the first certificate of capacity dated 23 October 2007 that she was suffering from stress and/or anxiety.

We are yet to confirm with the employer what the worker's attempts to return to work were as part of her allegations of negligence relate to the way she was treated on her return to work attempts.

On the information we have, while we do have some concerns with negligence, we consider it premature to concede liability and are of the view the worker is at risk of failing to establish negligence on behalf of the employer.

5. Quantum

5.1 Pain and suffering

We assess such damages to be \$150,000 inclusive of section 98C compensation.

5.2 Past loss

In the financial year ending 30 June 2007, the worker earned \$65,300. It appears the role the worker had applied for, being a Leading Teacher 1, as at May 2008, would have attracted a salary of \$78,019 per annum.

To date, 170 weeks have elapsed. Assessing a total loss at \$1,500 gross or \$1,145 net, amounts to \$195,000 plus a further \$25,000 in superannuation.

She has received \$79,000 in weekly payments. We assess Fox and Wood to be \$20,000.

As a total loss therefore we assess past loss to be \$160,000.

5.3 Future loss

We have assumed the same earnings of \$1,145 net per week. To age 60, using the multiplier of 395.5 equates to \$453,000 plus a further \$55,000 in superannuation. Applying a 15% discount for vicissitudes, future loss is assessed at \$430,000.

5.4 Total quantum

We assess damages as follows:

pain and suffering	\$40,000
past loss	\$160,000
future loss	\$430,000
TOTAL	\$620,000

6. Recommendation

The worker has a deemed serious injury and we will confirm this with our exchange of our Response material prior to the 120th day which is 31 January 2012.

Given the significant issues we have with respect to regarding liability, we recommend no offers be made at the forthcoming statutory conference. We seek your instructions accordingly.

Should you wish to discuss this matter please contact Carmen Buccheri on 8608 2112.

Yours faithfully
MINTER ELLISON

Contact: [REDACTED] Direct phone: +61 3 8608 2112 Direct fax: +61 3 8608 1302
Email: [REDACTED]@minterellison.com
Partner responsible: ~~David Poulton~~
Our reference: CXB DSP 30-7068020

FORM B
Section 134AB(12)(b) Statutory Offer

Worker: Mary Pateras

Employer: State of Victoria

Insurer: CGU Workers Compensation (Vic) Limited

**Date of Worker's Application
under Section 134AB(12)(b):** 16 September 2011

Statutory offer for the purposes of Section 134AB(12)(b)

NIL (Dollars)
(Amount in words)

\$0.00
(Amount in figures)

Victorian WorkCover
Authority

Adviceline Injury Lawyers
Worker's Legal Representative

Minter Ellison
Minter Ellison
Representative of the
Authorised Agent

DATED: 27 April 2012

CONFIRMATION
OF FAX



16 May 2012

Minter Ellison
Attention: Carmen Buccheri
DX 204
MELBOURNE

Senior Associate
Direct Line
Email
Partner
Our Ref
Your Ref

[Redacted]
[Redacted] alil.com.au
[Redacted] ndris
LJM:28170161
CXB DSP 30-7068020
By facsimile to 8608 1302
Number of pages: 2

Dear Minter Ellison

Mary Pateras v Department of Education & Early Childhood Development

We refer to your letter dated 27 April 2012 serving your client's Statutory Offer. We advise we have been instructed by our client to reject your offer. We enclose, by way of service, Statutory Counter Offer in the sum of \$200,000.00 plus retention of compensation benefits to date plus costs

Yours faithfully

A handwritten signature in black ink, consisting of the letters "A" and "C" in a stylized, cursive font.

ADVICELINE INJURY LAWYERS



Personal Injury Law



www.advicelineinjurylawyers.comn.au

City Level 6, 277 William Street, Melbourne VIC 3000 Springvale 369c Springvale Road, Springvale VIC 3171

GPO Box 2154, Melbourne VIC 3001 DX 422 Melbourne

T: +61 (0)3 9321 9999 F: +61 (0)3 9321 9900 ABN: 15364527 724

Adviceline Injury Lawyers is a division of Holcing Redlich

FORM C

Section 134AB(12)(c)
STATUTORY COUNTER OFFER

Worker: Mary Pateras

Employer: Department of Education & Early Childhood Development


Date of Worker's Application Under Section 134AB: 16 September 2011

Statutory counter offer for the purposes of Section 134AB(12)(c)

Two hundred thousand dollars plus retention of benefits paid to date plus costs.

\$200,000.00

Worker:



Worker's Legal Representative



Date:

14.5.2012

Chapter 27

95. Email from Peter Stone to Carmel White
96. Email trail from Carmel White and Zita Mcanerney
97. Email from Ray Boyde to Zita McAvaney
98. 35 Years of Service Certificate - Peter Stone
99. Department of Education's Annual Report 2007/2008
100. Department of Education's Annual Report 2023/2024
101. Strategic Plan 2024-2028 Department of Education, Victoria

102. Retun to work plans

McAneney, Zita C

From: White, Carmel T
Sent: Thursday, 6 March 2008 8:57 AM
To: McAneney, Zita C
Subject: FW: workplace incident

Sue Conquest
0417-136647.

Zita

What do you think?

Carmel White

Manager, Conduct and Ethics - Human Resources Division
Department of Education & Early Childhood Development
ph: (03) 9637 2591
fax: (03) 9637 2430

From: peter stone [mailto:p_stone@iprimus.com.au]
Sent: Thursday, 6 March 2008 7:37 AM
To: White, Carmel T
Subject: workplace incident

Dear Carmel,

I am writing as a follow to a meeting I had with Sue Conquest - SEO Western Region yesterday. The meeting was in response to a grievance claim lodged by Mary Pateras against Peter Newland, Principal Galvin Park Secondary College. While the claim against Peter Newland is complex and has been referred to the Merit Protection Board and initially investigated by the Department, I am in a position to substantiate her claims. I have informed Work Cover Authority and the Merit Protection Board of my evidence and now in a meeting with Sue Conquest, informed the Department. Peter Newland is well aware that I am able to disprove his claims and in a private meeting with me in January this year, he asked, "Are you able to work with me considering what has happened between me and Mary" I reponded, "I dont know Peter, do you think you can work with me?" His reply was, "I would understand it if you want to transfer to another school and if you do I will offer you all the support I can" I replied "OK, thanks" I have not disclosed this information to other staff and informed the Leadership team at the College that I would be seeking tranfer or promotion positions during my leave in term one.

