



THE LIFE & TIMES of PROF DR GEOFFREY EDELSTEN

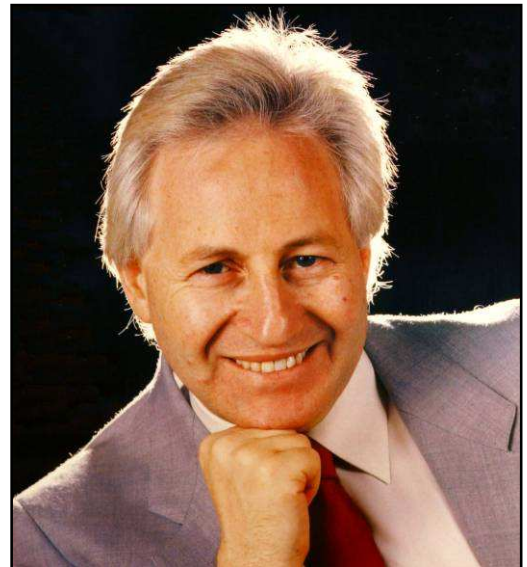
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DRAFT

A word from Prof Dr Geoffrey Edelsten

This site www.geoffreyedelsten.com has become necessary as a result of the inaccurate and highly damaging and prejudicial Wikipedia article about me. This article has impacted very negatively upon all areas of my business and personal life. The article has also been extremely harmful in continuing the further wide propagation of pre-existing myths and fallacies copied from other media. The private details given in the Wikipedia article has been responsible for actual identity fraud in recent times. I have initiated this response, firstly, to protect myself and, secondly, to warn others who may also become subject to Wikipedia's irresponsible and malicious vitriol.

Readers are urged to assist me and to petition Wikipedia for the article's removal and for the removal of similar vitriolic articles about other living targets.



Prof Dr Geoffrey Edelsten's [Official Website](http://www.geoffedelsten.com.au) is Located at:
<http://www.geoffedelsten.com.au>



SYNOPSIS

Professor Geoffrey Edelsten is a medical entrepreneur who has provided the community with high quality innovative health care for decades.

He has been widely credited with:-

- (a) Starting the first locum service – providing relieving doctors when principals were unavailable,
- (b) revolutionising general practice in Australia,
- (c) commencing corporate medical practice,
- (d) introducing extended-hours medical centres,
- (e) championing bulk-billing in Australia when its introduction was controversial and divisive; and
- (f) leading significant changes in pathology delivery and medical deputising.

As a result, Edelsten has been recognised as one of the most influential GPs in Australia³ in his time.

Edelsten was the first private franchisee of a major Australian football team when in 1985 he purchased the licence to operate the Sydney Swans Football Club, thus saving it from extinction and thus increasing the then VFL's income.

In the 1980s he was embroiled in a number of controversial events and stood trial in respect to two alleged offences which culminated in his incarceration for a year and the removal of his name from the medical register.

It was widely accepted that the conviction was wrongful.^{1 2}

*If you have a view consistent with the detail contained here-in please contact us at
info@geoffedelsten.com.au*

¹ Sally Heath, The Age, 17th of Aug 1991.

² Connolly QC former Queensland Supreme Court Justice, Opinion, 1993.



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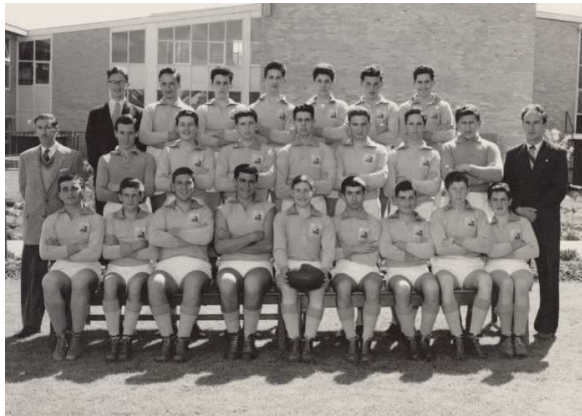
1 BACKGROUND

1.1 Childhood

Geoffrey Edelsten was born opposite the Carlton Football ground at Princes Park in Carlton, an inner suburb of Melbourne. He was the elder son of Esther and Hymie Edelsten. Edelsten attended Princes Hill Public School and his early childhood in Carlton was an important contribution to his love for Australian Football and the Carlton Football Club in particular.



A Very Young Geoffrey Edelsten



Front Row Centre, Geoffrey Edelsten
Captain of the School Football Team

Edelsten's parents instilled in him a strong work ethic. They both worked intensively after Hymie Edelsten (now deceased) returned from World War 2 having served in the Australian Defence Forces from 1940-1945. They moved residence from Carlton to Brighton, and Esther and Hymie commenced a lingerie retail chain "Linda Leigh" which they operated successfully until they sold it in the late 1970s, and retired.



Back Row Third From Right, Geoffrey Edelsten
School Cadets



Back Row Second From Right, Geoffrey Edelsten
School Prefects



Geoffrey Edelsten changed schools to Mt. Scopus Memorial College, Australia's first Jewish co-educational school, whose first and major campus was established in Burwood. Edelsten excelled academically and was an outstanding sportsman, where he captained the school football and cricket teams, won the 100m sprint and was the first House Captain of Bialik House, which won the school competition in its first year. Edelsten was a senior officer (C.U.O.) in the school cadet corps and a school prefect.



Left, Geoffrey Edelsten
Winning the School 100m Sprint

1.2 Awards

At Mt Scopus Edelsten was awarded the Lovaran Cup as the most outstanding student athlete, and the M S Bromberger Prize as the student that others most wished to emulate.



Left, Geoffrey Edelsten
Being Awarded the Lovaran Cup



Centre, Geoffrey Edelsten
Awarded the Trophy for the House Cup

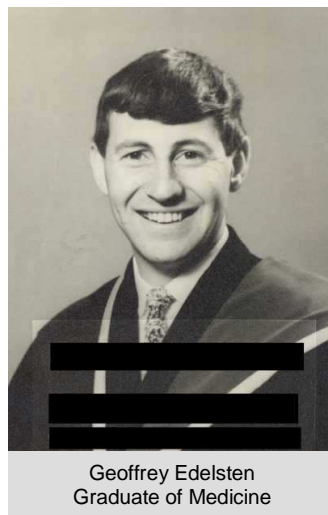


1.3 Scholarship

Edelsten was awarded a Commonwealth scholarship to the Medical School of the University of Melbourne.

1.4 University

Geoff Edelsten had a distinguished undergraduate career where he obtained honours in many subjects, and was awarded the Exhibition (1st in class) in Anatomy, including Histology and Embryology, sharing this prize with Richard Larkins (now Vice-Chancellor of Monash University). Edelsten's name appears on the honour board in the School of Medicine as a prosector in Anatomy. Honours in medicine in his final year ensured his appointment as a junior medical officer (intern) at the Royal Melbourne Hospital.





2 MEDICAL CAREER

2.1 Intern

During Edelsten's intern year he showed his penchant for innovation and business by rostering his colleagues to provide relief (locum) work for surrounding private practices. Edelsten also commenced the first home visiting service in Melbourne. This was Melbourne's first after-hours medical deputising service.

2.2 Music

During Edelsten's medical undergraduate years he developed a love for popular music, and after helping promote a number of artists, including the Francoise Hardy Number 1 "Only you can do it", formed his own label "Scope Records" and began managing bands. During the second half of the 1960s, Edelsten played a significant role in the Melbourne music scene. An early discovery was John Farnham, who came for an interview and sang in the nurses room at the Royal Melbourne Hospital, before signing with EMI and a hugely successful career followed. Geoffrey Edelsten managed the group The Last Straws and helped co-write their first hit record "I can't stop loving you baby" and "A woman of gradual decline".^{3 4}

Geoffrey Edelsten produced two number one records - "Everlasting Love" by the Town Criers (this song has been recorded many times since by numerous artists including Doug Parkinson, U2, Gloria Estefan and others, and was in the "Bridget Jones Diary" film). Other groups with whom Edelsten was involved in the early days of Australian music included Cam-pact which in 1967 were signed by Edelsten's Hit Productions company. Their first single "Something Easy"/"Michael" charted in Melbourne in early 1968⁵ and they had more than ten Top 10 records. Later in 1968, Edelsten co-produced the single "Love Machine" for the studio group Pastoral Symphony, comprising Glenn Shorrock & The Twilights and other musicians⁶. It reached number 1.



Melbourne Band - The Last Straws



The Last Straws, Second from Right Geoffrey Edelsten
Band Manager and Co-writer

³ Laird, Ross. The Sixties: Australian rock & pop recordings, 1964-1969 (page 167). National Film and Sound Archive.

⁴ The Go!! / Scope Labels - Volume Two. Australian Television Memorabilia Guide (2003).

⁵ CAM-PACT. Milesago.

⁶ Pastoral Symphony. Australian Rock Database.



2.3 Flying

Following his term as an intern Geoffrey Edelsten became a country doctor at Birchip in Western Victoria, and then Wauchope in N.S.W. where he commenced learning to fly. He completed his private pilot's licence whilst at Aramac in Western Queensland. He commenced a aviation charter company based at Bankstown airport in Sydney.



Charter Aircraft



Piper Cherokee Arrow
The Model Geoffrey Edelsten Learned to Fly

2.4 Country Doctor

In Aramac, Edelsten was the only doctor for approximately 100km and he used his plane to service remote communities. At the end of his contract period at Aramac he moved to Walgett in North Western N.S.W. where he purchased his first practice. Edelsten used his plane, a Piper Cherokee Arrow VH-PFB, to provide a medical service to the surrounding towns of Lightning Ridge and Burren Junction, and would regularly visit Coonamble, Coonabarabran and Dubbo, using his plane to take ill patients from Walgett to the Dubbo Base Hospital. Edelsten has been widely acclaimed for his life saving work. Because of the absence of veterinary surgeons, Edelsten was called upon to assist with veterinary emergencies.

As a result of his love of flying, he pursued, and was granted, accreditation as a civil aviation medical examiner, providing medical examinations for pilots. As the only doctor in the town he was a State and Commonwealth Government Medical Officer, and performed autopsies for the Coroner. Edelsten was also an Honorary Medical Officer for Walgett District Hospital.

In 1971 Edelsten moved to Sydney. Edelsten recruited another doctor to work at Walgett and would return using his plane at least once per week. Edelsten then purchased a practice in Coogee and an apartment near by.



Dr Geoffrey Edelsten
Working as a Country Doctor

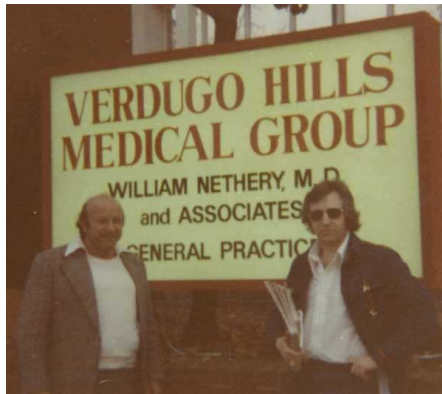


2.5 Group Practice

The Coogee practice was followed by practices in Hammondville, Moorebank, Chipping Norton, Georges Hall, Fairfield, Liverpool, Macquarie Fields, Campbelltown and Eastlakes. This was the first time in Australia that a group practice had established multiple locations. Key medical practitioners were recruited for many of the sites, but Dr. Edelsten visited all sites in a gruelling work schedule, which commenced at 5.00 a.m. operating 6 days per week, and then would consult until midnight virtually 7 days per week (and these continue to be his working hours to the present day). Edelsten was informed by Government authorities that he was the busiest doctor in Australia.



