

COVER SHEET

ROYAL COMMISSION INTO DOMESTIC VIOLENCE (VICTORIA)

SUBMISSION BY [REDACTED]  
[REDACTED]

I HEAD THIS COVER SHEET BY REFERENCE TO THE DOCUMENTATION RELIED UPON IN THIS SUBMISSION

1. A MEDIA ARTICLE BY STEPHEN WYATT HEADED "TENSION IN WOOL SALES STRATEGY"
2. A NOTE BY MY SISTER, [REDACTED]
3. A LETTER FROM [REDACTED] DATED [REDACTED]
4. A FAMILY COURT OF AUSTRALIA FAMILY REPORT IN THE MATTER [REDACTED] DATED [REDACTED]

NB; IN REGARDS THIS FAMILY COURT OF AUSTRALIA FAMILY REPORT IN THE MATTER [REDACTED] [REDACTED] PLEASE NOTE THAT THE FAMILY REPORT INCLUDES "THIS FAMILY REPORT IS FURNISHED BY THE COURT PERSUANT TO ORDER 25 RULE 5 (2) (A) OF THE FAMILY LAW RULES. IT SHOULD BE TREATED AS CONFIDENTIAL AND SHOULD NOT BE DISCLOSED TO PERSONS OTHER THAN THE PARTIES UNLESS THE COURT SO DIRECTS"

PENALTIES MAY APPLY UNDER SECTION 121 OF THE ACT TO THE PRINTING OR PUBLICATION OF ANY MATERIAL CONTAINED IN THIS REPORT OTHER THAN USE IN CONNECTION WITH THE PROCEEDINGS"

5. A LETTER FROM DEPARTMENT FOR COMMUNITY DEVELOPMENT, [REDACTED]
6. A LETTER FROM VICTORIA POLICE, [REDACTED] POLICE DISTRICT DATED [REDACTED]
7. A LETTER FROM COMMUNITY SERVICES VICTORIA DATED [REDACTED]
8. A LETTER FROM [REDACTED] DATED [REDACTED]
9. A LETTER FROM THE REGISTRY MANAGER, FAMILY COURT OF AUSTRALIA DATED [REDACTED]
10. A LETTER FROM VICTORIA POLICE DATED [REDACTED]
11. A LETTER FROM [REDACTED] SOLICITORS DATED [REDACTED]
12. A LETTER FROM THE DEPARTMENT OF JUSTICE VICTORIA DATED [REDACTED]
13. A LETTER FROM CHILD SUPPORT AGENCY DATED [REDACTED]
14. A LETTER FROM CHILD SUPPORT AGENCY DATED [REDACTED]
15. AN ESSAY BY [REDACTED] FROM HIS YEAR [REDACTED]
16. A LETTER FROM THE CHIEF EXECUTIVE OFFICER, FAMILY COURT OF AUSTRALIA DATED [REDACTED]
17. A NOTICE OF DECISION BY CHILD SUPPORT AGENCY DATED [REDACTED]
18. AN ORDER BY THE FAMILY COURT OF AUSTRALIA IN THE MATTER [REDACTED]
19. A NOTE BETWEEN 2 OFFICERS OF [REDACTED]

20. A LETTER FROM [REDACTED] LAWYERS DATED [REDACTED]

I NOTE THE TERMS OF REFERENCE OF THE ROYAL COMMISSION IN AS FAR AS I UNDERSTAND THEM INCLUDING THAT ALL SUBMISSIONS WILL BE CONSIDERED BUT THAT THOSE SUBMITTING ARE DISCOURAGED FROM USING THE ROYAL COMMISSION TO "TELL THEIR STORIES"

THE REASON I HEAD THIS COVER SHEET WITH A SCHEDULE OF DOCUMENTS IS TO PRESENT TO THE ROYAL COMMISSION THAT THIS SUBMISSION IS **NOT** MY STORY

THIS SUBMISSION IS THE PRESENTATION OF THE DOCUMENTS AS SCHEDULED AND WHICH DOCUMENTS CONVEY CERTAIN CIRCUMSTANCES, CIRCUMSTANCES WHICH I VERILY BELIEVE THE ROYAL COMMISSION SHOULD CONSIDER IN HANDING DOWN FINDINGS AND MEANINGFUL FINDINGS WITH A REAL PROSPECT OF SUCCESS

