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VEXATIOUS PROCEEDINGS ACT 2008

Notification of Orders Concerning Vexatious Litigant

Sharmain Daisy Clarke

On 9th February 2021, her Honour Acting Justice Schmidt made the following Orders in Supreme Court of NSW case South Eastern Sydney Local Health District v Clarke [2021] NSWSC 63 under s 8(7) of the Vexatious Proceedings Act 2008 (NSW):

(1) Pursuant to the Vexatious Proceedings Act 2008, s 8(7)(b) the Defendant is prohibited from instituting proceedings in NSW against or relating to:

(a) the South Eastern Sydney Local Health District (and its statutory predecessors and successors), its staff, consultants, executive officers and agents in relation to any matter arising from the Defendant's employment;

(b) the Nursing and Midwifery Council of New South Wales and the Health Professional Councils Authority, their staff, consultants, executive officers and agents, in relation to any matter arising from the Defendant's professional practice (except with the consent of the Nursing and Midwifery Council);

(c) the subject matter of proceedings brought in the following proceedings:

Tribunals

(i) Sharmain Naicker and NSW Health Service - Government of New South Wales for South Eastern Sydney Illawarra Area Health Service - Matter No. IRC 427 of 2008.

(ii) Sharmain Naicker and South Eastern Sydney Local Health District - Matter No. IRC 927 of 2014.

(iii) Sharmain Naicker and South Eastern Sydney Local Health District - Matter No. IRC 318 of 2015.

(iv) Fair Work Commission Proceedings No: 2016/4065 - Sharmain Naicker v South Eastern Sydney Local Health District t/as Royal Hospital for Women.

(v) Civil and Administrative Tribunal of New South Wales File No: 2017/25026 - Sharmain Clarke v South Eastern Sydney Local Health District.

(vi) Civil and Administrative Tribunal of New South Wales File No 2020/32150 - Sharmain Daisy Clarke v Nursing and Midwifery Council of New South Wales.

(vii) Civil and Administrative Tribunal of New South Wales File No: 2019/00126124 (subject to restriction pursuant to s 64 (1) of the Civil and Administrative Tribunal Act (NSW) 2013 that the name of the applicant is not to be published).

Local Court of New South Wales

(viii) Local Court Case No: 2019/285426 - Sharmain Daisy Clarke v Violet Stojkova and Hicksons Lawyers.

District Court of New South Wales

(ix) District Court Case No: 2016/245332 - Sharmain Daisy Clarke v Susan Dale.

(x) District Court Case No: 2017/350767 - Sharmain Daisy Clarke v Julie Herrick.

(xi) District Court Case No: 2018/113261 - Sharmain Daisy Clarke v Nursing and Midwifery Council of New South Wales.

(xii) District Court Case No: 2018/120717 - Sharmain Daisy Clarke v South Eastern Sydney Local Health District and Nursing and Midwifery Council of New South Wales.

(xiii) District Court Case No: 2018/277318 - Sharmain Daisy Clarke v Maria Fenn.

(xiv) District Court Case No: 2019/134260 - Sharmain Daisy Clarke v Julie Herrick and South Eastern Sydney Local Health District.

(xv) District Court Case No: 2020/128851 - Sharmain Daisy Clarke v Hicksons Lawyers.

(xvi) District Court Case No: 2020/199084 - Sharmain Daisy Clarke v South Eastern Sydney Local Health District.

Supreme Court of New South Wales

(xvii) Supreme Court Case No: 2017/101668 - Sharmain Daisy Clarke v South Eastern Sydney Local Health District and Julie Herrick.

Federal Circuit Court

(xviii) Federal Circuit Court proceedings SYG1333/2018 - Sharmain Daisy Clarke v South Eastern Sydney Local Health District, Vanessa Madunic, Gerry Marr, Julie Herrick, and Maria Fenn.

(xix) Federal Circuit Court proceedings SYG3310/2018 - Sharmain Daisy Clarke v Nursing and Midwifery Council of New South Wales, Nursing and Midwifery Board, New South Wales Nurses and Midwives Association and Violet Stojkova.

(xx) Federal Circuit Court Case number SYG160/2020 - Sharmain Daisy Clarke v Julie Herrick, Virginia King, Susan Dale, Bronwyn Hickman, Lesley Finn, Maria Fenn, Annette Wright and South Eastern Sydney Local Health District (incorrectly sued as Royal Hospital for Women).

Federal Court of Australia

(xxi) Federal Court Case No: NSD166/2019 - Sharmain Daisy Clarke v Nursing and Midwifery Council of New South Wales.

(xxii) Federal Court Case No: NSD167/2019 - Sharmain Daisy Clarke v South Eastern Sydney Local Health District.

(xxiii) Federal Court Case No: NSD691/2019 - Sharmain Daisy Clarke v Susan Dale.

(xxiv) Federal Court Case No: NSD1295/2019 - Sharmain Daisy Clarke v Nursing and Midwifery Council of New South Wales, Nursing and Midwifery Board, New South Wales Nurses and Midwives Association and Violet Stojkova.

(xxv) Federal Court Case No: NSD34/2020 - Sharmain Daisy Clarke v Nursing and Midwifery Council of New South Wales, Nursing and Midwifery Board, NSWNMA and Violet Stojkova.

(xxvi) Federal Court Case No: NSD1880/2019 - Sharmain Daisy Clarke v South Eastern Sydney Local Health District.

(xxvii) Federal Court Case No: NSD1881/2019 - Sharmain Daisy Clarke v Nursing and Midwifery Council of New South Wales.

(xxviii) Federal Court Case No: NSD1882/2019 - Sharmain Daisy Clarke v Susan Dale.

(2) Pursuant to the Vexatious Proceedings Act 2008, s 8(7)(a) the following District Court of NSW proceedings are stayed: -

(a) *Sharmain Daisy Clarke v Hicksons Lawyers* (2020/128851); and

(b) *Sharmain Daisy Clarke v Dr Adams & Ors* (2020/294918) insofar as those proceedings concern Anthony Samuels and Karen Arnold.

Costs:

Order that Ms Clarke bear the Health District and Council's costs, as agreed or assessed. Unless the parties approach to be heard in respect of costs within 14 days, that will be the Court's order.

DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

Pursuant to section 173 of the District Court Act 1973, I direct that the District Court shall sit in its criminal jurisdiction at the place and time shown as follows:-

Bathurst	10.00am	22 March 2021 (3 days)
Parkes	10.00am	29 March 2021 (1 week) In 22 March 2021 (2 weeks)
Orange	10.00am	26 March 2021 (1 day)

Dated this 4th day of March 2021

Justice D M Price AO
Chief Judge

DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

Pursuant to section 32 of the District Court Act 1973, I direct that the District Court shall sit in its civil jurisdiction at the place and time shown as follows:-

Queanbeyan	10.00am	29 March 2021 (1 week) Sittings Cancelled
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Dated this 8th day of March 2021.

Justice D Price AO
Chief Judge