I am currently on long service leave, but due to return at the commencement of term 2. I have explained to Sue Conquest that I am unable to return, as I know Peter has lied about a process involving another staff member, that has led to her taking some four months sick leave and ultimately informing the College that she can not return. I feel duty bound to defend the staff member but am fully aware of the impact on my career. Sue Conquest has offered to "find" a position for me elsewhere, short term backfills in leadership positions. While I was grateful for the support, Sue asked about how I was coping and did I need any other support. While this is an extremely stressful situation, I believe that in due course a thorough investigation will exonerate the staff member, Mary Pateras. I explained to Sue that while I utilised long service leave on this occassion, I did not believe it was fair that I be penalised for standing up for the rights of a co-worker. I did not wish to take sick leave and felt that for me the only resolution lie in Peter Newland being removed from his position, so that the careers of two staff members could resume. I asked Sue if there was provision within the Department to support staff in these circumstances. That is to be given leave on full pay until such a hearing is finalised. (Sue recommended I contact your department in this regard)

I am prepared to provide all statements and supporting evidence upon request.

I would appreciate your advice

Regards

Peter Stone

Assistant Principal

Galvin Park Seconday College

McAneney, Zita C

From: White, Carmel T
Sent: Thursday, 6 March 2008 2:10 PM
To: McAneney, Zita C
Subject: draft

Zita

This is what I am thinking of sending ----

I have noted the information contained in your e-mail dated 6 March 2008.

I have been advised that the allegations made by Ms Mary Pateras against Mr Peter Newland were investigated by Western Metropolitan Region and a conclusion reached in relation to substance. However, it is not appropriate for me to comment to a third party in relation to a matter when there is no clarity as to their involvement.

I am unclear as to your role in the matter, other than you appear to be indicating that you are a potential witness in future proceedings. I presume this means that you were either involved in decision-making or present in interactions between the parties in your role as assistant principal.

I note your reference to being penalised for standing-up for a fellow staff member but I am unclear as to the manner of your support or the penalty to which you are referring. As you would be aware the Department's Guidelines for Managing Complaints, Unsatisfactory Performance and Misconduct in relation to teachers state very clearly that victimisation of a person because of their involvement in the matter at issue will not be tolerated.

Questions regarding leave fall within the province of Schools HR Services. However, I can state that there is no provision for special paid leave for employees pending the outcome of their (or a fellow staff member's) grievance or a claim against the Department

Application for further leave from your school should be addressed to the school principal. I am not able to comment on any arrangements that may be made by Western Region in relation to leadership positions.

Carmel White

Manager, Conduct and Ethics - Human Resources Division
Department of Education & Early Childhood Development
ph: (03) 9637 2591
fax: (03) 9637 2430

McAneney, Zita C

From: Ray, Boyd B
Sent: Thursday, 31 July 2008 1:24 PM
To: McAneney, Zita C
Subject: Peter Stone

Zita

Here is CGU's brief explanation regarding liability on Peter Stone's claim

Medical evidence shows major depression and the circumstance investigation report did not state there was any warning or performance issues.

After reviewing the report together with Toby we could not use S 82(2A) to reject the claim.

We were only aware of the Conduct and Ethics were involved with Peter in respect to his partner.'

Regards
Boyd

Peter Newland advised
Mary Paterson claim terminated
26/6/08. Overturned at
Conciliation. CGU appealed
Conciliation decision and were
successful @ 6/8/08

DEPARTMENT OF EDUCATION

TO:	File
FROM:	ZM
SUBJECT:	Mary Kateras
DATE:	4/02/09
FILE NO:	

Peter Stone W/C - self-learning
rehabilitation - one day per
week.

• met with Peter - Gilman
College for Girls 1 day per
week.

Mary sent email to school ^{to please}
to get Peter's belongings - suit &
2 coffee cups

• sent him via large boxes
with student files
Steve Boyle RNL

Peter has set of keys - mobile
phone

courier to collect box from
Peter's home

Edumail

Rath 0418

WorkCover Return to Work Plan

- To be completed for absences greater than 20 calendar days
- Forward to CGU Workers Compensation (Vic) Ltd: Fax: (03)9941 6604 or mail to DE&T Team, GPO 20905, Melbourne 3001
- If you have any queries regarding the completion of this document please contact a CGU Workers Compensation Claims Consultant.

School/Workplace details

School/workplace name: GALVIN PARK SECONDARY COLLEGE
School/workplace address: SHAW'S RD. WERRIBEE 3030
Return to Work Plan prepared by: P. NEWLANDS Date: 20/12/07

Claimant details

Claimant: MARY PATERAS
Claimant address: [REDACTED] WERRIBEE VIC 3030
Claim No: _____ Nature of injury: STRESS / ANXIETY
Telephone: 8080 7539 Date of injury: 22/10/07

Treating Practitioner details (available from the WorkCover certificate of capacity)

Practitioner's name: DR. R. MILONE
Practitioner's address: 9 PRINCES HWY WERRIBEE VIC 3030
Telephone: 03 9741 1355 Fax: _____ Date contacted: 23/10/07
Medical Restrictions:

unfit to work

FAXED

Return to Work details

Coordinator: PETER NEWLANDS Date RTW Review: _____
Rehabilitation job offer attached? Yes No Expected RTW Date: 25.01.08

Occupational Rehabilitation Provider Details (if appropriate)

Provider name (Consultant): _____
Provider company name: _____

Proposed return to work process and estimated return to work date

To be advised by attending doctor(s)

Worker endorsement

Name: _____ Signature: _____ Date: _____

Return to Work Coordinator Agreement

Name: PETER NEWLANDS Signature: [Signature] Date: 20/12/07

①

Michelle Pinto

From: Michelle Pinto
Sent: Friday, May 02, 2008 12:46 PM
To: 'pateras.mary.m@edumail.vic.gov.au'
Subject: RTW paperwork
Attachments: RTW PLAN - DEECD - mary pateras.doc

Good afternoon Mary,

The paperwork is attached. Please keep in mind it is only a hypothetical in case you at all ever feel within the next 12 months that you would be able to return to Galvin park Secondary. Could you please sign this plan and fax it back to myself on 9224 8801 as soon as you can.