I AM ATTRACTED TO AN ARTICLE IN OUR LOCAL PAPER ([REDACTED]) IN WHICH PREMIER DANIEL ANDREWS IS QUOTED VIZ;- "MR ANDREWS HAS VOWED TO JAIL FAMILY VIOLENCE THUGS, MAKE INTERVENTION ORDERS EASIER TO GET AND ENFORCE TOUGH NEW LAWS TO MAKE WOMEN AND CHILDREN SAFE"

I WOULD PRESENT THAT THE DOCUMENTATION I REFER TO IN THIS SUBMISSION IDENTIFIES THAT STEREO TYPING SUCH AS THIS INTRODUCES ITS OWN MOST SIGNIFICANT AND DAMAGING AGENDA

UNTIL NOW NOBODY HAS TAKEN ANY INTEREST IN THE QUESTION "WHAT IF THE ALLEGATIONS MADE AGAINST A FATHER ARE FALSE?"

WITH ALL RESPECT, I WOULD PRESENT THAT THE QUESTION DOES NOT SUIT THE STEREO TYPING AND IS ACCORDINGLY DISMISSED WITHOUT CONSIDERATION

I WOULD HOPE AND TRUST THAT THIS ROYAL COMMISSION DOES TAKE ACCOUNT OF THE DOCUMENTATION I SCHEDULE AND REFER TO IN MY SUBMISSION, INCLUDING MY RECOMMENDATIONS WHICH ARE CONTRARY TO THE STEREO TYPING OTHERWISE RELIED ON

IT HAS TAKEN A VERY LONG TIME FOR A FORUM WHICH (HOPEFULLY) WILL GIVE APPROPRIATE CONSIDERATION TO THE DOCUMENTS I SCHEDULE AND REFER TO.

I COMMEND THE SUBMISSION TO YOU AND I COMMEND THE RECOMMENDATIONS I INCLUDE TO YOU.

Royal Commission into Domestic Violence

Dear Madam,

I respectfully request that the following submission be considered at the Royal Commission.

I do inform that I am not a member, nor have ever been a member, of any organisation related to the issue of domestic violence, which I abhor.

From my observations of references to "domestic violence", including by the former Commissioner of Police, Lay, those references exclusively refer to the safety of "women and children", which is also the sole published focus of groups who are reported on this matter in public forums.

By extension therefore, the perpetrators of domestic violence are exclusively males.

The questions I would wish for the Royal Commission to consider are:-

- 1) What is the position of children and their father's when the integrity of a child's well being is compromised by a mother?
- 2) What is the position of a father when false allegation is made against the father?
- 3) What recourse is available to a father when false allegation is made including when those false allegations have a wider impact on him and his circumstances?
- 4) Why is there a presumption that women and children are the victims of domestic violence as presented by the Commissioner of Victoria Police (retired) and others including the Natasha Scott Despoja chaired Foundation to Prevent Violence Against Women and Children, the "White Ribbon" movement and other such organisations, despite presentations seeking that the references be to "children and victims" who are subjected to domestic violence?
- 5) What is the impact of the bias introduced by the reference to women and children as victims, as it is referred, including by the likes of the Commissioner of Police (retired), on children and their father's and on the impartiality of the judicial system when false allegations are made against a father?

On a wider front, I would present for consideration the circumstances of a father, disenfranchised and marginalised including particularly in regards his relationship with his children and the impact of these circumstances in regards any retribution.

This submission will detail, by specific references to the referred supporting documentation, the circumstances that can confront and impact on a father and his children.

#### **PREAMBLE**

I beg your understanding of the inclusion of this preamble, which I view as necessary.

None of the allegations made against me, and detailed through this submission by specific, confirmed sources, carried any substance.

All allegations successively made against me were false.

In regard those allegations being progressively made against me and my response that there was no substance to such allegations, I included in my response that [REDACTED] people lived in that home and that if anyone thinks that they were the circumstances within that home then please ask, because I have nothing to hide.

Indeed, I had my own story to tell. However, for proceedings at the Family Court of Australia, my sole focus was to demonstrate my capacities to provide and care for my children and the relationship I had with my children.

This was in accord with the Family Court of Australia considering the best interests of the children

I was fortunate that through that period, and subsequent, I had the support of my children, of my network of friends and acquaintances including [REDACTED] QC who invited me to discuss with him at my discretion and who offered that whilst the Family Court of Australia was most difficult for fathers it was not impossible and then referred me to [REDACTED], Counsel of Owen Dixon Chambers West, who represented me from an early time in the proceedings before the Family Court of Australia, of my family, who were resident in [REDACTED] and of Dr [REDACTED] and Dr [REDACTED]

Post the confirmation of my employment with [REDACTED], as referred in the Supporting Detail following, I found myself in a position when my former wife was then demanding that I resign and relocate to [REDACTED] including under threat that if I did not do so I would never see her or the children of the marriage again.

