

## Submission to Royal Commission into Family Violence

20 May 2016

To the Commissioner

The following is an email I sent earlier today to the Victorian Attorney General in the hope of having my issue resolved. I apologise for the shortcut, however I was informed about the royal commission late today and did not have sufficient time to complete it properly.

Please take my submission seriously, NO ONE will or is capable of assisting me in the matter outlined. I understand that I am in an unlikely position here in so far as people may think that I am trying to undermine Victoria's Family Violence Laws. I am not, in anyway, attempting to do this. My hope is that at the end the laws are adjusted to be more effective in ending domestic violence without sacrificing the rights to 'Equal Protection' under the law.

More importantly I hope that the Royal Commission ends the ongoing and wide spread abuse of these laws by those who wish to use the legislation as a tool of retribution towards their ex partners. The laws are meant to keep people who fear for their safety, safe. Not for revenge

To

Today at 2:00 PM

Hello Gentlemen,

I write to you with great urgency and implore you to read the entirety of the following email and consider the possible outcomes of what I am about to share with you.

I am an Australian citizen and I feel that there has a clear violation of my basic human rights. This violation exists within Victorian state governments family violence legislation. I also believe that my constitutional rights have also been violated in the execution of the initial Family Violence Safety Notice. I also believe that the legislations execution under civil law, removing burden of proof and the presumption of innocence, is a calculated act designed to strip the accused of his 'equal protection' under law. If this is the case, I would be very disappointed to know that the Victorian state government has knowingly and intentionally breaching an international covenant on human rights, which Australia is a signatory to,

The issue I have here is that the initial FVSN was based on a lie, due to the removal of weight of evidence, burden of proof and the presumption of innocence, these being the factor that give me equal protection under the law, I have been the victim of a targeted and coordinated vendetta. My ex wife is now reporting me for breaches that haven't happened, but because there is no burden of proof on her allegations, she can lie to police and get away with I think that my initial FVSN should be struck out on the basis it infringes upon my human rights.

### **International Covenant on Civil and Political Rights**

**(New York, 16 December 1966)**

#### Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law...

Can I draw your attention to the second part of this statement *entitled without any discrimination to the equal protection of the law...*

I believe that the Family Violence legislation in relation to FVSN and AVOs fails to provide the accused with EQUAL PROTECTION of the law. I find this evident in 2 parts of the legislation.

1. In the initial FVSN investigation.- the absence of 'weight of evidence' & 'burden of proof' requirements at this stage is a travesty of justice. The lack of these requirements has led to the abuse of the system and false and unsubstantiated allegations of violence and abuse being made. The lack of these requirements removes any protection I have 'under the law' against false accusations and deliberate manipulation and miss use of the legislation
- 2.

#### **125 Protected person not guilty of an offence under**

#### **section 52 of Magistrates' Court Act 1989**

For the purposes of section 52 of the **Magistrates'**

**Court Act 1989**, a protected person does not aid,

abet, counsel or procure the commission of an

offence against this Act, and is not punishable as a principal offender, because the protected person encourages, permits or authorises conduct by the respondent that contravenes the family violence intervention order or family violence safety notice.

The very presence of Sect 125 clearly removes any equal protection under the law for the accused against any on going vendetta (physical, emotional or psychological) carried by the accuser.

Mr Minister, I support our states anti violence campaign, I was a victim of family violence myself. I am also a [REDACTED] who actively preaches non violence, I will continue to support anti violence campaigns. BUT GOD HELP ME IF I AM GOING TO SIT BACK AND ALLOW MY HUMAN RIGHTS TO BE VIOLATED.

I understand that this will take time to investigate properly, these are not trivial matters. However minister I expect that some kind of interim action be put in place ASAP to stop this violation of my human rights from continuing.

Regards

[REDACTED]