

From Paradox to Absurdity

Camchron 7

January 1st 2008

Hope Phor-a-Meta New Year?

The trouble with optimism is that you really have to stick at it.....and I'm making a special effort right at this moment. Logic tells me that somebody must soon notice that:

I was only struck-off for 1 yr.....yet I enter my 5th year of battling the good ladies of Nursing Council and their Lawyers..... who seem dedicated to terminally extinguishing my nursing identity! I believe this undertaking by some present and former Nursing Council members to be totally discriminatory in nature. I believe that bias to be gender-based, and coloured by my Consumer /Tangata Whai Ora status.

I do not say such things lightly.....I say them after considerable thought.

I say them after again reviewing hard evidence I have accumulated over the last 5yrs, as I prepare to forward the same to the Ombudsman's Office.. I am able to produce hard evidence of : 'A reasonable assertion that such is the case':....accurate records of a 5yr process so far not made public. And here's the cherry.....presently the central issue of my 5yr journey is:

The Magna Carta and the four basic rights of the Accused:

The right to a speedy hearing

The right to a just and fair hearing

The right to know the identity of my Accuser
The right to rigorously cross-examine the same

In early 2004 I wrote to the Ombudsman's Office requesting that my case be made fully public .. a short time later I was advised by Nursing Council, that the matter of disciplinary proceedings against Registered Nurse Brian Stabb was to be public knowledge.

Sobeit

So for all you avid Nursing Researchers out there.....all Universities with Nursing Depts. And Law Schools ...all those interested in a unique opportunity to research an ethical issue whilst it is still in process.... whilst still current but not yet public..... Here's a doctorate on a plate!

Just think... you might even be able to use data acquired in **actual** nursing practice.... **before** the accelerating rate of social change makes it useless.....

Wake up Kiwi! This is Aotearoa... N.Z.....Not Beijing!

Absurdly unjust ,cruel, corrupt processes, cannot be practiced by august Statutory Bodies in Aotearoa,..... least of all the Nursing Council for Pete's sake!..... We're all protected by The Magna Carta for a start!and it's integration into the Treaty of Waitangi right?Yes... we are free folk.....a Democracy.....remember?.

It's hard to believe that the watchdogs of judicial review would ignore a criminal breakdown of judicial process within such a statutory body: ...A body granted considerable deference by the Judiciary....., who personally advise The Minister of Health.

I am optimistic that this is not the case....although there's that 'o' word again....

I became eligible and applied for Nursing Registration in November 2006.....my first Reinstatement Hearing was scheduled in February 2007....but then it was postponed till July 2007..... as the Registration

Manager insisted I produce my non-existent police criminal record.... at the same time withholding information from me.....giving me false information, lying to me and being abusive, terminating phone calls..... essentially denying my civil and legal rights. After three postponements....(one due to my hospitalization) My Reinstatement Hearing, took place in Wellington on 22nd July 2007:

These proceedings were attended by:

The Registrar: Marion Clark (*Observer role only on legal advise*)

The Chairperson: Beverly Rayner
(previously omitted from Committee by The Registrar due to published defamatory and bias statements she made about myself in Kai Tiaki NZ back in the mid-nineties... Now attending as Chair after I personally proffered the olive branch to Councilshow some goodwill I thought....respect Beverly's professionalism and ability to learn from history.....Huh!)

Margaret Southwick: Council member.

Christine Payne: Council Member

Sarah Barrett: Lawyer Russell/McVie Legal Advisor to Nursing Council

Stenographer:

The Registrar and Chairperson did not provide for a fair and just forum as are the requisites of Common Law and Natural Justice:

After approx. 3hrs.....which included a lunch break to decide my fate....and several occasions when I was ejected/required to leave.. It was adjourned: to my clearly expressed distress as I recall. The recording of proceedings will demonstrate that the total time I was permitted to address Nursing Council was no more than **1 hr-30 min....**A significant amount of that time was taken up by The Chair-Person, who with her constant interruptions, effectively disrupted my defense and prevented me from speaking. I initially thought she was anxious about time, which was a bit rich really, seeing as I'd been pleading for a reasonable time-frame for months!

I was organized, having prepared contextual documentation and sequenced it all to my presentation. The interruptions were unsettling for me, and I think confusing for others. It progressed to rude interruptions.....eventually I experienced it as out and out bullying

I don't know.....maybe I'm a bit sensitive to such things....It will be interesting to see if the experience I record now..., reflects what is on the tape, if I ever get to hear it... (If it doesn't....then I'll really know I'm nuts!!)