Left; Dr Geoffrey Edelsten
a Fully Practicing Doctor



Right; Dr Geoffrey Edelsten
LA Medical Clinic



The New Age of
Medical Clinic



Medical Clinic
Waiting Room with Market Leading Décor



Medical Clinic
Practicing with State of the Art Equipment

G



Dr Geoffrey Edelsten
Practicing with State of the Art Equipment



VIP Medical
24 Hour Medical Clinic



24 Hour Medical Centre



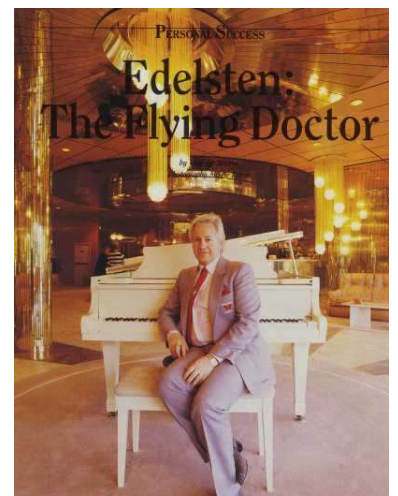
VIP Medical
VIP Décor; Grand Piano



Medical Clinic
VIP Décor; Grand Piano



Medical Clinic
Waiting Room with Market Leading Décor



Dr Geoffrey Edelsten
"The Flying Doctor"



2.6 Obstetrics

Edelsten was appointed an Honorary Medical Officer at Liverpool District Hospital, Fairfield District Hospital, Bankstown District Hospital and Greenoaks Private Hospital. It has been estimated that Edelsten has delivered approximately 20,000 babies in his professional life.



Dr Geoffrey Edelsten with
One of his Delivered Babies



Dr Geoffrey Edelsten with
Another of his Delivered Babies

2.7 Surgery

Edelsten's work as a country doctor equipped him to undertake a wide range of surgical procedures which was increasingly rare for a GP. Edelsten would regularly do Ts & As (Tonsils and Adenoids), Appendectomy, Laparoscopy, D & C (Dilatation & Curettage), Vasectomy, Circumcision and many other procedures.



Dr Geoffrey Edelsten with Nurses in
Operating Theatre Celebrating Christmas



Pathology

In the early 1970s Edelsten changed pathology practices in Australia forever with the first commercial pathology laboratory - Preventicare. Until this time a GP would refer patients to a pathologist for pathology collection and testing. This was performed at the pathologist's rooms.

In the Preventicare model, GPs would collect the specimens from the patient, couriers would then collect the specimens and they were then processed at a central laboratory. Results were provided to the referring GP via telecommunications using IBM's "call 360" service.

Edelsten introduced the most modern pathology testing equipment for the first time in Australia, and this included a biochemistry analyser, which could process 12 different biochemical examinations in a very short time, at a fraction of the cost of existing equipment. This resulted in other pathologists being forced to duplicate the technology in order to compete.

This was the first time in Australia, and one of the first times in the world, that these pathology practices were introduced.

Preventicare expanded rapidly and was supported by leading medical practitioners of the day such as Professor Fred Hollows. The rapid expansion was funded by a merchant bank, Development Underwriting Limited (DUL), and a laboratory was set up in Melbourne in addition to the Sydney laboratory. Within months, hundreds of general practitioners and specialists had joined the network.

After a stock market downturn, DUL was unable to continue its funding and Preventicare was forced into provisional administration. After a brief period under provisional administration, Preventicare changed its name to "Morlea Pathology" and traded out of its difficulties, and out of debt. Within a short period Morlea became most successful.

Edelsten predicted that as a result of new technologies, the rebates under the government's medical benefits scheme would be reduced significantly. Although this took several years, Edelsten decided to sell his interest in Morlea Pathology to his junior co-shareholder, Dr. Thomas Wenkart. Dr Wenkart changed the name of the company to Maquarie Health Care Group which went on to become one of the largest pathology companies in Australia. Dr Wenkart ran Maquarie for twenty years before selling to Mayne Health for \$45 million.

3 CENTREFOLD NIGHTCLUB

In 1975, Geoffrey Edelsten established a nightclub which he called "Centrefold". It was located in the heart of Sydney's entertainment district. The site had previously been a licensed club. It was the largest club of its type in Sydney, and could accommodate more than 2,000 people.

The Club consisted of three floors, in addition to a ground floor reception. On the first floor was a theatre restaurant and provided live Australian productions served with dinner. On the second floor was the showroom where top international acts of the time starred, whilst an a-la-carte restaurant provided cuisine from leading chefs.

Hit makers, such as the Stylistics, Billy Jean Bodine, George McCrae, and many others, performed. It was the place to be - visitors and patrons included the Australian A-list, along with a continuous stream of international stars including ABBA.

On the top floor was a penthouse private club to which people clamoured to be invited.

On the grounds of fire exits, the authorities opposed the granting of a liquor licence, despite the premises being previously licensed. It was here that Edelsten was subject to his first extortion threats when substantial payments were demanded to provide warning of police raids. The club continued trading whilst conducting appeals, but the logistics of supplying liquor bought from retail suppliers, and on-selling, were onerous and unduly expensive. After one year the club was closed.



4 OTHER NEW BUSINESSES

Edelsten commenced an innovative service providing movies to hotels called Video Cinema Pty Ltd. This was the first time in Australia that movies could be watched by patrons in hotels in Australia.

The fitness revolution had not yet begun but Edelsten could clearly see that weight control and fitness would become major elements in society health. He took over the John Valentine Health Club chain and expanded the fitness centres to new locations. They were glamorous, upmarket centres, with pools and gymnasiums.

Edelsten then took over another underperforming group of weight loss centres in Sydney and Melbourne and became an expert in the Protein Sparing Modified Fast weight control program.

5 A BIZARRE INCIDENT - STANDOVER MERCHANTS

5.1 Extortion, Harassment, and Death Threats

As a result of his successes and high profile Edelsten again became the target of criminals.

In 1984 Edelsten, and his then fiancée Leanne, were subject to extortion, intense and prolonged harassment, kidnap and death threats, and an attempt on their lives.

The events began with a phone call at midnight to Edelsten's home demanding money be sent to **Stephen William Evans** at PO Box 76, Redfern, otherwise Edelsten would be killed. Shortly thereafter a kidnap threat in the shape of a gun was placed in Leanne's car.

On nearly every day over the next three weeks a new threat was perpetrated aimed to intimidate and harass and to extort money. Several tons of gravel was dumped on the front lawn of Edelsten's home followed by dead animal carcasses, pornographic photos on which was superimposed Edelsten's face, a pornographic photo was distributed to Edelsten's staff and patients, fraudulent airfares were ordered, advertisements were placed in newspapers stating that Edelsten had ceased practice and had moved to Bangladesh, bullets were received in the mail with Edelsten's name engraved upon them, and bullets were fired at the Edelstens in their home.

The police tracked **Evans**, a career criminal who also used the alias **Ralph Raymond Rayche**. Whilst Evans initially managed to escape a trap laid for him, the police finally tracked him down and arrested him in Mildura. Evans was prosecuted for his persecution of the Edelstens.

Evans was later further prosecuted for major Centrelink fraud resulting in a seven year prison sentence.

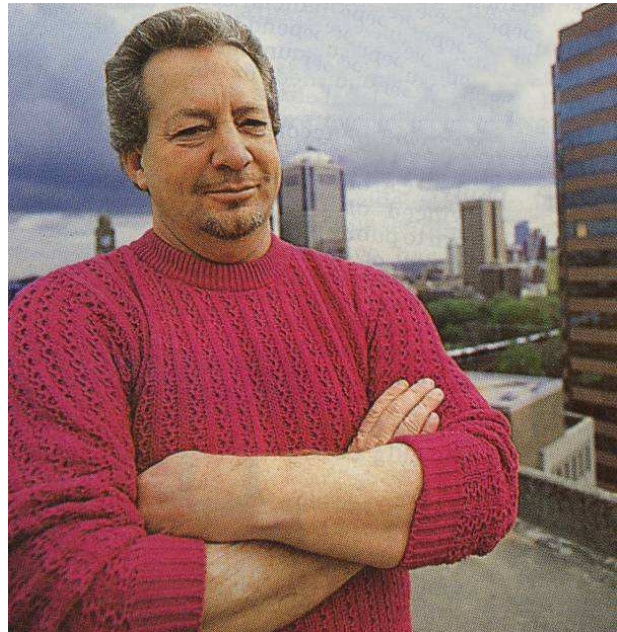
This foiled extortion and murder attempt by Evans was the causation and catalyst for all of Edelsten's later difficulties.

The principal characters in this bizarre drama include Stephen William Evans (aka Ralph Raymond Rayche), Christopher Dale Flannery, Rex Beaver, corrupt NSW Police, and vindictive State and Federal identities.



5.1.1 Stephen William Evans

- (1) **Contrary to oft-repeated media error, Evans was never a patient of Dr Edelsten**
- (2) Also known as Ralph Raymond Rayche
- (3) Habitual criminal and standover man
- (4) A thug, not a thinker
- (5) Set up by the police, but escapes trap set for him
- (6) Tracked down to Mildura and arrested
- (7) Prosecuted for his persecution of the Edelstens
- (8) Later prosecuted for major Centrelink fraud and sentenced to seven years
- (9) Is the subject of the later prosecution of Edelsten, but has no direct further role to play in this farce
- (10) Contrary to oft-repeated media distortion, Evans was not beaten up, physically chastised, or paddy-whacked. Evans was not harmed in any way.



Stephen William Evans – Career Criminal

5.1.2 Christopher Dale Flannery

- (a) A patient of Dr Edelsten
- (b) Known to the police in Victoria but virtually unknown in NSW in 1984 where these events occurred.
- (c) Linked to Dr Edelsten when the police trawled through Dr Edelsten's patient records until they found a name that they knew
- (d) Was unable to confirm to the police that he was anything other than a patient of Dr Edelsten's. Denied all knowledge of any plot to paddy-whack Evans.
- (e) Following laser surgery on his forearms and wrists by Dr Edelsten, Flannery was unable to attend a Judge's hearing on the date required. Judge wasn't prepared to postpone and Edelsten was cited for conspiracy to pervert the course of justice for carrying out the surgery and for providing a certificate attesting to Flannery's inability to attend court on the date required. The actual delay would have been minimal.
- (f) Supposedly linked to Edelsten by illegal and ambiguous audio recordings of mobile phone conversations made by Rex Beaver. No telephone conversations between Edelsten and Flannery were ever recorded or ever occurred.
- (g) Flannery disappeared in about 1986 and is presumed deceased. His reputation developed only after his disappearance.
- (h) Mrs K Flannery (widow of CD Flannery) testified on Edelsten's behalf in 1991. See Appendix A below.

5.1.3 Rex Beaver

- (1) Supposedly a private individual
- (2) Recorded hundreds of hours of Edelsten's private mobile phone conversations over a number of years in direct contravention of the Commonwealth of Australia Telecommunications Interception Act 1979, but never faced charges for these offences.
- (3) Beaver stalked Edelsten from hospitals to clinics and on social dates over many years
- (4) In 1986 Beaver selectively produces his illegally made recordings which are pounced on by the police
- (5) Nothing further known



- (6) Who funded him? Who provided the state-of-the-art equipment? Who paid his wages? Who paid for the release of his recordings? Who protected him from prosecution? Who wins – who loses?
- (7) Was he linked to corrupt NSW police? Was he linked to organised crime? Did he have some sort of connection to intelligence?
- (8) Beaver's illegally recorded, and quite ambiguous, conversations dated 3/3/84 and 15/4/84 are to be deliberately miss-represented and are to become critical.

5.1.4 The Alleged Offences

All began when, in early 1984, Edelsten and his then fiancée Leanne (later wife), became the innocent targets of:-

- (a) An extortion attempt for a substantial amount of money, followed by
- (b) prolonged harassment,
- (c) kidnap and death threats,
- (d) an actual attempt to kill them both, and
- (e) a terror campaign concluding only upon the eventual arrest of the perpetrator, Evans, in Mildura.

The direct result of these events by Evans, and subsequent illegally recorded but inconclusive mobile phone conversations by Beaver, would be a highly controversial trial in which Edelsten was charged with soliciting Flannery to assault Evans.

In July 1990 Edelsten stood trial for soliciting Flannery to assault Evans and for conspiring to pervert the course of justice (i.e. the catch-all charge; the charge they charge someone with when they don't have a charge to charge them with).

The trial proceeded on the basis of illegally recorded telephone conversations in 1984 as a result of the criminal activities of one Rex Beaver (who was never charged for his misdemeanours – why not?).

The Telecommunications Interception Act (Commonwealth) was varied to allow the trial to proceed as it was realised by both State and Federal governments that there was no evidence to support the prosecution in the absence of the illegal telephone recordings of the conversations between Edelsten and Leanne (3/3/84), and between Edelsten and his receptionist (15/4/84).