On the evening I returned from work to be removed from the family home, the maternal grandmother was in the home from [REDACTED] and unknown to me until I arrived home.

### SUPPORTING DETAIL

In support of this submission, I seek your indulgences to my referencing, including part referencing, from the following documentation, where the originals of those documents can be provided to the Royal Commission upon request:-

- a) A media article by Stephen Wyatt headed "Tension in wool sales strategy" (1)
- b) A note by my sister, [REDACTED] (2)
- c) A letter by [REDACTED] (3)
- d) A Family Court of Australia Family Report (4)
- e) A letter from Department for Community Development, [REDACTED] (5)
- f) A letter from Victoria Police, [REDACTED] (6)
- g) A letter from Community Services Victoria dated [REDACTED] (7)
- h) A letter dated [REDACTED] from [REDACTED], then of [REDACTED] (8)
- i) A letter from the Registry Manager, Family Court of Australia dated [REDACTED] (9)
- j) A letter from Victoria Police dated [REDACTED] (10)

- k) A letter from [REDACTED] Solicitors dated [REDACTED] (11)
- l) A letter from the Department of Justice Victoria dated [REDACTED] (12)
- m) A letter from Child Support Agency dated [REDACTED] (13)
- n) A letter from Child Support Agency dated [REDACTED] (14)
- o) An essay attended by my [REDACTED] in his Year [REDACTED] (so [REDACTED] years after these events) (15)
- p) A letter from the Chief Executive Officer, Family Court of Australia dated [REDACTED] (16)
- q) A Notice of Decision by Child Support Agency dated [REDACTED] (17)
- r) An Order by the Family Court of Australia in the matter [REDACTED] (18)
- s) A note between 2 Officers of [REDACTED] (19)
- t) A letter from [REDACTED] Lawyers dated [REDACTED] (20)

(NB: WHERE THERE ARE REFERENCES, FOR CLARITY, WHICH ARE NOT DIRECT QUOTATIONS FROM THE REFERRED TO DOCUMENTS, THESE INCLUSIONS ARE IDENTIFIED AS IS THIS INCLUSION – IN CAPITALS, IN BRACKETS AND PRE-FIXED NB:)

(NB: THE DOCUMENTATION BROADLY IDENTIFIES THE CHRONOLOGICAL ORDER OF EVENTS I SUBMIT AND RELY UPON IN GIVING CREDIBILITY TO THE QUESTIONS I WOULD WISH FOR THE ROYAL COMMISSION TO CONSIDER, COMMENT UPON AND GIVE FINDINGS IN RESPECT OF

THE MATTER REFERRED TO REMAINED BEFORE THE FAMILY COURT OF AUSTRALIA FOR [REDACTED] MONTHS)

#### **“Tension in wool sales strategy**

Until a few months ago, the price kept rising ... to five year highs ... from their disastrously low levels of early 1993” (1 – Media article)

(NB: I UNDERSTAND THAT THE WA SHEEP FARMING PROPERTIES WERE ULTIMATELY SOLD AT MORTGAGEE AUCTION DUE TO AN UNSUSTAINABLE LEVEL OF DEBT. THE POSITION PUT TO ME WAS THAT MY FAMILY AND I WOULD RELOCATE TO ONE OF THESE FARMING PROPERTIES TO RESIDE, INVESTING OUR WEALTH INTO THE FAMILY WOOL PRODUCING BUSINESS)

“I was well aware of the “rollout” that occurred within the Group” ( NB: [REDACTED] )  
 “whereby management and at a later date all staff had to re-apply for their positions with no guarantee of maintaining that, or indeed any, position within the Group.