Kind Regards

*Michelle Pinto
B.A, Grad. Dip. Psychology
Rehabilitation Consultant
Work Solutions
Ph: 03 9224 8800
Fx: 03 9224 8801
Email: michelle.pinto@worksolutions.com.au*

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THIS WAS THE ONLY RETURN TO WORKPLAN DISCOVERED BY THE DEPARTMENT OF EDUCATION DURING THE TRIAL BEFORE THE COUNTY COURT - IT WAS EXHIBIT HH BEFORE THE COUNTY COURT



Department of Education and
Early Childhood Development

DEECD WorkCover Return to Work Plan

- To be completed for absences greater than 20 calendar days
- Forward to CGU Workers Compensation (Vic) Ltd: Fax: (03) 8804 8426 or mail to DoE Team, GPO 2090S, Melbourne 3001
- If you have any queries regarding the completion of this document please contact a CGU Workers Compensation Claims Consultant.

School/Workplace details

School/workplace name:

Galvin Park Secondary College

School/workplace address:

Shaws Road, Werribee VIC 3030

Return to Work Plan prepared by: Michelle Pinto

Date: 30/04/2008

Claimant details

Claimant:

Mary Pateras

Claimant address:

2 ... Werribee VIC 3030

Claim No:

04070082867

Telephone:

9741 8118

Nature of injury:

Anxiety and Depression

Date of injury:

22/10/2007

Treating Practitioner details (available from the WorkCover certificate of capacity)

Practitioner's name:

Dr Raphael Malone

Practitioner's address:

8 Princes Highway, Werribee VIC 3030

Telephone:

9741 7355

Fax:

Date contacted:

30/04/2008

Medical Restrictions:

Full capacity for pre-injury hours and duties, however not to be undertaken at Galvin Park Secondary College.

Note: certificate not sighted, restrictions as advised by CGU Case Manager, Kylie Doherty

Return to Work details

RTW Coordinator:

Leanne Gagatsis

Date RTW Review:

Not Applicable

Rehabilitation job offer attached? Yes No Expected RTW Date:

Occupational Rehabilitation Provider Details (if appropriate)

Provider name (Consultant):

Michelle Pinto

Provider company name:

Work Solutions Australia

3



Proposed return to work process and anticipated return to work date

Discussion held with Mr Newland regarding return to work duties and hours for Ms Pateras should her capacity to engage increase includes:

- return to full class teaching duties, inclusive of student contact, administrative duties, yard duty, liaising with parents, writing and delivering curriculum/lesson plans etc
- full time hours are available
- An alternative return to work officer would be appointed Ms Leanne Gagatsis in order to address Ms Pateras' concerns about the breakdown in relationship with Mr Newland

Mr Newland did state a feasibility in being able to work within Ms Pateras' medical restrictions and provide duties and hours that will accommodate both a graduated or full return to work.

WASA to liaise with treaters in relation to any potential return to work plans, discuss with DEECD options of employment in and outside the school and region and obtain independent medical opinion on Ms Pateras' medical capacity in order to further direct rehabilitation services.

Worker endorsement

Name: <i>Mary Pateras</i>	Signature: <i>[Handwritten Signature]</i>	Date: <i>7/4/05</i>
Return to Work Coordinator Agreement		
Name:	Signature:	Date:

WorkCover Return to Work Plan

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 Return to Work Plan prepared by: P. NEWLAND Date: 20/12/07

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Claimant: MARY PATERAS
 Claimant address: WERRIBEE VIC 3030
 Claim No.:
 Telephone: 8080 7539
 Nature of injury: STRESS / ANXIETY
 Date of injury: 22/10/07

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Practitioner's name: DR. R. MILONE
 Practitioner's address: 9 PRINCES HWY WERRIBEE VIC 3030
 Telephone: 03 9741 1355 Fax: Date contacted: 23/10/07
 Medical Restrictions:

FAXED

Return to Work details

RTW Coordinator: PETER NEWLAND Date RTW Review:
 Rehabilitation job offer attached? Yes No Expected RTW Date:

Occupational Rehabilitation Provider Details (if appropriate)

Provider name (Consultant):
 Provider company name:

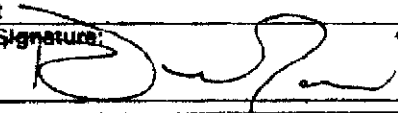
Proposed return to work process and estimated return to work date

To be advised by attending doctor(s)

Worker endorsement

Name:	Signature:	Date:
-------	------------	-------

Return to Work Coordinator Agreement

Name: PETER NEWLAND	Signature: 	Date: 20/12/07
---------------------	--	----------------

THIS WAS PROVIDED TO ME BY SONIC HEALTH (FORMERLY WORKSOLUTIONS) ON MARCH 1 2017 AN HOUR AFTER THE JUDGMENT BEFORE SUPREME COURT OF APPEAL AND BY THE DEPARTMENT AT VCAT HEARING JULY 2017

facsimile

WORK SOLUTIONS
PROVIDING PROFESSIONAL & CONFIDENTIAL SERVICES

PO Box 12499 A'Beckett
Melbourne VIC 8006

To	Galvin Park Secondary College	From	Michelle Pinto
ATTENTION	Peter Newland	FAX	03 9224 8801
FAX	03 9741 9367	PHONE	03 9224 8854
PHONE		TOTAL PAGES (including this page)	11
DATE	30 April 2008		
SUBJECT:	Mary Pateras - PRIVATE AND CONFIDENTIAL		

If you do not receive all pages, please telephone the sender immediately

Message

Good Afternoon,

Please find attached the initial assessment report along with the return to work plan as discussed earlier today for Mary Pateras. If possible could you please sign and fax it back to myself on 9224 8801

Kind Regards

Michelle Pinto
Rehabilitation Consultant

Confidentiality note The information contained in this facsimile is legally privileged and confidential information intended only for the use of the individual or entity named above. If the receiver of this transmission is not the intended recipient the receiver is hereby notified that any dissemination, distribution or copy of this facsimile is strictly prohibited. If this facsimile is received in error please notify the sender by telephone and return to the sender at the above address. Thank you.

