



MINUTE PAPER.

[REDACTED]

I recently attended the Court proceedings relating to Anthony Quinn and CUB. The matter was before Justice Hedigan at the Victorian Supreme Court and lasted six and a half days.

2. The main issues raised during the hearing included the following:
 - Whether Mr Quinn was a “responsible officer” as required by s.68 of SIS in order for any protection to be offered by the legislation;
 - Whether Mr Quinn was retrenched as a result of a restructure within FBG and the lack of available positions after he returned from study leave or because of his raising matters relating to corporate governance of the FBG Superannuation Fund. In addition the issue of Mr Quinn using confidential company information in his studies was raised;
- [REDACTED]

3. The Judge raised the matter about witnesses giving consideration to the fact that criminal action may be taken under s.68 if a person intentionally or recklessly commits an act of victimisation.

4. The vagueness of the wording in the section was alluded to on a number of occasions and this centred on such matters as whether a person could be reinstated to their position as a trustee if they had suffered an act of victimisation or whether they were confined to damages. Other words in the reverse onus provision in s.68(5), such as the “alleged action” and “alleged reason” were also debated.

[REDACTED]

I attach my notes and other documentation received from the parties as a result of my attendance at the hearing. For your information.