I had provided all the supportive material required by Council months in advance [Download 1](#)

The damning submission from Nursing Council Lawyers accusing me of things heinous had been withheld from me until the last minute, as is normal cold legal practice. [Download 2](#)

I had no idea that my reinstatement was opposed.

Most of the things I value in my life are at stake here..... I have not been able to support my teenage children for five years now.....their mother has carried that burden.....I have lost my home,... all my assets...., (in the coffers of Lawyers past) I am a bankrupt sickness beneficiary and I live in a campervan.....Yes, I can make it through another summer, but I don't fancy another wet winter like last year..... I seek to rebuild my professional life.

I knew exactly what to present, and how I wished to defend myself against this vicious professional and personal attack by a Lawyer nobody was prepared to identify:

I had researched and planned the process and the content of my defense.... [Download 3](#)

(Yes Margaret,..... it would have been nice to have more time to prepare,and I appreciated your concern about this disparity. I was fully prepared for 2/3 of it however....., and quite capable of winging the rest..... For the record you are the only person I experienced as 'a Nurse' in that meeting and you have my respect.....)

It's probably all for the good in the long run.....You see, even though my first Hearing was adjourned after a few hours in July 07..... I have been denied all transcripts and recordings of the same..... despite

constant requests! It is clear to me that the Registrar of NC considers herself above the law. [Download 4](#)

At this time I have absolutely no record of what transpired, yet I am expected to walk into my Hearing and 'pick up from where I left off'.. seven months later..... I am bankrupt, have no Brief and represent myself. Presently I am striving to have that information released to me via the Privacy Commissioner and the Ombudsman's Office.... yet I shouldn't have too!....

Note:

*It has been an interesting contrast to appear before the Confidential Forum in 2006,(which included a High Court Judge), and be asked if I required a recording of proceedings, as a matter of courtesy, **before** the interview. I also see it as a matter of common courtesy, common-sense, and professional protocol, to provide such information....I unconditionally trusted Nursing Council to so accommodate me: instead that entitlement has been so far denied: a transparent strategy to play for time....My entitlement is obvious.....yet The Registrar of NC and The Chairperson,, being in full knowledge of my personal circumstances and the obvious stressors involved for my family,,..... have endorsed this cruel behaviour.*

They disgrace my profession..

I hope some day that Nursing Council will explain to my teenage children why I have been unable to support them for the last five years.....why I have spent so little time with them..... why I haven't been the father I was, before this brutal disgraceful charade. I would have much preferred a 1yr lag in Waikeria Prison... My family would be much better off now!...[Download 5](#)

So here I sit seven weeks to go..... wondering what on earth to present now, against The NC submission opposing my Registration?... I am my own Legal Representative. I need to prepare the continuance of my Submissions to the adjourned Nursing Council Hearing..... It is Fair, Just, and Right that this information be released to me right now. I have already waited for seven months...., a **denial which is in itself a blatant breach of fair process.**

In essence I have trusted the professional integrity of Nursing Council to provide a recording of proceedings for me. Nursing Council is a

statutory body entrusted with the strict observance of Legal process, fairness, and justice: [Download 6](#) There is emphasis on this aspect of responsibility for NC, as they pass sentences which have serious consequences not only for the individual, but their dependents. The right to this information is fundamental to common law and natural justice, ask any Lawyer. At the risk of repetition I will be emphatically clear why I am so aggrieved, (in big letters!).....

I'm not talking Auckland Regional City Council Bye - Laws here!I don't want to chop down a tree or dig a drain! This is The Business: The founding document of Democracy: The Magna Carta 1215.!

Logic tells me that I should be provided with this information well before my Hearing: surely NC will demonstrate lawfulness; they can not consider themselves to be above the most basic laws of the land.. I must trust this belief...how else can I deal with my regulatory/governing body if I don't?

Will I really be forced to get a Lawyer and go through the Privacy Commissioner and the Ombudsman?. Is this the reason Council will increase the registration levy?... To cover such legal costs? I wonder how much has been spent of **your** registration fees already in order to deny me these rights ?..

No, no, I must cease. I must still give Nursing Council the respect of unconditional trust with regard to lawfulness.... I simply must trust that they will be judicious and fair.

Should Nursing Council continue their present path, then they bring the Nursing Profession in NZ into grave disrepute with their actions. Do they not realize that this behaviour is criminal ?

Yup, optimism is a real bugger to maintain....

Happy Christmas holiday to you all..... and may hope spring eternal!

Brian stabb