Work Solutions Australia Pty Ltd ABN 71 1249 800 686 - part of the HSA Group



www.worksolutions.com.au

24.01.07

(6)



Department of Education and
Early Childhood Development

DEECD WorkCover Return to Work Plan

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Galvin Park Secondary College

School/workplace address:
Shaws Road, Werribee VIC 3030

Return to Work Plan prepared by: Michelle Pinto

Date: 30/04/2008

Claimant details

Claimant:
Mary Pateras

Claimant address:
2 Werribee VIC 3030

Claim No:
0407008

Nature of injury:
Anxiety and Depression

Telephone:
9741 8118

Date of Injury:
22/10/2007

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Dr Raphael Malone

Practitioner's address:
9 Princes Highway, Werribee VIC 3030

Telephone:
9741 7355

Fax:

Date contacted:
30/04/2008

Medical Restrictions:

Full capacity for pre-injury hours and duties, however not to be undertaken at Galvin Park Secondary College.

Note: certificate not sighted, restrictions as advised by CGU Case Manager, Kylie Doherty

Return to Work details

RTW Coordinator:
Leanne Gagatsis

Date RTW Review:
Not Applicable

Rehabilitation job offer attached? Yes No Expected RTW Date:

Occupational Rehabilitation Provider Details (if appropriate)

Provider name (Consultant):
Michelle Pinto

Provider company name:
Work Solutions Australia

7



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Mr Newland did state a flexibility in being able to work within Ms Pateras' medical restrictions and provide duties and hours that will accommodate both a graduated or full return to work.

WSA to liaise with treaters in relation to any potential return to work plans, discuss with DEECD options of employment in and outside the school and region and obtain independent medical opinion on Ms Pateras' medical capacity in order to further direct rehabilitation services.

Worker endorsement

Name:	Signature:	Date:
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Return to Work Coordinator Agreement

Name: PETER NEWLAND	Signature: 	Date: 1/5/07
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8



Department of Education and Early Childhood Development

FAXED
3/4/08

DEECD WorkCover Return to Work Plan

- To be completed for absences greater than 20 calendar days
- Forward to CGU Workers Compensation (Vic) Ltd: Fax: (03) 8804 9426 or mail to DoE Team, GPO 2090S, Melbourne 3001
- If you have any queries regarding the completion of this document please contact a CGU Workers Compensation Claims Consultant.

School/Workplace details

School/workplace name: Galvin park Secondary College

School/workplace address: Shaws Rd Werribee

Return to Work Plan prepared by: Peter Newland

Date: 03/04/08

Claimant details

Claimant: *Mary Paternis*

Claimant address:

ST. DOUGLANDS 3008

Claim No: *04070*

Nature of injury: *Stress*

Telephone: *043038*

Date of injury: *22/10/07*

Treating Practitioner details (available from the WorkCover certificate of capacity)

Practitioner's name: *DR R MILONE*

Practitioner's address: *9 PRINCES HWY WERRIBEE VIC 3030*

Telephone: *97411355*

Fax:

Date contacted: *23/10/07*

Medical Restrictions:

Return to Work details

RTW Coordinator: Peter Newland

Date RTW Review: *1/5/08*

Rehabilitation job offer attached? Yes No

Expected RTW Date: To be confirmed

Occupational Rehabilitation Provider Details (if appropriate)

Provider name (Consultant):

Provider company name:

Proposed return to work process and estimated return to work date

Following conciliation meeting 27th of March, Rehabilitation to be undertake to return to work at an alternative school

Worker endorsement

Name:

Signature:

Date:

Return to Work Coordinator Agreement

Name: *P. NEWLAND*

Signature: *[Signature]*

Date: *3/4/08*

facsimile

**WORK
SOLUTIONS**
INjury PREVENTION & REHABILITATION

PO Box 12499 A'Beckett
Melbourne VIC 8006

To	Galvin Park Secondary College	From	Michelle Pinto
ATTENTION	Peter Newland	FAX	03 9224 8801
FAX	03 9741 9367	PHONE	03 9224 8854
PHONE		TOTAL PAGES (including this page)	11
DATE	30 April 2008		
SUBJECT:	Mary Pateras - PRIVATE AND CONFIDENTIAL		

If you do not receive all pages, please telephone the sender immediately

Message

Good Afternoon,

Please find attached the initial assessment report along with the return to work plan as discussed earlier today for Mary Pateras. If possible could you please sign and fax it back to myself on 9224 8801.

Kind Regards

Michelle Pinto
Rehabilitation Consultant

Confidentiality note The information contained in this facsimile is legally privileged and confidential information intended only for the use of the individual or entity named above. If the receiver of this transmission is not the intended recipient the receiver is hereby notified that any dissemination, distribution or copy of this facsimile is strictly prohibited. If this facsimile is received in error please notify the sender by telephone and return to the sender at the above address. Thank you.

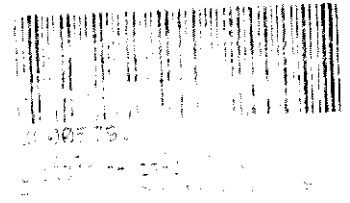
Work Solutions Australia Pty Ltd. ABN /1 459 950 625 - part of the HSA Group



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Department of Education and
Early Childhood Development



DEECD WorkCover Return to Work Plan

- To be completed for absences greater than 20 calendar days
- Forward to CGU Workers Compensation (Vic) Ltd: Fax: (03) 8804 9426 or mail to DoE Team, GPO 2090S, Melbourne 3001
- If you have any queries regarding the completion of this document please contact a CGU Workers Compensation Claims Consultant.

School/Workplace details

School/workplace name:

Galvin Park Secondary College

School/workplace address:

Shaws Road, Werribee VIC 3030

Return to Work Plan prepared by: Michelle Pinto

Date: 30/04/2008

Claimant details

Claimant:

Mary Pateras

Claimant address:

2 3030

Claim No:

04070082

Nature of injury:

Anxiety and Depression

Telephone:

9741 8118

Date of injury:

22/10/2007

Treating Practitioner details (available from the WorkCover certificate of capacity)

Practitioner's name:

Dr Raphael Malone

Practitioner's address:

9 Princes Highway, Werribee VIC 3030

Telephone:

9741 7355

Fax:

Date contacted:

30/04/2008

Medical Restrictions:

Full capacity for pre-injury hours and duties, however not to be undertaken at Galvin Park Secondary College.