Even with the admission of the recordings the media reported that there was a wrongful conviction. Further detailed analysis of the evidence was undertaken by the retired Supreme Court Justice of Queensland Peter Connolly QC who concluded that the trial miscarried and that the jury was wrongly directed.

Edelsten was incarcerated for a year but strenuously maintained his innocence. Primarily as a result of the pending prosecution his name was removed from the Medical Register in N.S.W. in 1988 (great anticipation) and, following his conviction and after his release, in Victoria in 1991.

It was and is widely believed that Edelsten was subject to a grave miscarriage of justice [see details below] in both the trial and the disbarments.

The reader should note that all media reports of these matters were superficial and sensationalised, are generally factually incorrect, and they continue to be regurgitated and misused by all sections of the media, including wikipedonya.



5.2 The Tapes

In 1986, two years after the extortion attempt, and following the Sydney Swans experiment, tapes of Edelsten's mobile phone conversations made by a private individual named Rex Beaver, who had recorded hundreds of hours of Edelsten's private conversations over a number of years in breach of the law (Telecommunications Interception Act, 1979), surfaced. It became evidence in later proceedings that Beaver had followed Edelsten from hospitals to clinics and on social dates over many years.

The illegal tapes are causing legal ructions at both State and Federal level.

The NSW police want to use the contents of the illegally recorded tapes in evidence against Edelsten. Edelsten was warned by Alderman Doug Sutherland, Lord Mayor of Sydney and a fellow director of the Sydney Swans, that Bob Hawke, the then Prime Minister of Australia, had called him to inform him that prosecution of Edelsten would be launched. Edelsten had previously replaced Hawke as number 1 ticket holder of the Sydney Swans.

The Commonwealth begins enacting legislation to permit the one-time use of the illegal recordings as evidence. The legislation is named the "Edelsten Amendment" to the Telecommunications Interception Act 1979.

The NSW police are quicker off the mark and gazump the Federals by three days.

5.3 The Trial

- [Edelsten –
1. I did not solicit (or anything else) Flannery (or anyone else) to assault (or anything else) Evans (or anyone else).
 2. I did not conspire to pervert the course of justice. (given the same medical circumstances I would again provide an appropriate medical certificate for an ill patient – including a wikippeedonya editor. The mere existence or otherwise of pending legal proceedings has no bearing on the making of such a medical decision, and would not have influenced my decision had I known about it).]

In 1988 Dr Geoffrey Edelsten was charged with, in 1984, soliciting Christopher Dale Flannery to assault Stephen William Evans and to conspire to pervert the course of justice.

Edelsten sought extensive legal advice from numerous QCs all of whom believed there was no case to answer. The only evidence against him were the two illegally recorded mobile phone conversations which were ambiguous in the extreme and were capable of being readily construed in perfectly innocent ways, and should have been so construed if the presiding trial judge had done his job

Nothing had actually happened to Evans. Evans was not beaten up. Evans was not harmed in any way. Evans had never been a patient of Edelsten's. Evans was the thug who had tried to extort, kidnap, and kill Edelsten in 1984.

Immediately prior to trial Edelsten's barrister withdrew from the case causing a rush to find a replacement. No adjournment was granted. Unfortunately, the replacement barrister was never able to come up to full speed on all the facts surrounding the case.

In his 1990 trial Edelsten gave evidence that Flannery was only known to him as a patient, his reputation only became apparent after his disappearance, presumably murdered, in approximately 1986. Edelsten further attested that he had never solicited or hired Flannery or anyone else to attack Evans. Most observers and the media were expecting a rapid acquittal, but this was not to be the case. Edelsten was found guilty on both counts and received six months for each count to be served consecutively (not concurrently).



5.4 Mr Connolly, QC

Following the trial new evidence became available (including that of Mrs K Flannery – widow of CD Flannery) and Mr. Connolly QC, a retired former Senior Justice of the Supreme Court of Queensland, was engaged by Edelsten to conduct an investigation of the trial and of the evidence, and to give his considered opinion.

Mr Connolly, QC concluded

“QUOTE”

1. Dr Edelsten faced the jury as a professional man well known to be offside with his profession and a man with a flamboyant lifestyle. Such men tend to receive little sympathy from judge or jury and it is essential to a fair trial that in such cases it be conducted strictly according to the law.
2. The trial was marred by errors of law in that –
 - a. the act required to be proved as the act solicited was not confined to assault;
 - b. the direction in relation to circumstantial evidence was not adequate;
 - c. the jury was invited to draw inferences of guilt from ambiguous words without a warning that they could only do so if those inferences were the only rational inferences that could be drawn.
3. It was not open to the jury to draw inferences of guilt from the telephone conversation of 3/3/84 and 15/4/84.
4. ...The summing up of the learned judge when he told the jury that ...(A witness)... had more than a casual relationship with Dr Edelsten was in error.
5. The only review at judicial level of the new evidence has been that of Finlay J (A retired Justice), who, with respect, misconceived his function...
...Any one who thought it capable of belief would have felt the requisite “unease” or “sense of disquiet”: Varley 1987 (8 NSW LR 30, 35, 48). In rejecting it out of hand his Honour was really requiring doubt as to Dr Edelsten’s guilt to be shown to his own satisfaction which is, with respect, erroneous: Varley at 48.

“END QUOTE”

This should have resulted in the conviction being overturned.

Despite this learned opinion, new incontrovertible evidence, and general advice Edelsten was denied leave to refer the matter to the Court of Appeal.

In 1984, much of the evidence concerning Evans was unknown to Edelsten until Edelsten actually attended Evans’ criminal trial. It was only then that Edelsten learned anything about Evans, even what he looked like. Evans was in custody and was no longer a problem. There was simply no reason for Edelsten to take matters/justice into his own hands. Evans was being properly dealt with and any actions Edelsten might take could only assist Evans getting off; Edelsten could only be a loser. It is inconceivable that Edelsten had anything to gain by attempting a non-legal action against Evans. And Edelsten was a very legal person.

In 1990 it was not a part of the prosecution case that Flannery was hired, the alleged offence was described as soliciting (requesting or discussing). Unfortunately, with Flannery’s disappearance, Edelsten had no corroborating evidence that their relationship was only a doctor/patient relationship. However, this is moot, as the police had no admissions at all from Flannery to the contrary, and it is up to the police to prove their case. Thus it all comes down to the admission into evidence of the illegally made recordings; which situation can never again arise following the Edelsten Amendment.

Significant misreporting of the facts and evidence has been repeated ad nauseum over the past 20 years by virtually all sections of the media with no report being accurate. As usually happens in history, the oft-repeated



lie overwhelms the once mentioned truth, and the lie becomes truth, and history is then based on the lie. Current web-sites have now picked up on the old inaccurate, much repeated newspaper lies, missed the once mentioned truth, and now attest to the lies as being truth. Web-sites can only be as accurate as the rubbish they're touting; i.e.: not accurate at all. And now wikippeedonya "cites" (sounds like an official term doesn't it – perhaps it should be spelt as "sights") these erroneous web-sites as truth. Whereas, in actuality, the "truth" is known to only ONE person from those times – Edelsten – and he is the one person that wikippeedonya is not prepared to accept as truthful. (Based on what – erroneous newspaper reports of course).

5.5 Aftershock

Edelsten then served his full time, was a model prisoner but, unlike nearly all others, received no remission for good behaviour. He came out to a shattered life, left Sydney and moved back to Melbourne.

While inside, his ex-wife married one of his barristers.

Now it was the turn of VCAT in Victoria to have their pound of flesh followed by Medicare. The Australian Taxation Office also took him on but the ATO came out of it with a bloodied nose.

5.6 The 1990s

In 1991 Edelsten was found to be suffering a large brain tumour (left Cavernous Sinus Schwannoma) and also required heart bypass surgery. With an uncertain life expectancy he immersed himself in scholastic pursuits. He was awarded a doctorate, 7 master's degrees, and a further bachelor's degree, along with several diplomas and certificates.

In 1997 Professor Vinko Dolenc, professor of neurosurgery on a visit to Australia to lecture Australian neurosurgeons, successfully operated and removed the tumour with few deleterious results.

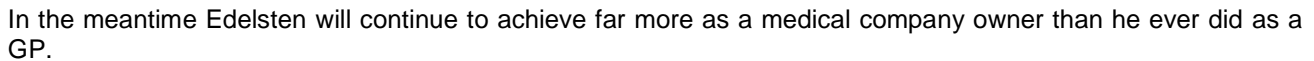
5.7 New Medical Career

Edelsten sold off his Sydney practices in late 80's and returned to Melbourne,

He then embarked upon a new medical career in 1999 by commencing one of the first DNA paternity testing services – Gene-e Pty Ltd. In 2001 he commenced Victoria's first 24 hour bulk-billing medical centre and this was followed by several others. His success has resulted in his operating several of the largest clinics in Melbourne and consulting to other groups.

Edelsten's inability to practice medicine as a result of the NSW Medical Tribunal's (MT-NSW) decisions has proven no obstacle to his owning and operating medical centres. Re-registration is a nicety only. And as he's operating outside their sphere of control they are of little consequence. He understands the jealousy of his achievements by certain sections of the medical profession and forgives them for their petty revenge. They have taken away his ability to practice as a medical doctor, but this does not change the fact that he qualified as a doctor, had a significant career as a doctor, and has and does put more into medicine and doctoring than many put in over several lifetimes.

Up till now, the main factor against Edelsten's re-admittance has been his constant protestations of innocence. Whilst Edelsten continues to assert his innocence the Medical Tribunal will continue to point to his failure to rehabilitate himself, citing as proof his assertions of innocence. Stand-off Catch-22 style. To be re-admitted Edelsten must admit guilt and agree to their terms.



Edelsten's ongoing mentoring and teaching of overseas trained doctors is continuing apace, and this is proving to be a most valuable contribution to the individual practitioners and to their clinics.

6 SYDNEY SWANS

Dr Geoffrey Edelsten and Sydney Swans YouTube Video:
<http://www.youtube.com/watch?v=2Gr-dXa6WKc&feature=related>

By 1985 the Sydney Swans were in dire financial difficulty and the Victorian Football League had supported the club to the best of its financial capability. The other clubs were balking and unwilling to pour further monies into Sydney. The experiment was almost over and South Melbourne supporters were preparing for a homecoming. Ongoing funding of the Swans was critical and a white knight was badly needed. In Dr Geoffrey Edelsten the VFL found their white knight. Others considered Edelsten to be a walking wallet; others considered him to be a pigeon; others a patsy. Whatever way it went, Edelsten had the cash and the pizzazz that the VFL and the Swans badly needed.

[illegible]

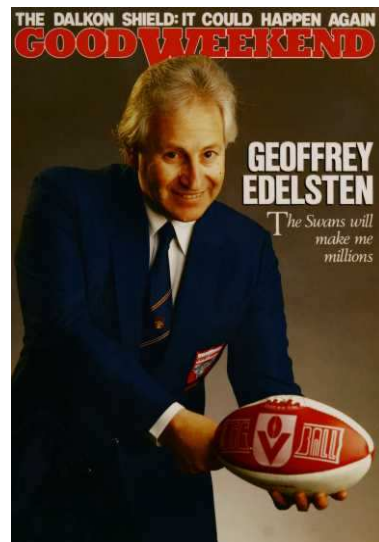


Contrary to popular belief Edelsten did not buy the Swans. Edelsten purchased a franchise or licence to operate the Swans.

Edelsten leaped in and changed the face of Australian Football. He was approached by the directors of Westeq a publicly listed company to assist them establishing medical centres in Western Australia. They became enamoured with Edelsten's procurement of the Swans and together with Edelsten's assistance facilitated an IPO of Powerplay Ltd where Edelsten remained the largest single investor and spent 1 million dollars of his own money.



Dr Geoffrey Edelsten with Nurses
in Operating Theatre Celebrating Swans Purchase



Dr Geoffrey Edelsten
Good Weekend

He remained chairman of the Sydney Swans following the Powerplay listing.

Westeq and Powerplay, with Bob Pritchard responsible for the marketing of the Swans, mismanaged dismally the process. Following Edelsten's resignation as Chairman of the Sydney Swans, Powerplay went belly up losing more than 20 million dollars and the licence was resumed by the AFL for 1 dollar.