At this time (early [REDACTED]) [REDACTED] phoned me” (NB: IN [REDACTED]) “to tell to tell me that they would be moving to [REDACTED]. When I asked how and why, [REDACTED] stated that she hoped [REDACTED] would lose his job in the rollout. If he did they would not be able to “keep this big two storey house in [REDACTED]”. [REDACTED] idea was to buy a [REDACTED] in [REDACTED]. When I queried “wouldn’t this be as expensive as your 2 storey house in [REDACTED]?” she stated that on a [REDACTED] they would be able to grow their own food etc and be self sufficient – “living would be cheap”. I also brought to her attention the fact that they had [REDACTED] young children to still educate etc – a very costly business – plus the fact that [REDACTED] supposed new role as [REDACTED] would be vastly different and out of character to his current role as a [REDACTED], not to mention the trauma to

the children of re-locating to a new environment, But [REDACTED] was adamant, [REDACTED] was what she wanted" (2 - Note from [REDACTED])

"Dear [REDACTED],

I am pleased to confirm your appointment to the post of [REDACTED]

I appreciate your on-going co-operation and commitment during this difficult transition period and look forward to working with you as part of my new team" (3 - Letter from [REDACTED])

"The parents separated in late [REDACTED] after an incident described by the mother as an assault by the father on her. The mother and the children left the family home and subsequently went to [REDACTED], the mother's state of origin.

For some years now the mother has been expressing her wish for the family to move to [REDACTED]

The mother's wish to return to [REDACTED] with the children is opposed by the father.

As his application indicates, to obtain custody but for the mother to remain in [REDACTED] so that the children could have good access to her

The father has care and control of, and responsibility for, the children from [REDACTED]

[REDACTED] (NB PLUS 50% OF SCHOOL HOLIDAYS).

"The mother seems to feel almost a sense of anguish when the Counsellor presented the possibility that a return to [REDACTED] for the children may not be permitted. Should this prove to be so, the mother's need is such that she feels she would still have to return to [REDACTED], though she would continue to fight to have the children remain with her

Charges of assault relative to the incident in [REDACTED] between the two parents have been laid against the father

The father currently rents the home of a friend and this is situated close to the children's school. The home is spacious and comfortable and well appointed for children's needs

He appears to have undertaken regular activities with the children, as the children themselves suggest, though the mother suggests the children were minimally involved with the father

The father acknowledges that the mother did not mean some of the things that she said to the children but the fact that they were said and said consistently has left their mark

The mother and the children remain in the family home, a well appointed and well maintained home in a quiet avenue

The mother acknowledged that she was not the perfect mother, that she muddled along and used to "rant and scream" but that is how she coped. She suggests that the father does not realise that "all mothers yell at their children". She admits she used to hit [REDACTED]

The maternal grandmother who will be staying with the mother to provide support until this matter is resolved

The mother mentioned to the children that the father at times physically hurt her. [REDACTED] witnessed one altercation between the parents but her recollection of it suggested that the mother pushed the father

The mother's strong wish to return to [REDACTED], to return to what she sees as home, seems to her not just a solution to her present impasse but perhaps also, given the degree of support currently being extended by various members of her extended family, a need to recapture, in improved form, earlier times"

(NB: THE MOTHER HAD BEEN SENT TO [REDACTED] TO A [REDACTED] [REDACTED] WHEN [REDACTED] YEARS OF AGE AND WHERE A CHILD WAS BORN AND ADOPTED OUT. SHE WAS TOLD NEVER TO RETURN TO [REDACTED]. THIS SUBJECT WAS NEVER RAISED DURING THE MARRIAGE. THE FAMILY REPORT INCLUDES "[REDACTED] [REDACTED]")

[REDACTED] recollection of family living did not overlook the good times but tended to focus on the more negative memories and particularly centred on her (and her brother's) interaction with their mother. She recalls times when her mother used to hit her, sometimes on the head, one time near her eye. Her description of some of these incidents suggested a somewhat arbitrary tone to the punishment meted out. This was captured by the words "Sometimes she got mad at something" (and this could be "lots of things") "and (she) would blame us and hit us". One time [REDACTED] remembers her mother telling her that she "was a wrong child", that she "should never have been born". She was told not to tell her father that the mother had hit her because it would "break the marriage".

(NB: IT IS CORRECT THAT I INFORMED THE MOTHER THAT IF THERE WAS ONE FURTHER SUCH INCIDENT I WOULD TAKE MATTERS EXTERNAL OF THE HOME AND INFORM AUTHORITIES)

"Although [REDACTED] tended not to discuss these things because of the possibility of getting into trouble she did discuss certain things with her friends who apparently got smacked on the bottom if they did something wrong. Confirming her father's description that it is [REDACTED] that questions or challenges [REDACTED] must at one time have asked her mother about this. Her mother's reply was that there were "worse mothers and (that) she was one of the best".