Note: certificate not sighted, restrictions as advised by CGU Case Manager, Kylie Doherty

Return to Work details

RTW Coordinator:

Leanne Gagatsis

Date RTW Review:

Not Applicable

Rehabilitation job offer attached? Yes No **Expected RTW Date:**

Occupational Rehabilitation Provider Details (if appropriate)

Provider name (Consultant):

Michelle Pinto

Provider company name:

Work Solutions Australia



Department of Education and
Early Childhood Development

Proposed return to work process and estimated return to work date

Discussion held with Mr Newland regarding return to work duties and hours for Ms Pateras should her capacity to engage increase includes:

- return to full class teaching duties, inclusive of student contact, administrative duties, yard duty, liaising with parents, writing and delivering curriculum/lesson plans etc
- full time hours are available
- An alternative return to work officer would be appointed, Ms Leanne Gagatsis in order to address Ms Pateras' concerns about the breakdown in relationship with Mr Newland

Mr Newland did state a flexibility in being able to work within Ms Pateras' medical restrictions and provide duties and hours that will accommodate both a graduated or full return to work.

WSA to liaise with treaters in relation to any potential return to work plans, discuss with DEECD options of employment in and outside the school and region and obtain independent medical opinion on Ms Pateras' medical capacity in order to further direct rehabilitation services.

Worker endorsement

Name:	Signature:	Date:
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Return to Work Coordinator Agreement

Name: PETER NEWLAND	Signature:	Date: 1/5/08
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Michelle Pinto

From: Michelle Pinto
Sent: Friday, May 02, 2008 12:46 PM
To: 'pateras.mary.m@edumail.vic.gov.au'
Subject: RTW paperwork
Attachments: RTW PLAN - DEECD - mary pateras.doc

Good afternoon Mary,

The paperwork is attached. Please keep in mind it is only a hypothetical in case you at all ever feel within the next 12 months that you would be able to return to Galvin park Secondary. Could you please sign this plan and fax it back to myself on 9224 8801 as soon as you can.

Kind Regards

*Michelle Pinto
B.A, Grad. Dip. Psychology
Rehabilitation Consultant
Work Solutions
Ph: 03 9224 8800
Fx: 03 9224 8801
Email: michelle.pinto@worksolutions.com.au*

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DEECD WorkCover Return to Work Plan

- To be completed for absences greater than 20 calendar days
- Forward to CGU Workers Compensation (Vic) Ltd; Fax: (03) 8804 9426 or mail to DoE Team, GPO 2090S, Melbourne 3001
- If you have any queries regarding the completion of this document please contact a CGU Workers Compensation Claims Consultant.

School/Workplace details

School/workplace name: Galvin Park Secondary College	
School/workplace address: Shaws Road, Werribee VIC 3030	
Return to Work Plan prepared by: Michelle Pinto	Date: 30/04/2008

Claimant details

Claimant: Mary Pateras	
Claimant address: 2 Werribee VIC 3030	
Claim No: 04070082867	Nature of injury: Anxiety and Depression
Telephone: 9741 [REDACTED]	Date of injury: 22/10/2007

Treating Practitioner details (available from the WorkCover certificate of capacity)

Practitioner's name: Dr Raphael Malone		
Practitioner's address: 9 Princes Highway, Werribee VIC 3030		
Telephone: 9741 7355	Fax:	Date contacted: 30/04/2008
Medical Restrictions: Full capacity for pre-injury hours and duties, however not to be undertaken at Galvin Park Secondary College.		
Note: certificate not sighted, restrictions as advised by CGU Case Manager, Kylie Doherty		

Return to Work details

RTW Coordinator: Leanne Gagatsis	Date RTW Review: Not Applicable
Rehabilitation job offer attached? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Expected RTW Date:	

Occupational Rehabilitation Provider Details (if appropriate)

Provider name (Consultant): Michelle Pinto
Provider company name: Work Solutions Australia

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Proposed return to work process and estimated return to work date

Discussion held with Mr Newland regarding return to work duties and hours for Ms Pateras should her capacity to engage increase includes:

- return to full class teaching duties, inclusive of student contact, administrative duties, yard duty, liaising with parents, writing and delivering curriculum/lesson plans etc
- full time hours are available
- An alternative return to work officer would be appointed, Ms Leanne Gagatsis in order to address Ms Pateras' concerns about the breakdown in relationship with Mr Newland

Mr Newland did state a flexibility in being able to work within Ms Pateras' medical restrictions and provide duties and hours that will accommodate both a graduated or full return to work.

WSA to liaise with treaters in relation to any potential return to work plans, discuss with DEECD options of employment in and outside the school and region and obtain independent medical opinion on Ms Pateras' medical capacity in order to further direct rehabilitation services.

Worker endorsement

Name: <i>MARY PATERAS</i>	Signature: <i>[Signature]</i>	Date: <i>7/4/05</i>
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Return to Work Coordinator Agreement

Name:	Signature:	Date:
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(B)

Confidential

Selection Criteria: Case Type = 'REHAB', Sales Office = All, Managing Consultant = Pinto, Michelle

Case Number: 2596838
Date Range: 27/04/2008 To: 3/05/2008 (Based on Creation Date)
Managing Consultant: Pinto, Michelle Ms
Client: Case Manager Kylie Doherty
 CGU Workers Compensation
 GPO Box 2090S MELBOURNE VIC 3001
Examinee / Project: Ms Mary Pateras

Date	Service Provider	Service Code	Activity	Timesheet Qty	Invoice Qty
22/04/2008	Pinto, Michelle Ms	RC700	p/c to W	0.00	0 ea

Case Note: Left voicemail for Kylie re: Mary Pateras

Created By: PINTOM **Creation Time:** 28/04/2008 9:03:10 AM

22/04/2008	Pinto, Michelle Ms	RC700	p/c to E	0.00	0 ea
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Case Note: Phone call to employer

Peter advised that Mary has not worked since October 2007 due to stress and stated that she engaged a job IV where she felt although she was offered the role, she was asked to think about it first so she the felt she was not really wanting to be accepted into the role.

Mary able to teach, just has an issue with the principal - Peter

Did return to work on first day of term - no pupil day however was not able to stay and has not returned since

Conciliation held on 27/3/08 with a strong suggestion that capacity to work has nothing to do with her ability to teach.

Created By: PINTOM **Creation Time:** 28/04/2008 9:06:14 AM

22/04/2008	Pinto, Michelle Ms	RC700	p/c to W	0.00	0 ea
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Case Note: phone call to mary
 advised she is looking for other leading teacher roles in neighbouring schools but has not been successful as yet
 did attempt a RTW but felt to stressed to remain there.