The Swans have been rescued. The VFL coffers have benefited, the VFL is saved, and the AFL is being born. Who needs Edelsten anymore ? But we don't want to give back any of his money! Any money-recovery action must be headed off.

Millions of dollars are at stake.

Who won, who lost ?



Dr Geoffrey Edelsten, Tom Hafey, Leanne Edelsten;
Hafey Becomes Coach of the Rebirthed Swans



Mrs Leanne Edelsten and Dr Geoffrey Edelsten;
Celebrate First Swans Win



Dr Edelsten with Wife Leanne -
Soon After Awarded Swans License



Dr Edelsten with Wife Leanne -
Immediately After Awarded Swans License



The licence was then purchased by a number of high profile Swans supporters such as the TV personality Mike Willessee who had been criticised for drunk TV appearances. Twelve months after commencement the licence is again rescinded and now Willessee is out (good little money earner for someone).



Dr Geoffrey Edelsten with Mr & Mrs Warrick Capper



Edelsten's Grass Roots; David Parken and Dr Geoffrey Edelsten - Carlton Premiership Cup 1995



Edelsten's Grass Roots; Denis Pagen and Prof Dr Geoffrey Edelsten - Number 1 Jumper for Esteemed Inner Blue Member



7 CHARITY

Edelsten expects charity from no one.

On the other hand he currently expends a considerable investment of time and money to his favourite charitable pursuits.

As a result of his past history with Fred, and their doctor/patient relationship, Edelsten holds the Fred Hollows Foundation in the highest esteem and is proud to recommend it to all Australians. <http://www.fredhollows.org/>

He has donated substantial sums to Music Rostrum to foster young music talent, the Australian Sports Foundation, The Autistic Children's Society, his school, Mt. Scopus Memorial College, and many junior sports groups. He has donated more than \$500,000 to charities.



People Weekly
Dr Geoffrey Edelsten Donates \$50,000



Dr Geoffrey Edelsten;
Promotion for the Celebrity Charity Ball



Donations;
Dr Geoffrey Edelsten's Favorite Sports Clubs



Donations;
Dr Geoffrey Edelsten's Favorite Sports Clubs



8 RELATIONS WITH MEDIA

Media reporting of Edelsten has always been superficial Sensationalistic Journalistic Hogwash (SJH). No newspaper article is accurate or reliable. No website regurgitating this rubbish is accurate or reliable. Everything has spin. Start with a kernel of truth then embellish beyond all recognition.

Reporting of Edelsten in the 1980's until now has been akin to the contemporary reporting of media stars such as Britney Spears or the McCanns.

If you don't have sellable copy – invent something.

8.1 Recent Interview

Edelsten has been around the block a few times. Interviews are now only granted under controlled conditions.

The following is an account of a recent "interview" by a "professional" reporter:

ring, ring, ring

Edelsten: "Hello"

Journo: "Jacob Saulwick here"

Edelsten: "Goodbye". Hangs up. Elapsed time = 3 seconds.

This "interview", in a great deal more "detail", now appears on a web-site where it has been picked up by wikippeedonya and used by a wikippeedonya editor "michellecrisp" to further denigrate and discredit Edelsten⁷.

There IS a kernel of "truth" – Saulwick rang Edelsten – and truth ended there.

The above has become standard reporting procedure (SRP) for journos dealing with Edelsten and the use of such rubbish is now becoming SRP for wikippeedonya.

⁷ Andrew Hornery / Jacob Saulwick – "Life & Style - Web of Confusion", The Sydney Morning Herald, February 2nd 2008.
<http://www.smh.com.au/articles/2008/02/01/1201801031376.html?page=fullpage#contentSwap1>



9 FACTS and FALLACIES

1. Newspaper reports of Edelsten's life and legal travails have been widely misreported. In the article "Repentant Edelsten Wants to Practice Again"; the article mistakenly describes the offence as hiring a hit-man to bash a former patient, the correct offence was soliciting Flannery to assault Evans, it is clear that Flannery was unknown in NSW at this time (trial REF) and developed a reputation after he disappeared, thought to have been murdered. Evans was never a patient of Edelsten, Edelsten saw Evans for the first time at Evans trial. No harm was occasioned to Evans.

Edelsten was charged with hiring a hit-man to bash a former patient. **WRONG WRONG WRONG.**

Edelsten was charged with soliciting Flannery to assault Evans. **CORRECT CHARGE.**

No reporter or wikipedonya editor now has any excuse for getting it wrong again.

2. "A Few Regrets but Edelsten is Still True Blue – 30th of June 2004, SMH, Alex Brown" The inaccurate reported detail above has been repeated yet again, fiction is more sensational than the truth.
3. Edelsten never drove a pink Porsche, a pink Ferrari, or any pink car. It is true Leanne was given a pink De Tomaso for her 21st birthday.
4. There was never a pink Edelsten helicopter, yet this myth has become folk law. There was in fact a blue and white one which was used to transport Edelsten and his doctors to Hospital. Although he had a fixed wing license to fly light aircraft he employed a pilot for his rotary wing helicopter. There are often helicopters in the sky at major sporting events particularly owned by news organisations, but the mere appearance of a helicopter, black white pink brindle or otherwise, can not imply that it had anything to do with Edelsten, nor that he or his wife was a passenger in it.
5. Preventicare DID NOT go bankrupt. Preventicare changed its name to Morlea Pathology and successfully traded out of its debt..
6. Edelsten was never a part of Edels records.

10 SUMMARY

Dr Geoffrey Edelsten has had a major impact on medical treatment in Australia. His legacy will continue long after him. On the basis of illegally obtained ambiguous evidence his reputation has suffered, but only amongst those who do not know him. Despite everything thrown at him, Edelsten continues to advance his clinics and to his contributions to Australian medicine.



11 EPILOGUE

Compilation of a recent discussion:

Q: Why do you now prefer Melbourne to Sydney ?

A: Safer here. In Sydney there was always someone trying to shake me down.

Q: Did you ever get shaken down ?

A: Once. For a few million.

Q: Who by ?

A: No. [shakes his head]

Q: How would you respond to everything that's happened to you ?

A: The Kelly summation.

Q: What's that ?

A: Ned's lament.

Q: What's that ?

A: Such is Life.

Q: Is there anything you regret ?

A: No. It is pointless having regrets, one must look forward.

Q: If given the opportunity would you change any one thing?

A: Yes, preserve anonymity. It is so precious and once lost can never be regained. (A philosophy espoused by Matt Damon interviewed by Channel 9, 2007). An individual must constantly check the internet for references to themselves and have them removed if at all possible. In the public eye is not a nice place to be.



12 WIKIPEDIA DISCREDITED ([WIKIPEEDONYA](#))

Edelsten constantly protests his innocence of the charges. So how offensive is the wikippeedonya article about him.

Wikippeedonya has been repeatedly discredited as a source of reliable and factual information particularly when high profile living persons are involved. Efforts to obtain factual corrections are hindered by those with prejudiced views who edit the article in order to cause harm. This is compounded by the wikippeedonya management's failure to take appropriate corrective action and their failure to abide by their own policies which, if followed, would not permit such defamatory articles to come into being.

See the history of the Bill Gates entry.

This site, www.geoffreyedelsten.com, endeavours to put together a factual dossier which, by comparison, highlights the clearly prejudicial, inaccurate and biased entry that wikippeedonya has published.

Readers are invited to attempt legitimate correction of the wikippeedonya article (but its likely you won't be able to – the wikippeedonya editor team is a closed shop) and to disseminate the increasingly prevalent view of wikippeedonya's lack of honesty, reliability and impartiality. The wikippeedonya article results in an unjustified invasion of privacy, and has resulted in actual identity fraud and other misdemeanours against the target.

It is requested that readers petition wikippeedonya for the removal of the article.

Is it true that for a "Donation" of \$US2000 wikippeedonya will permit the donee editing rights?

Is it true that for a "Donation" of \$US6000 wikippeedonya will form an editing team to provide the required entry and will vigorously defend the entry against all comers for a period of two years?

13 HAS WIKIPEEDONYA TOO ?

Recently, a number of articles have appeared in the Melbourne press and on the internet providing instances of other living persons who have been subjected to the wikippeedonya devilish process.

Sol Trujillo	-	Herald Sun, Friday, June 13, 2008, page 85 http://www.theaustralian.com.au
Peter Costello	-	Herald Sun, Friday, June 13, 2008, page 85
Mick Keelty	-	Herald Sun, Friday, June 13, 2008, page 85

Who else wishes to be added to this list ?

Who's next on their hit list ?



14 PERPETRATORS of DEFAMATORY LIES

"The era of procrastination, of half-measures, of soothing and baffling expedients, of delays, is coming to a close. In its place we are entering a period of consequences" – Winston Churchill.

'An Inconvenient Truth' – Al Gore.

The following are persons, mostly journalists, who have been responsible for inaccurate articles and reports which continue to disseminate falsehoods, many with malicious intent.

Notice is given that these inaccuracies and often blatant lies will not be tolerated. Action will be taken to name and shame and if necessary legal proceedings will be instituted.

We have now initiated profiling of the perpetrators of inaccuracies, defamatory lies, etc. The following individuals are now on notice. If you or anyone else has information regarding these individuals please contact us at info@geoffedelsten.com.au. Home address, business address, phone numbers, and other personal details are typical of profiling. Our intention is to build a case. We may consider publishing such details in the future at our discretion, and in the form we see appropriate.

Upon removal of the defamatory references, comments, and erroneous facts and in appropriate cases the publication of a retraction or correction then the name will be removed from this shame list. This is our good faith gesture as Edelsten has done no one individual harm, especially the individuals who make up this shame list.

- 1 **Paul Smith** – Australian Dr – June 25th 2008
Despite being made aware of the facts from which his article was drawn this journalist reported incorrect and defamatory matters breaching the journalists code of ethics and the Australian Press Council's Statement of Principles.
Paul Smith – Australian Dr – November 2nd 2007.
- 2 **Grant McArthur**, Melbourne Herald Sun, June 26th 2008
He was granted a telephone interview and given a detailed description and reference to the correct facts. He ignored this and has reported defamatory and incorrect material breaching the Journalists Code of Ethics and has gratuitously included material relevant to Edelsten even though this was unrelated to the matter under discussion. His actions were made considerably worse because the Editor of the Herald Sun had recently been informed about the correct factual matters. Facts such as dates are also wrong.
- 3 **Melbourne Herald Sun** – "Sydney Goes for the Doctor" – May 23rd 2008.
- 4 **Alex Brown** – The Sydney Morning Herald – "A Few Regrets but Edelsten is Still True Blue" – April 1st 2004.
<http://www.smh.com.au/articles/2004/06/30/1088488029616.html?from=storylhs>
- 5 **AAP** – The Age – Edelsten Tries to Re-Enter the Ranks of Doctors – November 25th 2003.
<http://www.theage.com.au/articles/2003/11/24/1069522536209.html>
- 6 **Greg Bearup** – Goodweekend Sydney Morning Herald / The Age.
- 7 **Andrew Hornery / Jacob Saulwick** – "Life & Style - Web of Confusion", The Sydney Morning Herald, February 2nd 2008.
<http://www.smh.com.au/articles/2008/02/01/1201801031376.html?page=fullpage#contentSwap1>



- 8 **Patrick Carlyon** – “Dad’s the Word on DNA” – The Bulletin – April 5th 2005.
- 9 **Jason Bennett** – Fox Footy – “The Headliners Program” – May 24th & 31st 2006.
Sort and was granted an interview but engaged in misleading and deceptive conduct in that matters where Edelsten’s view diametrically opposed to others, these matters were not put to Edelsten and the other view published. A most unethically and unprofessional approach. His not being rehired by Foxtel is well deserved.
- 10 **Michellecrisp / Michelle Crisp** – Wikipedia 2008.
<http://en.wikipedia.org/wiki/User:Michellecrisp>
- 11 **Matilda / AYArktos** – Wikipedia 2008.
<http://en.wikipedia.org/wiki/User:Matilda>
- 12 **Calton** – Wikipedia 2008.
<http://en.wikipedia.org/wiki/User:Calton>
- 13 **Michael Coulter** – The Sunday Age – March 5th 2006.
- 14 **David Hurley (Executive Producer of A Current Affair)** – A Segment on Dr Vinod Kumar - June 28th 2005.
- 15 The Sunday Telegraph – September 25th 2005.
- 16 **Bruce Mathews** – “Edelsten Figurehead Not Swans Owner” – Herald Sun – May 31st 2006.
- 17 **Leonie Lamont** – “Repentant Edelsten Wants to Practise Again” – The Sydney Morning Herald, November 25th 2003.
<http://www.smh.com.au/articles/2003/11/24/1069522537877.html>



15 APPEAL to the AUSTRALIAN GOVERNMENT

Wikepeedonya; this poor American excuse for an Encyclopaedia Britannica has no real role in our society with respect to living persons.

