

Form 59
Rule 29.02(1)

Affidavit

No. VID 798 of 2012

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

General Manager of the Fair Work Commission

Applicant

Craig Thomson

Respondent

Affidavit of: **Craig Thomson**

Address:

Occupation: Consultant

Date: 23 March 2015

1. I, Craig Thomson of xxxxxxxxxxxxxx New South Wales 22612, Respondent swear:
2. I make this affidavit from my own knowledge and belief except where otherwise indicated. Where I make statements based on information provided to me by others, I believe such information to be true
3. As the Respondent due to financial incapacity to fund legal representatives I am self representing.
4. I have been in the care of various psychologists and medical professionals for many years due to the mental illness I am suffering that has been exacerbated by the allegations against me.
5. In particular I have been in the care of Clinical Psychologist Stephen Woods. He has over the last few years literally saved my life. He has assessed me and on three occasions provided reports that are annexure A, annexure B and annexure C to this affidavit.
6. As is clear by his advise I am not in his view, capable in a mental health sense of

Filed on behalf of Respondent Craig Thomson
 Prepared by Craig Thomson
 Law firm (if applicable)
 Tel _____ Fax _____
 Email _____
Address for service
 (include state and postcode) _____

running this case.

7. One of the major contributions to the state of my mental Health have been the extraordinary inefficient and incompetent dealings of the Fair Work Commission. This is evidenced by their own external review of the investigation into the allegations about me as can be seen from annexure D The KPMG review.
8. Another major factor in regard to my mental condition is the intense media attention over a prolonged period of in excess of 6 years and the political advantage sort by my political opponents over that period of time. See annexure E
9. In defending myself I have expended all possible financial assets available to me and I am in debt to the extent of nearly \$625000. See Annexure F re application for Fee waiver.
10. The issues that cause me the most mental distress and that of my family have already been the subject of two trials in other jurisdiction's in which I was found not guilty of those charges.
11. The Applicant seeks to cause greater mental health damage by traversing these issues again even where they cannot produce the alleged witness. See Annexure G correspondence from Corrs Solicitors.
12. The unreliability of these types of witnesses has been evidenced at great personal cost in the past in the context of these allegations. See annexure H
12. Despite a lack of witnesses, the Applicant seeks to rely upon police officers from Victoria. These same Police officers have been part of the political process, tipping of media and having me publically arrested based upon the lie that I was avoiding either a summons or a warrant for my arrest in Victoria. See Annexure I affidavit of Chris McArdle.
13. The vast majority of the allegations revolve around the spending of union resources on my campaign for the Federal seat of Dobell in 2007. These allegations have already been investigated and the Australian Electoral Commission has cleared me in that investigation. See Annexure J.
14. There is no public good that can be fulfilled by the case proceeding regardless of guilt or otherwise in this matter. Fines and compensation cannot be paid because I have no resources to pay them.
15. Further, I have been punished already well beyond the scope of the options available to His Honor in this case. I have major health issues, I have no employment, and my family has suffered enormous mental health, financial and social damage from these allegations. I have lost my career and almost my life.
16. The motivation for Fair Work Commission in not only continuing this case following two criminal trials but seeking to increase the scope following the conclusion of the criminal matters can only be because of one of the following reasons:
 - a. Embarrassment at the poor and bias investigation as evidenced by annexure D and annexure J;
 - b. Political pressure through the Parliament and through Senate estimates;
 - c. The enormous sums of money estimated at over \$2 million spent on this exercise;
 - d. The almost complete lack of any other investigations into similar

situations;

- e. The compromised position of the Fair Work Commission when its Vice President is in a relationship with a key accuser of me and the influence he has had on this investigation. I refer His Honor to the damning comments regarding the Fair Work Vice President in annexure D and his lack of cooperation with his own organisations review of the Fair work investigation.

- 17. Finally, to proceed in this matter would cause further mental health damage to me, would not achieve any public good and would be a gross denial of natural justice and an abuse of the law highlighting that money to prosecute or a lack of money to defend yourself not justice is what decides cases in this jurisdiction.

Sworn / Affirmed by the deponent)
 at)
 in)
 on)
 Before me:)

.....
 Signature of deponent

.....
 Signature of witness

[Name and qualification of witness]

Instructions for completing affidavits

[These instructions do not form part of the affidavit and MUST BE DELETED before the affidavit is sworn or affirmed]

1. Each page of the affidavit (but not any annexure) must be signed by the deponent (other than a deponent who is unable to sign because of a physical disability) and the person before whom it is sworn (r29.02(7)).
2. An affidavit must be made in the first person (r 29.02(1)).
3. An affidavit must be divided into numbered paragraphs, each dealing with a separate subject, to the extent practicable (r29.02(3)).
4. If facts in the affidavit are supported by a document, annex a copy of the document to the affidavit, unless the document is an original or is of such dimensions that it cannot be annexed (r29.02(4)), in which case, it must be exhibited (r29.02(5)).
5. Each page of the affidavit, including any annexure, must be consecutively numbered starting with page 1 (r29.02(6)).
6. Attach a certificate to the first page of each annexure and exhibit. The certificate must be entitled in the same manner as the affidavit and identified by the deponent's initials followed by a number, starting with 1 (r29.02(8)). For example, the first annexure of an affidavit of James William Green would be identified as "JWG1". The second annexure would be "JWG2" and the first exhibit to that affidavit would be "JWG3". No subsequent annexure or exhibit in any later affidavit sworn by the same deponent may duplicate the number of a previous annexure or exhibit (r29.02(10)).
7. Each exhibit to an affidavit must be signed on the first page of the exhibit by the person before whom the affidavit is sworn (r29.02(11)).
8. The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing of affidavits ('witness'). Persons authorised to witness an affidavit in Federal Court proceedings are a Judge of the Court; the Registrar; a Deputy Registrar; a District Registrar; a Deputy District Registrar authorised under s 44 of the *Federal Court of Australia Act*, a member of staff of the Federal Court authorised under s 44 of the *Federal Court of Australia Act*, a justice of the peace; a commissioner for affidavits; a commissioner for declarations; any other person who is authorised to administer oaths for the purposes of the Federal Court or the High Court or the Supreme Court of a State or Territory (includes lawyer with a current practising certificate).
9. Serve copies of all documents exhibited or annexed to an affidavit with the affidavit. (r29.05).
10. If the deponent is illiterate, see rules 29.04(1) & (5)). If the deponent is blind, see rules 29.04(2), (3) & (5)). If the deponent is incapable of signing the affidavit because of a physical disability, see rules 29.04(4) & (5)).