INA appt made for 28/4

Created By: PINTOM **Creation Time:** 28/04/2008 9:07:22 AM

(16)

Confidential

Selection Criteria: Case Type = 'REHAB', Sales Office = All, Managing Consultant = Pinto, Michelle

Case Number: 2596838
Date Range: 27/04/2008 To: 3/05/2008 (Based on Creation Date)
Managing Consultant: Pinto, Michelle Ms
Client: Case Manager Kylie Doherty
 CGU Workers Compensation
 GPO Box 2090S MELBOURNE VIC 3001
Examinee / Project: Ms Mary Pateras

Date	Service Provider	Service Code	Activity	Timesheet Qty	Invoice Qty
30/04/2008	Pinto, Michelle Ms	RC700	p/c to Psychologist	0.00	0 ea

Case Note: Left message for psychologist to contact me re: mary

Created By: PINTOM **Creation Time:** 30/04/2008 9:59:25 AM

30/04/2008	Pinto, Michelle Ms	RC700	p/c to E	0.00	0 ea
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Case Note: P/c to Peter Newland

Advised of suitable duties available for Mary should her capacity increase as well as the appointment of an alternative RTW officer to appease her anxiety about their relationship breakdown.

Advised of leading teacher role at The Grange - same role Mary applied for within Galvin Park - advised for Mary to go for this role. WS will pass these details on.

A: construct RTW plan

Created By: PINTOM **Creation Time:** 30/04/2008 2:31:10 PM

30/04/2008	Pinto, Michelle Ms	RC700	fax to E	0.00	0 ea
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Case Note: Sent RTW plan and INA report to E via fax - requested he sign the plan

Created By: PINTOM **Creation Time:** 1/05/2008 7:57:13 AM

1/05/2008	Pinto, Michelle Ms	RC700	Report	298.00	1.00 ea
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Case Note: INA report completed along with RTW plan.

Both documents sent to CM

Requested hard copies to be mailed to all parties.

Awaiting signature on RTW plan from E and W

Created By: PINTOM **Creation Time:** 1/05/2008 7:58:50 AM

(17)

Confidential

Selection Criteria: Case Type = 'REHAB', Sales Office = All, Managing Consultant = Pinto, Michelle

Case Number: 2596838
Date Range: 4/05/2008 To: 10/05/2008 (Based on Creation Date)
Managing Consultant: Pinto, Michelle Ms
Client: Case Manager Kylie Doherty
 CGU Workers Compensation
 GPO Box 2090S MELBOURNE VIC 3001
Examinee / Project: Ms Mary Pateras

Date	Service Provider	Service Code	Activity	Timesheet Qty	Invoice Qty
5/05/2008	Pinto, Michelle Ms	RC715	Correspondence ~ Employer	10.00	10.00 min

Case Note: Signed RTW plan from Peter Newland
Created By: PINTOM **Creation Time:** 5/05/2008 8:01:22 AM

7/05/2008	Pinto, Michelle Ms	RC715	p/c to W	0.00	0 min
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Case Note: Funding request received via fax from Glenda McCartney
 Contacted Mary regarding the return of the RTW plan, left message
Created By: PINTOM **Creation Time:** 7/05/2008 8:00:09 AM

7/05/2008	Pinto, Michelle Ms	RC715	Liaison ~ Worker	10.00	10.00 min
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Case Note: P/c from Mary
 Sounded very flustered and upset - read plan which triggered questions and anxiety as to why she is unable to move on, or return to work, or at least send off alternative applications.
 Saw GP and Psychologist yesterday but unable to recall what their recommendations were - will fax back all paperwork and current med cert.
Created By: PINTOM **Creation Time:** 7/05/2008 12:00:24 PM

7/05/2008	Pinto, Michelle Ms	RC715	Correspondence ~ Worker	10.00	10.00 min
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Case Note: RTW plan and last two med certs faxed through - current med cert stipulating fit for alternative duties but not restrictions have been listed as was in the last certificate.
 A: ring GP to clarify
Created By: PINTOM **Creation Time:** 7/05/2008 2:43:24 PM

(18)

Case Notes

Confidential

Selection Criteria: Case Type = 'REHAB', Sales Office = All, Managing Consultant = Pinto, Michelle

Case Number: 2596838
Date Range: 27/04/2008 To: 3/05/2008 (Based on Creation Date)
Managing Consultant: Pinto, Michelle Ms
Client: Case Manager Kylie Doherty
CGU Workers Compensation
GPO Box 2090S MELBOURNE VIC 3001
Examinee / Project: Ms Mary Pateras

Date	Service Provider	Service Code	Activity	Timesheet Qty	Invoice Qty
2/05/2008	Pinto, Michelle Ms	RC715	Correspondence ~ Worker	10.00	10.00 min

Case Note: Email to Mary of RTW plan - requested she read and sign if happy with this.

Created By: PINTOM **Creation Time:** 2/05/2008 12:47:43 PM

Peter - life journal 30/4

general purpose teaching - classroom
full time -

administrative duties
yard duty

as per standard.

FTW office
heavenly
Gaga xsis.

contribution - fully fit for work as a result of
relationship to self.

- Alternative role at school in same region.
handling teacher role - The Grange Hoppers.

F/T. - closing soon.

IN THE COUNTY COURT
OF VICTORIA
AT MELBOURNE
DAMAGES AND COMPENSATION LIST
GENERAL DIVISION

CI- 12 - 03169

BETWEEN

MARY PATERAS

Plaintiff

And

STATE OF VICTORIA (DEPARTMENT OF EDUCATION AND
EARLY CHILDHOOD DEVELOPMENT)

Defendant

WITNESS STATEMENT

Filed pursuant to the Order of His Honour Judge Saccardo dated 12 June 2015

Date of document: 29 June 2015
Filed on behalf of: The Plaintiff

Prepared by:
Mary Pateras
68 Koroneos Drive,
Werribee South, VIC 3030

Tel. No.: 043 038 8831

I Frank Van'tWout of 4 [REDACTED] Crossing, Victoria 3029 MAKE
OATH AND SAY as follows:-

1. I was employed as a Maths and Science teacher at Galvin Park Secondary College between 1983 and 2006
2. I was on workcover between 11-08-2004 and 2007 due to a voice condition
3. During this time I was appointed a return to work officer from the school, namely Garry Heaney. I also received assistance from Regina Fitzpatrick from the Wester Metropolitan region.