It merely provides the disgruntled with an anonymous on-line outlet for their spleen against individuals.

Fact is not required. Primary sources are not used nor referenced. Instead newspaper and magazine gossip is the order of the day. Accuracy is not checked, let alone confirmed. If they can find it on a web-site somewhere, anywhere, then it will be used, most particularly defamatory gossip. The more sensationalistic the better.

Contrary articles are repressed as “fakes” by the wikepeedonya editors. Legitimate corrections by the subject of their spleen are all removed as soon as they are posted because the wikepeedonya editors won't accept “self-interest” articles no matter how accurate or important.

In dealing with these people one gets the impression of dealing with a team of four, five or six editors all hell bent on the destruction of their current target. One gets the impression that they are not “volunteers” but are being “paid” to do their current hatchet job. One observes them in action, one sees their modus operandi, one gets to anticipate their responses, but one never gets to change a single word.

One makes a comment. Their first response is for one of their team to ascertain who you are and to advise the others as to whether you've made previous comments. Then at least two of them will attack your comment as being irrelevant, worthless, incorrect, fake, or other. They use sarcasm a lot. They use wikepeedonya jargon a lot and require you to abide by it but do not do so themselves. It is clear that outside contributions are not wanted. If you manage to make a legitimate comment another of their team pops up with “I spotted that earlier”. Time progresses, tempers fray. Then they really gang up on you. They give you warnings about your conduct, and they threaten you with disbarment. Then an “administrator” steps in and removes your editing and commenting rights for a three month period; presumably to give the editor team a rest. None of the editing team gets banned, only you. You don't actually have to do anything except be argumentative; they can't stand that. Then another member of the team engages an outside I.T. company to search for and ascertain your I.P. address; why? Then you are placed on a list of their undesirables. Its all good fun and perfectly predictable when you know what's happening but it can be frightening for the uninitiated.

And you never get to change a single word.

We submit to the Australian Government that wikepeedonya is out of control and deliberately doing hatchet jobs on many of our most distinguished living Australians. They deliberately set out to use sensationalistic articles before truth and will not correct their entries merely on account of “truth”.

We submit to the Australian Government that regulation is required.

We submit that:

- (1) There must be accountability.
- (2) Newspaper and magazine articles are insufficiently accurate to be used for such biographical purposes about living people.
- (3) Primary sources must be adhered to – such as official records, tribunals, courts, etc.
- (4) Wikepeedonya's requirement that articles must be on-line somewhere is unfair, particularly when dealing with persons who made their name before the 1980's.
- (5) Only sensationalistic articles are reproduced on the internet anyway, and are so reproduced by persons with usually reprehensible purposes. It is insufficient cause for wikepeedonya to include an article simply because it appears somewhere on the internet.
- (6) The subject of the biography must be given editing rights.
- (7) The subject of the biography must be given the right to demand the removal of the biography about him/her from the internet, and the biography must be removed from the internet when so demanded.
- (8) When an article is in dispute the entire biography must be removed until the dispute is settled to the satisfaction of the subject of the biography.



- (9) Costs must be granted to the subject of an offending biography where (5) and (6) above have not been adhered to.
- (10) Internet filters must be enabled to prevent defamatory articles and biographies about living Australian citizens being accessed from Australia. [What comes first – the right of the individual to be protected against false information, or the right of the masses to view false information to the detriment of the individual].
- (11) Statutory fines be enacted which may be used against both wikipedians and their editors for the inclusion of factually incorrect information.
- (12) The onus of proof of fact must be placed upon both wikipedians and the specific editor who included the information.
- (13) An editor who includes incorrect information must be banned from further editing of the subject biography.
- (14) Penalties must be tripled for editors who come back and re-offend under another name.
- (15) It is not sufficient defence for an offending editor to plead ignorance or to put false information in the form of a question.
- (16) An editor may safely include information provided, or agreed to, by the subject of the biography.
- (17) An editor shall not without good cause suppress or delete information provided by the subject of the biography.



16 APPENDICES

APPENDIX A - [Flannery evidence proves wrongful conviction: Edelsten](http://www.geoffreyedelsten.com/1991-08-17-The-Age-Flannery-Evidence-Proves-Wrongful-Conviction-Edelsten.pdf)

<http://www.geoffreyedelsten.com/1991-08-17-The-Age-Flannery-Evidence-Proves-Wrongful-Conviction-Edelsten.pdf>

17/08/1991 – The Age

By SALLY HEATH,
medical reporter

Evidence presented to the Victorian Medical Board hearing on Dr Geoffrey Edelsten this week proved that he was wrongly convicted in New South Wales last year, Dr Edelsten said yesterday.

The board has been considering the possible deregistration of Dr Edelsten after his conviction in July 1990 of conspiring seven years ago to pervert the course of justice by improperly issuing a medical certificate for the alleged hit-man Christopher Dale Flannery and of soliciting him to assault a former patient.

However, on Tuesday, Mrs Kathleen Flannery told the board her husband had been genuinely ill in hospital when the medical certificate was issued.

She said she was stunned when Dr Edelsten was convicted but she had not come forward because no one had asked her.

She said her husband had gone to Dr Edelsten's clinic to have a tattoo removed and had subsequently become ill and required treatment in hospital. He was unable to stand trial because of his medical condition, she said.

Her husband had never indicated that he had a special arrangement with Dr Edelsten to obtain a medical certificate to adjourn or delay Mr Flannery's trial.

She said that during the clinic visits for the tattoo removal Mr Flannery discovered that Dr Edelsten was facing attempted blackmail by two former patients. As a result, Mr Flannery contacted a friend in the NSW police force, Detective Bill Duff, who visited Dr Edelsten's clinic and arranged to have his post office box put under surveillance.

She said that neither she nor her husband had any subsequent contact with Dr Edelsten.

Mrs Flannery said she wanted to put the record straight. Her evidence was made public yesterday.

After its release, Dr Edelsten said; "It is fabulous news. Her appearance at the board was a complete surprise to everyone." He said his lawyers would urge the NSW Attorney-General, Mr Collins, to hold a judicial inquiry into his convictions.

The Medical Board hearing has been adjourned until Thursday.



APPENDIX B - Illegal tapes could halt Edelsten case

<http://www.geoffreyedelsten.com/1987-10-30-The-Age-Illegal-tapes-could-halt-Edelsten-case.pdf>

30/10/1987 – The Age

The Federal Government's legislation against the use of illegally intercepted telephone conversations as court evidence is likely to result in the dropping of criminal charges against the medical entrepreneur, Dr Geoffrey Edelsten.

Dr Edelsten is charged in the Sydney Central Local Court with conspiring to assault a former patient and conspiring to pervert the course of justice. The matter had been set down for hearing on 23 November.

The court was told yesterday that the bulk of the case against Dr Edelsten was based on tapes of illegal telephone taps which, under the Federal Telecommunications Act, passed in June and expected to take effect before the end of the year, would not be admissible evidence.

Mr James Sheblin, for the director of public prosecutions, said that without the use of two illegally taped conversations, the prosecution would have insufficient evidence to mount a case.

Mr Sheblin told the magistrate, Mr David Hyde, that there was no section within the act providing for cases already before the court.

Mr Hyde vacated the committal hearing dates and stood the matter over until 15 December for mention.



APPENDIX C - [Bowen moves on prosecutions](http://www.geoffreyedelsten.com/1987-11-05-The-Sydney-Morning-Herald-Bowen-moves-on-prosecutions.pdf)

<http://www.geoffreyedelsten.com/1987-11-05-The-Sydney-Morning-Herald-Bowen-moves-on-prosecutions.pdf>

05/11/1987 – The Sydney Morning Herald

by Ross Dunn

CANBERRA: The Attorney-General, Mr Bowen, plans to introduce urgent legislation today to allow a number of prosecutions to proceed, including criminal charges against Dr Geoffrey Edelsten.

Edelsten is facing charges of conspiring with the missing underworld figure Christopher Dale Flannery to assault a former patient, Mr Stephen Evans, between January 1 and April 30, 1994, and of conspiring with Flannery and others between January 1 and February 29, 1994, to pervert the course of justice.

The matter is up for mention again on December 15.

The prosecution case is primarily based on the tender of cassette tapes of two telephone conversations intercepted by scanners. Although illegally intercepted, there is legal precedent for them to be accepted as evidence at the discretion of the court.

Under changes to the Telecommunications Interceptions Act, the Government intends to remove this discretion in future cases.

However, the Government had proposed in its original bill a section to ensure that proceedings currently before the court, such as the Edelsten case, were not affected.

This section was knocked out in the Senate through the combined opposition of the Coalition parties, who claimed it was retrospective, and the Australian Democrats.

Mr Bowen will reintroduce this section of the bill today, banking on Opposition support because of the threatened court cases.

Mr Bowen told Parliament yesterday it was clear that the bill, as originally proposed, "would have allowed the prosecutions to continue".
"They are in jeopardy now," he said.

The Government had not proclaimed the Act because it wanted the prosecutions to proceed.

The Coalition parties agreed this week to support in principle changes to the telephone interceptions bill.

At the same time, the shadow Attorney-General, Mr Reith, claims the Opposition's policy on the legislation has not changed.

The Opposition believed that the admissibility of telephone tap material, illegal or not, should be left to the court's discretion.

He said the Government wanted the Opposition to "agree to a bill which ensures that illegally obtained information which has been obtained in the past will be admissible under the Common Law whilst illegally obtained information obtained in the future will be not be admissible".

"This is a classic case of the Government wanting to have its cake and eat it too," Mr Reith said.

"It is happy to see illegally obtained information to prosecute certain pending actions but it would bar such material in future cases."



APPENDIX D - [Telstra Flack Flits in to Finesse Sol's Wikipedia Entry](http://www.geoffreyedelsten.com/2008_04_22-The-Australian-Telstra-Flack-Flits-in-to-Finesse-Sol's-Wikipedia-Entry.pdf)

http://www.geoffreyedelsten.com/2008_04_22-The-Australian-Telstra-Flack-Flits-in-to-Finesse-Sol's-Wikipedia-Entry.pdf

22/04/2008 – The Australian

by Rebecca Urban

The online encyclopedia's information on the telco boss is a long way from complimentary

ARGUABLY one of the most disputed pages on Wikipedia - that profiling Telstra boss Sol Tujillo is poised for a tidy-up.

The online encyclopedia, a mish-mash of postings from volunteers from around the world, hasn't been kind to the telco's US import.

A quick scan of Trujillo's profile leaves the impression of a controversial chap who presided over a sharp slump in the value of Telstra's 'shares, yet was happy to put his hand out for a multi-million-dollar salary bonus. No wonder there's a caveat at the top of the web page warning that the neutrality of the article is in dispute.

The article has even prompted quite a bit of chit-chat on Wikipedia's online discussion forum, as supporters and detractors of Trujillo vent their spleen.

Describing the biography as pathetic, biased and libellous, one contributor calls for a clean-up. Another isn't so sure: "I think this article is a very honest look at how much people hate Sol" Surely not.

Anyway, the flackery at Telstra have finally had enough. Tanya Dunning, of the telco's public affairs office, logged on to Wikipedia this month offering to help sort out some of the confusion surrounding her great leader.

"I'm here to contribute information that will improve the quality of Telstra-related-pages," Dunning advised. "I will not engage in editing directly any Telstra-related page. Instead, I would volunteer information on the talk pages, and ask for Wikipedians' help." What a generous offer.

At least Telstra's being upfront about its involvement, unlike staff of the previous Howard government, who were last year caught out erasing Wikipedia comments that were damaging to politicians, including a reference to former treasurer Peter Costello as Captain Smirk.



