

Inappropriate communications with the Commissioner's office

12. In response to requests for information, the practitioner sent numerous emails to the Commissioner's office. Particular attention should be paid to the following excerpts:

- i. on 7 November 2016 at 5:06 pm the practitioner wrote:

I believe that I am being targeted by your office.

But you have indicated to me that your office is determined to put me to the stress and effort of once again being subjected to investigation procedures which are seriously flawed.

I note that the modus operandi I have experienced in the manner in which your office conducts investigations is to receive a complaint from me, summarily dismiss it without reasons, and then proceed with the original investigation in an attempt to bully me into accepting a finding of unsatisfactory professional conduct. I have no doubt that the same modus operandi will be used in this new case.

I believe that elements within your office are using Mr Green's recycled complaint from 2007 as a pretext for maintaining the stress and pressure exerted on me by Mr Russell Daily, Ms Cara O'Shannassy and Ms Miranda Breisch (each of whom has acknowledged in writing the stress these investigations have had on me, my family and my business) in order to erode my resolve in relation to my complaint to the Victoria Ombudsman.

- j. on 8 November 2016 at 1:15 pm the practitioner wrote:

Am I to understand that you still have not bothered to familiarise yourself with Mr Green's original version of this complaint, made back in 2007, and that you refuse to do so?

- k. on 11 November 2016 at 12:50pm the practitioner wrote:

Before you go putting words into my mouth, perhaps you can explain to me the relevance of your interrogation.

Secondly, I am entitled to know what conclusions you have arrived at that warrant your interrogating me.

I have already placed on record my objection to your proceeding with this "storm in a teacup" and that I regard your conduct as a form of bullying and harassment.

- l. on 11 November 2016 at 3:58 pm the practitioner wrote:

First, I do not regard you as fit to conduct this investigation, and I suggest that you have the matter referred to an office independent of yours and without

influence of the persons against whom complaints have been lodged with the Victorian Ombudsman.

That said, I am interested in the purported basis for your having commenced this matter and I put it to you that I am entitled to know the precise nature of the issue under investigation. This is the only reason for my continued co-operation in this farce.

Once I know what this element is I will have more of an understanding of the case you purport to be investigating.

- m. on 11 November 2016 at 4:15pm the practitioner wrote:

*Not good enough Luke. All you're saying is "That was then, but this is now." Surely you can see the poverty of such a position.
I ask you again,
How do the two matters differ than a gap of 8 years?*

- n. on 25 January 2017 at 9:36am the practitioner wrote:

*Your conduct of this matter is most unfair.
You have come up with this explanation only in response to a query from me as to why your investigation is taking such an extraordinarily long time.*

- o. on 2 February 2017 at 12:41pm the practitioner wrote:

It appears to me that you have made a rather superficial assessment of Mr Green's complaint and the circumstances in which it was made, and that I am now to suffer the indignity of being perpetually "under investigation" over a matter that should have been finalised many years ago.

- p. on 10 February 2017 at 10:27am the practitioner sent an email to the Commissioner, Mr Michael McGarvie as follows:

*Hi Michael
I regard the deliberate failure to respond to communications as a form of psychological bullying and an unseemly strategy calculated to cause frustration and upset.
Please direct Ms Stragliano [sic] and Mr Priday to provide me with a response to my communications by close of business today.*

- q. on 10 February 2017 at 12:16pm the practitioner wrote:

...Not good enough Luke. I asked you specific questions and provided you with information and documents that appear to have been completely ignored. When I have followed up requesting a response to this specific materials my emails have been ignored, and then I have been dismissively told to expect a response "shortly".

I require a proper response by close of business today, failing which I will lodge a further complaint with the Victorian Ombudsman regarding the bullying and biased conduct of your office.

r. on 19 May 2017 at 12:14pm the practitioner wrote:

You and your colleagues are well aware of the pressure your unduly protracted "investigation" exerts of me, my staff and my family. On top of this is the humiliation of now having to declare that I am perpetually the subject of ongoing investigation. The email below was requested by Mr Daniel Deeks this morning.

I put it to you that the aborted attempt to have me accept guilt in relation to the Ussher affair, and this current "investigation", are attempts by Mr McGarvie and the LSC team to crush and demoralise me, and have nothing at all to do with the genuine administration of professional discipline.

s.