Signed: [REDACTED]

Dated:

29-06-2015

(27)

07 October 2016

Bryan Woollard
Department Of Education & Training - Wyndham Central Secondary College
101 Shaws Road
WERRIBEE VIC 3030

Dear Sir/Madam,

Conciliation Reference No: 16/9084
Claim No: 04070082867
Claimant: Mary Pateras
Subject of Conciliation: Access to information

This dispute relates to Ms Pateras' request for information contained on files held by Gallagher Bassett Services, and Department of Education & Training.

Pursuant to section 286 of the Workplace Injury Rehabilitation and Compensation Act 2013, I request you provide me with a list of the documents contained on Ms Pateras' WorkCover file.

You may contact me on 03 9940 1028 if you have any questions about this matter.

Yours sincerely

Raymond Leyer
Conciliation Officer
raymondleyer@conciliation.vic.gov.au

enc.

28

Chapter 28
ABC Article

Even though Mary Pateras was forced into retirement by traumatic experiences as a teacher, she still says it's the best job in the world.

Having taught for years at a high school in Melbourne's western suburbs, Ms Pateras remains a staunch advocate of education but says she was forced out of the industry.

"I had a nervous breakdown and was medically retired in 2012," she told the ABC.

"I still had another 20 years to teach."



Melbourne teacher Mary Pateras retired early due to psychological injury.
(Supplied)

It's an experience that resonates with many teachers across Australia.

Earlier this year people across the country responded to an audience call out [embedded in a story about tutoring](#), inviting them to share their experiences with the education system.

The ABC heard from dozens of teachers that managing worsening student behaviour, bullying from other staff and parents, and ever-longer working hours [were all commonly experienced in Australian schools](#).

Several teachers who did not want to be identified due to fear of professional backlash told the ABC in interviews that they, like Ms Pateras, were on workers compensation or were considering leaving the profession altogether.

'The system is broken'



Read what students, parents and teachers say they're concerned about when it comes to education.

And it's contributing to a severe shortage of educators.

The federal Department of Education predicts by 2025 the number of new graduates will be 4,100 less than the number of secondary teachers needed nationwide.

"Being a teacher is the most important job in the world and we don't have enough of them," said federal Minister for Education Jason Clare in a statement to the ABC.

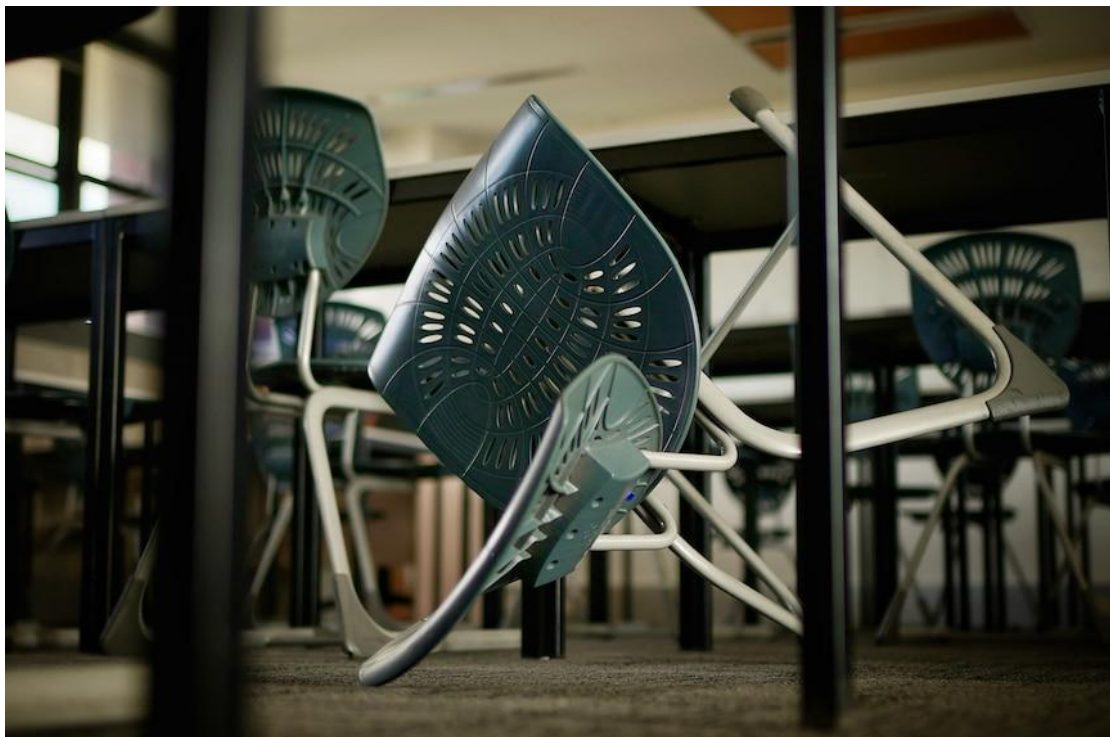
"That's why the Albanese government has launched new teaching scholarships worth up to \$40,000 each to encourage more people to study to become a teacher."

A national problem

A 2024 survey of Queensland state school teachers found that half reported [managing classroom behaviour was the biggest issue](#) taking time away from educating students.

A teacher named Greg recently told ABC Brisbane he was "mentally, physically and emotionally abused" to the point where he had to go on workers compensation.

"I am a good teacher, but last year I even doubted that I would ever teach again," he said.



Many teachers report their jobs are becoming more difficult every year. (ABC News: Mark Leonardi)

"We have chairs thrown. We've got kids who stab other kids with pencils. I've seen 11 staff members leave since the start of the year."