APPENDIX E - [Wiki Reference Riles Trujillo](http://www.geoffreyedelsten.com/2008_06_13-Herald-Sun-Wiki-Reference-Riles-Trujillo.pdf)

http://www.geoffreyedelsten.com/2008_06_13-Herald-Sun-Wiki-Reference-Riles-Trujillo.pdf

13/06/2008 – Herald Sun

by Fleur Leydon

TELSTRA boss Sol Trujillo threatened Wikipedia with legal action if it failed to remove defamatory statements about him.

It emerged yesterday that lawyers for Mr Trujillo had written to the internet encyclopedia in March, demanding the removal of defamatory material.

A copy of the letter, published on online legal issues website Chilling Effects, also demanded that the person who was repeatedly uploading the material be blocked from the site.

"If Wikipedia and Wikimedia do not remove the improper language by that time (7pm on March 7), and take the steps necessary to block its being reinserted, Mr (Trujillo) intends to commence litigation ...," the letter states.

The offensive material has since been removed and Mr Trujillo's Wikipedia entry now consists of a brief career history, photograph and web links.

A search through the history section of the entry reveals that two unflattering sections titled "CEO of Telstra" and "Controversies" have been removed.

Both sections contained negative statements about Mr Trujillo's stewardship of telco US West, his tenure at Telstra and standing in the business community.

Telstra spokesman Martin Barr said Telstra was not involved in editing the site and the information that Mr Trujillo's lawyers wanted removed had "nothing to do with business".

"They were highly defamatory, false and offensive personal comments," he said.

"Wikipedia has recognised the defamatory and inaccurate nature of information ..."

Mr Barr could not confirm reports that the comments had been posted using a 3G mobile phone.

Mr Trujillo joins a growing list of high profile people, including former treasurer Peter Costello and Australian Federal Police Commissioner Mick Keelty, who have had profiles on Wikipedia tampered with.

Mr Trujillo's Wikipedia entry has now been protected and can only be edited by registered users.

The site has a policy of removing imbalanced or offensive material.



APPENDIX F - Medical computer company agrees to liquidator

<http://www.geoffreyedelsten.com/The-Sydney-Morning-Herald-Friday-02-July-1971-Page-8.pdf>

02/07/1971 The Sydney Morning Herald (Page 8)

By SHAUN McILRAITH, Medical Correspondent

Preventicare, the Sydney company providing diagnostic test and computerized history-taking for doctors throughout Australia, has agreed to the appointment of a provisional liquidator.

But the company was not in danger of going out of business, one of its two directors – both doctors – said yesterday.

The doctor, whose name cannot be published for ethical reasons, said a provisional liquidator appointed by the Equity Court would act as a temporary business manager to straighten out the company's affairs.

He said Preventicare had incurred debts because some of its operations were not economically sound and because of slow payment of patients' accounts, totaling far more than the company owed.

One health insurance fund had taken up to 12 weeks to pay medical benefits on the accounts of the Preventicare pathologist, who was performing more than 4000 services a week.

Despite these setbacks, the company was becoming more active and was continuing to conduct Sydney's busiest pathology laboratory and doctors' locum service.

Recently, Preventicare scaled down its data processing activities, dismissing six of its eight computer staff.

It has decided not to keep large IBM computers installed in its Camperdown premises last month and will continue to rely on time sharing with IBM's computer centre at Rosebery.

The Preventicare director said the company had not returned to IBM any of the 130 computer terminals it provided free for its doctor clients.

He said some of the terminals had been reallocated to busier doctors' surgeries in rationalization of the company's operations. Some were serving two or three surgeries.

"The terminals are expensive and although they can perform a very useful function, they cannot be justified economically in some doctors' surgeries," he said.

Some of the nursing sisters employed to work in doctors surgeries had been dismissed in the rationalization, the director said.

Others had been reallocated to busier surgeries or had been rostered to serve two or three surgeries. But the total number of nurses employed by Preventicare was still 130.

The director said Preventicare was serving more than 700 doctors throughout Australia, including 450 in Sydney.

Its locum service, a major part of the business, covered 400 doctors in Sydney.



APPENDIX G - Medical network now being extended

<http://www.geoffreyedelsten.com/The-Sydney-Morning-Herald-Friday-13-August-1971-Page-28.pdf>

13/08/1971 The Sydney Morning Herald (Page 28)

PREVENTICARE would make a "slight" profit this month, the general manager of the computerized medical service, Mr. Brian Wickens, said yesterday.

He said the organization's severe cash-flow problems had been remedied and he now felt it was on a sound financial footing.

Preventicare provides diagnostic test and computerized medical history linking for general practitioners.

It recently cut back its EDP staff from eight to two – and returned an IBM 360/40 computer in what it called a "scaling down" of computer activities.

It has continued to use the IBM Call-360 time sharing service, and last month agreed to the appointment of a provisional liquidator to straighten out its financial affairs.

Mr. Wickens confirmed that the two remaining EDP staff, including the data processing manager Mr. John Muher had resigned.

However, after some initial pruning, the number of terminals in doctors' surgeries had been stabilized, and cautious expansions of the Preventicare network had begun particularly in the Canberra and Yass districts.

"During our difficulties our doctors have reacted tremendously and stuck by us." He said.

Mr. Wickens, who joined Preventicare in April and whose appointment as general manager was recently confirmed by the provisional liquidator, said he felt there was a great need for an organization such as Preventicare that would bring the benefits of computers without causing a loss of contact between a patient and his doctor.

He said that when Preventicare was back on a more profitable footing a great deal would be ploughed back into improved service and research.



APPENDIX H - The business side of pathology

<http://www.geoffreyedelsten.com/The-Sydney-Morning-Herald-Monday-28-October-1985-Page-4.pdf>

28/10/1985 The Sydney Morning Herald (Page 4)

By JOHN SAMPSON

Macquarie Pathology Services Pty Ltd. Reputedly the largest pathology service in NSW is but a part in financial empire of a Sydney-based medical practitioner, Dr Thomas Richard Wenkart.

Over the past 10 to 15 years; Dr Wenkart says, he has expanded his relatively-meagre business operations to embrace about 70 companies, with property the most substantial of his diverse interests.

It was property which started the empire when Dr Wenkart as a medical student invested in a Paddington terrace houses and carried out his own renovations.

But it is pathology services which have placed him reluctantly in the public light. Dr Wenkart and his pathology services are embroiled in controversy following Federal Parliament Public Accounts Committee.

Aside from the broader tangle of medical ethics, the law, and medicine as a business, one of the more controversial issue is free splitting between doctors. This is an illegal financial arrangements in pathology where, for example, Dr X(usually a general practitioner) refers a patient to Dr Y(a pathologist). Dr Y bills the patient and then split the fees with Dr X.

Under this arrangement, the financial incentive can easily lead to money overriding the health interests of the patient.

A Penrith pathology specialist, Dr Dermer Smith. Told the committee that complex corporate structure could be set up by pathology companies which allowed fee splitting arrangement to remain within the letter of the law. Dr Smith also accused pathology companies of "cutting corners".

He cited Macquarie Pathology Services in Leichhardt as an example.

The allegations against Macquarie pathology are vigorously denied by both Dr Wenkart and Dr Ross Sutton, general manager of operations of Macquarie Professional Services, a company closely associated with Macquarie Pathology.

They also denied that any companies associated with Dr Wenkart had offered financial inducements to doctors to refer patients' test to them, as alleged at the committee hearing.

Dr Wenkart has challenged any doctor to come forward with a claim that inducements or fee splitting has occurred or been offered by any of his medical companies.

With technological advances in the late 1960s, pathology has become big business. Dr Wenkart's pathology group is but one of many which have ridden on the back of the technological advances.

For administrative and financial reasons, many of the pathology groups separate their technical side, where pathologist interprets the results, into two or more individual companies.



According to Macquarie's Dr Sutton, who is former Senior Health Department adviser on the Government's Pathology Review Committee, Macquarie Professional Services provides the computerized pathology service where the results are interpreted by pathologist.

Macquarie Professional Service Pty Ltd. Employed 500 to 600 people ranging from couriers and accountants to laboratory staff, Dr Sutton said.

The company did not have any pathologist on staff but performed technical, analysis of pathology samples. It was a similar company structure to that operated by Dr Smith or any number of pathologists.

A spokesman for Dr Smith's practice, Barratt, Smith, Harrison and Clarke – about the seventh largest pathology service in NSW – said it sent test to related organization, the Tadula Trust(formerly Bartimaeuf Pathology Services), for computer analysis. The analyses were then returned to the pathologists' company for interpretation.

The spokesman claimed that all the pathology work was done within the group of companies.

In contrast, Macquarie Professional Service is contracted by outside organizations, for example Dr Geoffrey Edelsten's pathology service, Omniman Pty Ltd. To carry out tests.

Macquarie Professional Service performs the test and sends the technical results back to Dr Edeisten's company, Omniman is charged fee by Macquarie Professionals Services based on the work performed.

The parliamentary Accounts Committee Report on Medical Fraud and Overservicing Pathology (Report No 236) has identified a form of "legalized fee-splitting".

The report says that under the Health Insurance Act, Pathology services may be rendered by the approved pathology provider(APP) "or on behalf of" the APP.

This has led to two major problems, according to the report.

1. Legalised fee-splitting where by an APP effectively "subcontracts" test to another APP, a laboratory or some other establishment in return for splitting the Medical Benefits Schedule(MBS) fee.
2. Major questions surround the appropriateness of paying specialists' fee for test done by a pathology group which has one or few specialist pathologists on staff, and/or operates a chain of laboratories where testing is done by technicians.

The Public Accounts Committee recommended (Recommendation NO 15) that the Health Insurance Act be amended to prohibit fee-splitting.

Dr Sutton said work contracted to Macquarie Professional Services from outside accounted for only 10 per cent if its pathology tests, with the rest coming from Macquarie Pathology.

He also said Macquarie Professional did contract work for government departments and large private companies, particularly in occupational health.

Macquarie Pathology Services employs five pathologist and three PhD scientists.

At the top of the Wenkart corporate tree sit Wenkart Holdings Trust and Dr Wenkart with his wife Christine.

Directly beneath and controlled by them, lies Traknew Holdings Pty Ltd (Traknew is Wenkart spelt in reverse), and beneath Traknew lies a wealth of companies of which the accompanying table concentrates on the Macquarie companies.



All the companies in the table have their registered business office at 4 Help street. Chaiswood. The Wenkart Foundation, a registered charity, is also listed in the telephone directory as being at that address.

Macquarie Professional Service us the successor to Preventicare Pty Ltd Dr Wenkart's venture with Dr Edelsten into the world of technological pathology.

Preventicare Pty Ltd began as a financial disaster, but was returned around with the aid of a liquidator and the introduction of Medicare, By 1975 (under the new name of Morlea Pathology Services) its annual profit was reported \$2.5 million to \$3 million.

Morlea Pathology Services Pty Ltd changed its name to Totledge in 1978, and is now inoperative.

No balance sheet has yet been lodged by Macquarie Professional Services Pty Ltd as it was only incorporated last year, and it is this impossible to establish if the company is running at a profit or a loss. However , a search does show the directors are Dr Wenkart and Mr. Geoffrey Holden.

On the board of majority of Traknew subsidiaries are Dr Wenkart (in the earlier company reports listed as medical practitioner but more recently listed as medical administrator) Mrs. Christine Wenkart(listed as housewife), Mr. Geoffrey Holden(listed as the group's financial controller) and Mr. Gary Weiss(listed as a business executive and as residing in Los Angeles).

The companies have made substantial loans amongst each other, although the latest balance sheets available indicate fairly modest performances.

According to the latest balance sheet lodges with the Corporate Affairs Commission, Traknew Holdings recorded a \$19,031 loss for 1983.

Of other Wenkart companies Hapday Holdings turned in a meager \$2,917 profit for 1984, Macquarie Pathology Services registered a \$202,018 profit for 1983. Ultera has never carried on as a business and Totledge gas registered a \$6 loss and was also untraded.

Profit and loss statements were not available for Richard Walter Pty Ltd but the auditors have lodged accounts showing substantial loans.

Dr Wenkart describes Richard Walter as the group's banker.



APPENDIX I - Edelsten gets provisional registration

<http://www.geoffreyedelsten.com/The-Sydney-Morning-Herald-Tuesday-15-March-1988-Page-4.pdf>

15/03/1988 – The Sydney Morning Herald

Dr Geoffrey Edelsten's name was removed from the medical register last month because he had failed to apply for renewal of his registration, the Supreme Court was told yesterday.

The Medical Board has since granted him provisional registration and agreed to consider his application for renewal.

The registration expired on September 30 last year.

Mr Paul Menzies, for Dr Edelsten, told Justice Mathews the doctor had been engaged in the second half of last year in various court action, including an appearance before Medical Tribunal, which could affect his registration.

During these proceedings Dr Edelsten had become aware that he had not applied to renew his registration and had not received renewal papers normally sent by the Medical Board.

"The result was he was effectively deregistered," Mr Menzies said.

The doctor then sought Supreme Court orders directing the board to consider his application and give him provisional registration.

Mr Menzies said one of the issues before the Medical Tribunal, which had reserved its judgment, was whether Dr Edelsten was of good character.

He asked for an adjournment to ensure that consideration of the doctor's renewal application took place.

Justice Mathews said the board had now agreed to allow provisional registration and was to consider the renewal application on April 6.



APPENDIX J - Tapes decision held

<http://www.geoffreyedelsten.com/The-Sydney-Morning-Herald-Wednesday-27-September-1989-Page-4.pdf>

27/09/1989 – The Sydney Morning Herald

Justice McInerney reserved his decision yesterday on whether the Crown will be able to use illegal telephone tapes in evidence against medical entrepreneur Geoffrey Edelsten. Edelsten had applied for a permanent stay of proceeding on two criminal charges, arguing that the tapes were inadmissible before a jury, and that without them there was no evidence against him. He faces a charge of perverting the course of justice in 1984.



APPENDIX K - Edelsten fails to avoid trial

<http://www.geoffreyedelsten.com/The-Sydney-Morning-Herald-Tuesday-10-October-1989-page-11.pdf>

10/10/1989 – The Sydney Morning Herald

Dr Geoffrey Edelsten has failed to avoid going on trial on two criminal charges.

In the Supreme court yesterday, Justice McInerney dismissed an application by Edelsten for a permanent stay of the charges.

Edelsten had challenged the presentation of evidence at the trial relating to two illegally-taped car telephone conversations.

Dismissing the application, Justice McInerney banned publication of his reason for judgment.

The judge said that because Edelsten's trial was to begin on November 6, publication of those parts relating to the evidence could cause prejudice.

On October 13 last year, the magistrate, Mr David Hyde, committed Edelsten for trial on charges relating to his alleged activities with the missing hitman, Christopher Dale Flannery.

One charge alleges that on January 31, 1984, Edelsten perverted the course of justice by improperly issuing a medical certificate saying Christopher Flannery was unfit to face trial that day on a charge of having murdered Raymond Francis Locksley.

This was allegedly to allow Flannery to avoid a particular judge.

The second charge alleges that between January 1 and April 30, 1984, Edelsten solicited Flannery to assault a former patient.



APPENDIX L - 1990 The Australian Criminal Reports volume 51

<http://www.geoffreyedelsten.com/the-australian-criminal-reports-1990-vol51.pdf>

1990 – The Australian Criminal Report volume 51

GEOFFEREY WALTER EDELSTEN
Carruthers, Allen and Badgery-Parker JJ
11 October, 3 December 1990

Evidence – Telephone interception – Whether valid interception – Statutory admissibility criteria – Whether discretionary admission error – Competing public interests – Accused's onus – Interception mens rea – Telecommunication (Interception) Act 1979 (Cth), ss 6(1), 63A(1) and (3).

Charge - Preventing course of justice – Whether restricted to obtaining improper adjournment - Whether differing from committal - "Tendency" to pervert.

The appellant, a medical practitioner, was convicted of soliciting F to assault another and of perverting the course of justice by improperly obtaining an adjournment of F's trial by falsely certifying that he was unfit to attend. Several appeal grounds related to admission of incriminating taped telephone conversations. It was argued that s 63A of the Telecommunications (Interception) Act 1979 (Cth), which allows admission of intercepted evidence, did not apply as there was no interception within s 6(1) because Telecom equipment was not used. Even if the interception was valid the admissibility criteria within s 63A(1) were not satisfied. Alternatively, the substance of the offence as indicated differed from that dealt with at committal, contravening s 63A(3). It was contended also that the evidence should have been excluded on discretionary public interest grounds relating to unfairness, prejudice and the illegal taping. Further the judge failed to restrict the Crown case to the improper obtaining of an adjournment and did not direct that the jury must be satisfied that the medical certificate was false. It was also argued that the accused's acts must have the actual tendency to pervert the course of justice.

Held (dismissing the appeal): (1) The signal passed over the telecommunication system controlled by Telecom. Section 6(1) applies to "any means" of listening to or recording the signal. There was no warrant for reading down the section to require Telecom control of the interception equipment.

(2) Evidence includes any tape-recordings of relevant conversations. Section 63A(1) speaks of a person giving "in evidence", which the Crown did by tendering the tape. The draftsman left no room for argument. *Butera v DPP (Vic)* (1987) 164 CLR 180 at 184; 30 A Crim R 417 at 418-419, followed.

(3) The additions to the indictment gave further particulars of the charge, which were consistent with the information upon which the committal took place. The substance of the charge remained the same throughout.

(4) To exclude evidence the accused must show a particular state of fact exists on a balance of probabilities. The discretion involves exclusion of otherwise admissible evidence, not its admission. Relevant prejudice must be something other than a tendency to show guilt of the crime.



APPENDIX M - 1998 NewsBank Australia's News Papers

<http://www.geoffreyedelsten.com/Newsbank-1998-Jail-for-dole-cheat.pdf>

4 July 1998 –Jail for dole cheat

NewsBank
Australia's Newspapers

Jail for dole cheat
Australian, The (Australia) - July 4, 1998
Author: MAPT

A SYDNEY man who falsely claimed more than \$300,00 in social security benefits, using aliases created to evade disgraced doctor Geoffrey Edelsten and hitman Christopher Flannery, was yesterday jailed for 3 1/2 years.

Raymond Keith Roach, 50, of inner-city Surry Hills, admitted using 26 fake identities over a period of seven years from 1990 to claim \$333,813 in unemployment benefits.

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APPENDIX N - 2009 The Australian Jewish News

<http://www.geoffreyedelsten.com/2009-10-16-The-Australian-Jewish-News.pdf>

Friday, October 16, 2009

Edelsten on *that* dress and his wedding

- AJN Staff

WEDDINGS do not get much bigger than the upcoming marriage of Dr Geoffrey Edelsten and wife-to-be Brynne Gordon.

Dr Edelsten, a former medical world high flyer, will marry Gordon in a lavish Jewish ceremony next month at Melbourne's Crown Casino.

The wedding will have a true Jewish flavour, with the invitations - sent out to 500 people – encouraging guests to join in the "fressing and nashing". The entertainment will be provided by two of the funniest Jewish people: Fran Drescher from TV show *The Nanny* and Jason Alexander, formerly of *Seinfeld* fame. The bride- and groom-to-be are also encouraging guests to donate money to their favourite charitable causes, including Magen David Adorn, the Australian Indigenous Education Foundation and the Australian Sports Foundation.

Their generosity will continue Dr Edelsten's commitment to charitable causes in the fields of music, medicine, education and sport. Importantly, American-born Gordon is on a quest to convert to Judaism, and is being assisted by the rabbis at Melbourne's Temple Beth Israel.

"We've been attending shul on Friday and Saturdays, she has been attending lessons and studying hard," he said. "I have to confess, I can't remember learning half of this stuff at Mount Scopus," he said of his alma mater. "Reading Ivrit [Hebrew] isn't difficult, but some of the history and celebrations I can't remember ever learning."

Dr Edelsten and his fiancée hit the news recently, when Gordon wore a show-stopping dress to last month's AFL Brownlow Medal awards. The dress was bought in Las Vegas.

"I made a mistake by saying to her that young girls wear fashion [to the Brownlow] that is really out there," he said.

After a high-flying career as a doctor and successful medical entrepreneur, Dr Edelsten made headlines for the wrong reasons in the late 1980s and early 1990s, when he was struck off the medical register and then jailed for perverting the course of justice in 1990. Following his release, a review by a Supreme Court found a miscarriage of justice had taken place, but at the recommendation of a legal professional, Dr Edelsten never applied to have the conviction overturned. These setbacks, though, have not slowed down the now 66-year-old.

As well as his impending nuptials, Dr Edelsten is still running a number of medical centres. The former Sydney Swans Football Club owner is also pursuing his passion for AFL. Having grown up in Carlton, he has returned to his beloved Carlton Football Club, where he attends games and is a sponsor.



APPENDIX O - 1993 Peter David Connolly QC - Edelsten High Court Opinion

<http://www.geoffreyedelsten.com/1993-Peter-David-Connolly-QC-Edelsten-High-Court-Opinion.pdf>

Peter David Connolly QC, Former Supreme Court Justice 1993

So far as count one is concerned, the Crown case required an adverse inference to be drawn from the tapes. So far as count two is concerned, the Crown case again required an adverse inference to be drawn from the tapes. Now if the tapes are wholly equivocal as to when querist became aware of the facts he so lightheartedly recounted with what some might regard as misplaced joviality - and, in my opinion, they are - it is a classic case for the application of the principle which governs cases of circumstantial evidence, recently examined by the High Court in *Knight*, supra. That case concerned proof of the state of mind of a prisoner standing trial for attempted murder when the relevant shot was fired. The majority (Mason CJ, Dawson and Toohy JJ, at pp 502-3 say: "The state of mind of the appellant was necessarily a matter of inference from other facts found by the jury. In those circumstances, the reasoning process which must be employed if the onus of proof beyond reasonable doubt is to remain upon the prosecution is well recognised. As Dixon J said in *Martin v. Osborne* 1936 (55 CLR 367,375):

'If an issue is to be proved by circumstantial evidence,
facts subsidiary to or connected with the main fact
must be established from which the conclusion
follows as a rational inference. In the inculcation of
an accused person the evidentiary circumstances
must bear no other reasonable explanation.'

And at p.503 they cite a further passage from the same judgment of Dixon J:

"This means that, according to the common course of
human affairs, the degree of probability that the
occurrence of the facts proved would be accompanied
by the occurrence of the fact to be proved is so high
that the contrary cannot reasonably be supposed."



The fact proved is querist's awareness of a situation which involved the state of mind of Flannery and of the police in late January 1984 and prior to his certificate. The fact to be proved is that he became aware of the situation prior to the giving of the certificate. Without more, no such conclusion could rationally be drawn.

Is there more? The learned judge in summing up told the jury that Duff had more than a casual acquaintance with querist and went on, "We are not to know what the basis of that friendship was. We do not know why people in our community sometimes try to cultivate senior police officers, but it happens."

Nothing briefed to me shows that there was a friendship at all. The last sentence is plainly a suggestion that querist was at least likely to be one of the people in the community who improperly cultivate senior police officers. If there is no basis for that it is a highly prejudicial slur by the presiding judge. It did not end there. The learned judge went on to refer to the Crown's assertion that there had been demonstrated "just how that sort of association can sometimes lead to criminal activity". The learned judge proceeds to remind the jury that Duff, although not officially involved in the harassment complaint, went to Castle Hill police station because obviously he was concerned "as a friend of the accused that everything was being done that could be done to locate Evans". The suggestion, whether it emanates from the Crown or not, seems to have been that it was corrupt or improper for Duff to have interested himself in the matter of the harassment by Evans, if Evans it was. For my part I cannot see how that can be suggested, but of course Duff and McNamara had an interest of their own in ensuring that querist whom, on his account of things, they had duped, did not become frustrated and try to say too much. It is possible that querist said something in his evidence to the Medical Board which might lend some colour to these directions to the jury and if so I should be told. I return to the legal aspect of the summing up.

The summing up was, with respect, quite unsatisfactory for a case which was essentially circumstantial. One would have expected a direction in conformity with, say, *Peacock* (1911) 13 CLR 619, an indication of the critical fact or facts to be proved by inference from the facts proved and an indication of the competing hypotheses. Instead there was no reference to principle until the summing up was almost completed, when the jury is given a final and perfunctory direction in the following language:

"There is a further direction of law I have to give you
and that is that if there are two competing theories,
one of which is consistent with the accused's
innocence, then you must give him the benefit of the
doubt. That does not mean to say that just because
you have heard some explanation or two other
explanations you have to weigh the effect of those
explanations. Is it a valid theory? Is it one that is
plausible in all the circumstances? Because it is all



the evidence that you have to consider before you in

deciding whether you find one way or the other."