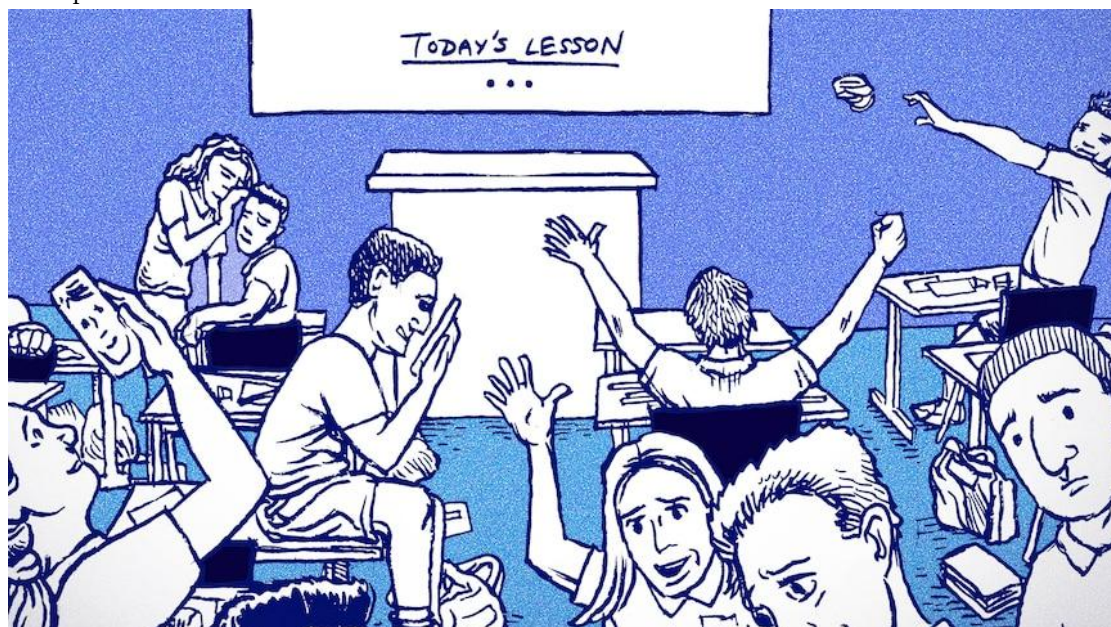
"At the end of each week I think to myself: how can teachers do this for the rest of their lives?"

Australian Education Union federal president Correna Haythorpe said that "occupational violence is unfortunately very real in the school setting".

"We have seen increased rates of people reporting these instances, and indeed going on WorkCover, and for some, finishing their careers early," she said.

[Student teachers dropping out amid nationwide shortages](#)

Photo shows An illustration of kids mucking up in a classroom unsupervised



Some university students studying secondary teaching say the violent and sexist behaviour they've witnessed during school placements has made them want to drop out of their degrees.

In [this year's annual principal safety survey](#), conducted by the Australian Catholic University, 48 per cent of the 2,300 respondents reported witnessing or experiencing physical violence.

More than half (54 per cent) were threatened with violence.

The latest available international data on student behaviour from the Programme for International Student Assessment (PISA) — from 2018 — found the "disciplinary climate" in Australian schools was among the worst in the OECD.

Monash University education researcher Erin Leif told the ABC that "compared to other countries around the world, Australian students perceive their classrooms to be quite disruptive and noisy".

Burdensome admin, lack of respect

Dr Leif said that while violent incidents often made headlines, it was comparatively low level disruption and disengagement taking up the most time for teachers away from the work of educating students.



Erin Leif is a senior lecturer at the Monash University School of Educational Psychology and Counselling. *(Supplied)*

Many teachers entering the industry felt unprepared for supporting improved behaviour in their classrooms, she said.

One high school student told the ABC many of their classmates had become "downright horrid" to teachers.

"I saw it myself when a class called a teacher of Asian ethnicity racist words until he had to call in a higher staff member," they said.

A teacher with 20 years' experience, who did not want to be identified for fear of professional backlash, said the job was becoming more difficult every year.

"The administrative workload has increased exponentially ... we have to keep detailed records of any communication with students, parents, or reporting agencies," they said.

"At the same time, face to face teaching hours have remained the same."



Education Minister Jason Clare says the school system "can be a lot better and a lot fairer". (*ABC Goldfields: Jarrod Lucas*)

Another experienced educator wrote that they were "very concerned about the wellbeing of teachers".

They echoed concerns around "tedious compliance and recording requirements", "unrealistic demands from parents", "increasing lack of teacher autonomy" and "constant scrutiny" by school leadership.

"Teachers are understandably leaving the profession in droves."

A report by the OECD released in 2023 said that there were "higher-than-average net teaching hours" in Australian schools along with less competitive salaries compared to "similarly educated professions".

Resourcing, behavioural capacity building key to teacher retention say stakeholders

The Australian Education Union says that only 1.3 per cent of public schools are funded to the Schooling Resource Standard, which the government defines as "how much total public funding a school needs to meet its students' educational needs".



Federal president of the Australian Education Union Correna Haythorpe says there are increased reports of violent incidents in schools. *(Supplied)*

Union president Ms Haythorpe said: "When you starve a system of resources — and that's exactly what's happened over the last decade — that plays out in the classroom.

"We're now seeing a common working week is in the order of 50 hours plus per week, because teachers are filling the gaps with respect to that shortage."

In Victoria, for example, only 3 per cent of teachers said their schools were well-resourced in a union survey of 1,371 teachers, principals and support staff conducted in March and April 2024.

Mr Clare, the education minister, said Australia has a good education system "but it can be a lot better and a lot fairer".

"Currently, no public school outside of the ACT is fully funded. There's still a 5 per cent funding gap.

"That's why we have put \$16 billion in additional funding for public schools on the table — this would be the biggest increase in Commonwealth funding to public schools that has ever been delivered."

For Dr Leif, integrating the teaching of "behavioural, social and emotional skills" into the curriculum — and equipping teachers to find "teachable moments to work on these skills" throughout the day — would improve teacher retention.

"We should start to see things like enhanced wellbeing, reductions in anxiety around school, improved mental health as an outcome for many of these students," she said.

[Concerned about education? The ABC wants to hear from you](#)

Photo shows A graphic of a student with drawings of school demands all around them.



Are you a student, parent or teacher concerned about education? Or worried about the future? The ABC wants to hear from you.

Mr Clare said the government was improving teacher training to make sure they were "taught the fundamentals about how to teach children to read and write and how to manage disruptive classrooms".

The myriad challenges of the job don't mean [that young people should avoid becoming teachers](#), Ms Pateras said.

"If anyone said to me, 'should I be a teacher?' I'd say absolutely yes — it is the best job in the world."

One Victorian teacher who wrote to the ABC said: "The reason I and many other teachers persevere, is our commitment to those amazing children in our respective classes."