The more usual direction is that referred to in *Knight* at p.205, namely, that the jury should only find by inference an element of the offence charged if there are no other inference or inferences which are favourable to the defendant reasonably open on the facts. However as in *Knight* so here, the question is whether the jury, acting reasonably, could have rejected as a rational inference the possibility that querist had no guilty knowledge when he treated Flannery on 26/1/84 and admitted him to hospital on 28/1/84.

I turn now to the question of possible relief. The new Part 13A of the Crimes Act replaces not only s.475 of that Act but also s.56(a) of the Criminal Appeal Act 1912. It applies to past convictions: s.12 of the amending Act (No. 64 of 1993) unless a matter was pending under s.475 or s.12(a) as the case may be. It would seem that querist has no matter, which is undefined, so pending. Division 2 provides for a petition to be made to the Governor for a review or the exercise of the pardoning power: s.474B, whereupon the Governor may direct an inquiry, the Minister may refer the whole case to the Court of Criminal Appeal to be dealt with as an appeal, or the Minister may request the opinion of the Court of Criminal Appeal on any point: s.474C(1). However before any action is taken under s.474C(1) there must be a doubt or question as to the convicted person's guilt: s.474C(2) and if the same matter has been dealt with under s.475 the petition need not be dealt with unless the Minister is satisfied that special facts or circumstances justify the taking of further action: s.474C(3).

Division 3 provides for an application for an inquiry to the Supreme Court: s.474D(1). An inquiry may be directed only if there is a doubt or question as to guilt, as to any mitigating circumstances in the case or any part of the evidence: s.474E(2). There is the same discretion as under s.474C(3) if the same matter has been dealt with under s.475.

The distinction between the two procedures is that the petition under Division 2 can get the case straight to the Court of Criminal Appeal under s.474C(1)(b). In querist's situation this has much to recommend it. The relevant material has been collected and put before the Chief Justice, Finlay J, and a succession of Attorneys-General. There seems to be no need for further inquiry which may be time-consuming and costly. The only witnesses who have not been submitted to cross-examination are Professor Crank, Mrs Hall, Vandimeer and O'Brien. No doubt the Court of Criminal Appeal could order their cross-examination. Such a course would have the advantage of providing finality for both querist and the Crown.

Finally, the question must be asked what the special facts and circumstances are that justify the taking of further action. I would summarise them as follows:

(1) Querist faced the jury as a professional man well known to be offside with his profession and a man with a flamboyant lifestyle. Such men tend to receive little sympathy from judge or jury and it is essential to a fair trial that in such cases it be conducted strictly according to law.

(2) The trial was marred by errors of law in that -

(i) the act required to be proved as the act solicited was not confined to assault;



(ii) the direction in relation to circumstantial evidence was not adequate;

(iii) the jury was invited to draw inferences of guilt from ambiguous words without a warning that they could only do so if those inferences were the only rational inferences which could be drawn.

(3) It was not open to the jury to draw inferences of guilt from the telephone conversations of 3/3/84 and 15/4/84.

(4) There was no friendship between querist and Duff and no evidence of any relationship other than that of a medical practitioner and patient. The summing up of the learned judge when he told the jury that Duff had more than a casual relationship with querist was in error.

(5) The only review at judicial level of the new evidence has been that of Finlay J, who, with respect, misconceived his function. The evidence of Keane, if believed, would have shed new light on the case. Anyone who thought it capable of belief would have felt the requisite "unease" or "sense of disquiet": *Varley* 1987 (8 NSW LR 30, 35,48). In rejecting it out of hand his Honour was really requiring doubt as to querist's guilt to be shown to his own satisfaction which is, with respect, erroneous: *Varley* at 48. As to Mrs Hall there is no indication that his Honour recognised the significance of her evidence, namely, (a) that to all appearances Flannery came in the ordinary way to the surgery (although she was surprised that police had recommended it); and (b) that the critical approach by querist to Flannery on 3/3/84 was immediately followed by querist calling for Duff's card and putting the matter in his hands. His Honour's suggestion that her evidence should have been available at the trial overlooks the fact that evidence need not be fresh evidence for the purpose of the doubt required by s475 and now ss474C(2) and 474E(2) See e.g. *Varley* at pA5.

(5) Querist has long since served his sentences. This however is no impediment. Section 475, the precursor of the present legislation, was designed to enable a man to clear his name: *White* 1906 (4 CLR 152,165) per O'Connor J. This is of especial importance to querist who is not being permitted to practise his profession while the convictions stand.

In conclusion I am of the opinion that there are good grounds for a petition for a review of querist's convictions or the exercise of the Governor's pardoning power, under sA 7 48 of the Crimes Act 1900, to the end that His Excellency may be pleased to exercise the pardoning power or alternatively the Honourable the Minister may refer the whole case to the Court of Criminal Appeal to be dealt with as an appeal.

Peter David Connolly QC,

Former Queensland Supreme Court Justice 1993



APPENDIX P - 2009 *The doctor takes a wife - again*

<http://www.geoffreyedelsten.com/2009-12-21-Sydney-Morning-Herald-The-doctor-takes-a-wife-again.pdf>

21/12/2009 - Sydney Morning Herald

by Damien Murphy

He was the high-flyer who crashed, but Geoffrey Edelsten has never quite left the spotlight, writes Damien Murphy.

LUNCH is over at Bondi's Icebergs Dining Room and Bar and she's American and blonde, teetering on patent-leather heels and wearing a diaphanous dress, short and plunging. He wears black hair, black shoes, a white mattress-ticking cotton linen suit and the thousand-yard stare of hardened celebrity.

Icebergs is the stylish and expensive watering hole where being seen is part of the fare, but surely none of the clientele had seen anything like Geoffrey Edelsten starring in the latest installment of his life as a movie.

In eight days he will marry Oklahoma-born Brynne Mariah Gordon, 26. At 66, it maybe his last picture show.

Edelsten has swum in the fountain of youth for years. He wants to be forever young. His first wife, Leanne, was fresh out of Alice Springs and 19, two decades younger than he.

Brynne Gordon burst on to the Australian scene and nearly out of her dress in September at the Brownlow Medal count, when she walked down the blue carpet on Edelsten's arm. Journalists scurried to fill in her background, finding her MySpace entry oddly compelling: "You are only as strong as the tables you dance on, the drinks you mix and the friends you roll with."

With the media treating her words as a life philosophy, Edelsten says they were removed from the website but he has sent a DVD imitation to his second wedding at Melbourne's Crown Casino to hundreds of friends, including Jeanne Pratt, Malcolm Turnbull, Karl Stefanovic, Lisa Wilkinson, that certainly enhances a table-dancing attitude to life.

Not only did Edelsten pay *Seinfeld's* Jason Alexander and *The Nanny's* Fran Drescher to narrate their love story but the couple re-enacted their meeting, proposal and courtship.

They were filmed staying at the Beverly Wiltshire Hotel and shopping in Rodeo Drive – two locations, along with Alexander's presence, that prompted memories of the film, *Pretty Woman*, the heart-warming story of a rich, work-obsessed and lonely man falling for a younger woman.

The Iceberg lunchers watched agog as Edelsten's party left the restaurant. Some might have recognised the GP who introduced corporate medicine to Australia. Others might have remembered him as the face of Sydney Swans, or the high-flyer who went to jail and was barred from working as a doctor. All were clearly astounded by his bride-to-be.

"I hate all the attention," Edelsten says before obligingly going down to the Bondi sand to be photographed with his fiancée.

The Melbournian had come to Sydney to show her off and take the *Herald* to lunch to correct versions of his life that pop up in the media when his strangely peripatetic life attracts attention.



Edelsten wants it known that he was not sacked from the Sydney Swans. Nor did he hire the hitman Christopher Dale Flannery to deal with a man known then as Stephen William Evans. Edelsten claims Evans conducted a long campaign of harassment, including making death and kidnap threats and firing bullets at his home.

"When the legal thing blew up, I realised the potential damage my involvement could have on the Swans, and so I resigned of my own volition," he says.

"As to Flannery, I'm a doctor. Hurting somebody is anathema to me. Besides, at the time these events were alleged to have occurred, Flannery's later reputation as a hitman was unknown."

In 1990 Edelsten served a year's jail after being found guilty of soliciting Flannery to assault Evans and pervert the course of justice by obtaining an adjournment by certifying Flannery was unfit for trial on another matter.

Edelsten has a 1993 opinion from Peter Connolly, a former Queensland Supreme Court judge, saying there are grounds for a review of the convictions or a governor's pardon. Edelsten says the NSW Government is not interested.

Once he was the king of the world. The eldest of two sons of financially comfortable Melbourne ragtraders, Edelsten was born in Carlton but grew up in Toorak.

He had been a prefect at Mount Scopus Memorial College, captain of the school Australian rules and cricket teams and shared the 1963 third-year anatomy exhibition at the University of Melbourne with the present vicechancellor of Monash University, Richard Larkins.

After graduating, he worked as a GP in Sydney and the bush and after some time in the US in the 1970s returned brimming with ideas. He sponsored Cantons scantily clad cheerleaders and started a chain of medical clinics that offered not only attention-seeking white pianos and chandeliers but hulk-billing of patients. Edelsten earned the ire of the Australian Medical Association, which was upset that mass-produced medicine stopped patient choice and the doctor's handy gap fee.

Having made millions in Sydney, Edelsten was a natural fit to personify a pew image of the flagging Swans. He seemed to possess the money, the woman, the cars, the helicopter, the pizzazz. The Swans drew crowds of 40,000-plus, got into the finals, somebody won Brownlow, Swans au go-go.

Then it stopped. There were telephone threats, tricked-up pornographic photographs distributed, resignation, marriage breakdown, bankruptcy, a sensational trial and jail.

After being released from Long Bay, he was barred from practising medicine but free to run a medical corporation.

He started doing university courses and in four years took masters degrees in law, business administration, sports medicine, occupational medicine, science, family medicine and health-care management and a doctorate in health from New England, Wollongong, Edith Cowan and Charles Sturt.

"An achievement believed unequalled in Australia by one individual ...No, I don't think I'm obsessive," Edelsten says.

Interest in Edelsten waned after his fall from grace. Occasionally there were reports - unsuccessful attempts at re-registration on the NSW and Victoria medical boards, a \$200 speeding fine.

Edelsten devotes much energy to challenging media coverage. He has gone to the Press Council, conducts long exchanges with editors, pays Google to alert him when his name appears.



A website, australiasworstjournalist.com.au, appeared this week, naming 10 journalists - including the *Herald's* Andrew Hornery and Kate McClymont, the investigative reporter Paul Barry and A Current Affair's Adam Shand. Eight of them have one thing in common - they reported on Edelsten.

Edelsten brought a public relations man to the Icebergs lunch. The waitress had run through the Italian-style menu, lingering on the selection of seasonal fish, when the PR man said Australian journalism liked to tear down tall poppies, and noted that Michael Jackson had been attacked during life but lauded after death.

Gordon ordered steak. Edelsten's PR man went for the baby snapper, Edelsten too. When the fish arrived, Gordon said she did not like the eye staring at her.

Edelsten seems to have suffered much illness and injury. The late Fred Hollows removed his right eye in 1985. The next year a car crash broke his legs. He reportedly suffered a heart attack the day after he was struck off the medical roll in Victoria in 1992.

Earlier t that year he was diagnosed with a brain tumour. Vinko Dolenc, a neurosurgeon, removed it in July 1995. Edelsten says he feels fine, apart from the fact that when he scratches his nose, he feels it on his left forehead.

Edelsten says he would not do everything again. He worries about the impact of his fame on his family. His father, who died two years ago, loathed the publicity. They did not speak for four years.

But it was not all sadness. "I was driving through east Los Angeles, a poor black area, in a Rolls-Royce, and there are some poor blacks kids, obviously out of work, and they see this car and they get up and they clap. You can see their thoughts: 'one day, maybe me'," Edelsten says.



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