The grandmother's statement to the Counsellor that the children are reluctant to go on access perhaps reflects, at best, her misunderstanding of the children's feelings

Just as, on the morning that the children were first brought in to see the Counsellor, their mother apparently told them they were to say they want to go to [REDACTED]

Because of my mum hitting us, we made up our minds to stay here with Dad.

[REDACTED] suggests that their father is more involved with them, does things with them. "She often said it would change but it never has".

The most notable contrast was in terms of the children's interaction with each other.

The [REDACTED] made a comfortable group and at no point did the positive atmosphere change, including between the children. The father sets an encouraging tone.

In the father's home, there was no negativity, no competitiveness with each other

But it was clear that, when the grandmother was actually present, neither child referred to her at all

[REDACTED] (4 -  
Family Report)

"I refer to your letter dated [REDACTED]. Myself and another officer from this Department interviewed [REDACTED] in relation to allegations of sexual abuse by yourself on [REDACTED] and again on [REDACTED]. The allegations of abuse were not substantiated. In relation to the books you mention that [REDACTED] had from [REDACTED] Town Library, I had no knowledge of those books and did not recommend them as suitable reading for [REDACTED] at that or any other time" (5 - Letter from Department for Community Development, [REDACTED])

"In reply to your letter of [REDACTED], I wish to inform you that we are unaware of any reports to the Authorities in [REDACTED] concerning allegations of sexual abuse on your [REDACTED].

The inquiry by [REDACTED] was a stand alone matter. It originated out of a complaint made to Constable [REDACTED] at [REDACTED] on [REDACTED] (6 - Letter from Victoria Police)

"I understand that concerns of possible sexual abuse of [REDACTED] were investigated by protective workers from this Department in [REDACTED] and no further investigation is planned at this stage" (7 - Letter from Community Services Victoria)

(NB: WITHIN THE WORK PLACE I FOUND MYSELF BEING INTERROGATED SUCCESSIVELY OVER ALLEGATIONS THAT I HAD ASSAULTED MY FORMER WIFE, HAD SEXUALLY ABUSED MY [REDACTED] FOR WHICH I WAS ABOUT TO BE ARRESTED AND JAILED AND THEN THAT I HAD DEFRAUDED [REDACTED] MAKING THE WORK PLACE INTOLERABLE AND WHERE I AVAILED OF APPROXIMATELY [REDACTED] YEARS SICK LEAVE COURTESY OF MEDICAL CERTIFICATES FROM DR [REDACTED] AND THEN DR [REDACTED]. UNTIL I OBTAINED MEDICAL CERTIFICATES AND COMMENCED EXTENDED SICK LEAVE I WAS PLACED IN A 'FREEZE OUT' POSITION WITHIN [REDACTED] WHERE MY RESIGNATION WAS DEMANDED

I WAS SUCCESSIVELY INFORMED THAT WHILST I HAD PROCEEDINGS BEFORE THE FAMILY COURT OF AUSTRALIA THERE WAS NO POSITION FOR ME AT [REDACTED] AND "DO YOU UNDERSTAND, DO YOU UNDERSTAND?", THAT I SHOULD LET THE MOTHER TAKE THE CHILDREN TO [REDACTED] AND THAT FATHER'S DO NOT WIN AT THE FAMILY COURT OF AUSTRALIA AND I WAS WASTING MY TIME AND MONEY)

[REDACTED] internal security officers interrogated you in my presence. I was acting Regional Executive for [REDACTED]. The allegations made by your ex-wife were that you had misappropriated funds [REDACTED]. Those allegations were subsequently proved to be totally unfounded and in my view were made with quite malicious and mischievous intentions. I would like to confirm that I thought [REDACTED] overreacted without first checking the facts of the allegations". (8 - Letter from [REDACTED])



(NB: MR. [REDACTED] WAS A CONTEMPORARY OF MINE [REDACTED] HE WAS RELIEVING AS REGIONAL EXECUTIVE AND APPROACHED ME TO ADVISE THAT THE OFFICERS FROM GROUP SECURITY WERE COMING TO INTERROGATE ME. MR [REDACTED] HAD BEEN INSTRUCTED TO GIVE ME NO PRIOR WARNING BUT TO MAKE HIS OFFICE AVAILABLE. MR [REDACTED] DID GIVE ME WARNING AND SAID TO ME IT WOULD BE APPROPRIATE IF I REQUESTED HE REMAIN DURING THE INTERROGATION, ON TAPE, HENCE HIS PRESENCE)

**“AND THE COURT NOTES: that it is not part of the Wife’s present case for custody of the children of the marriage that the Husband has sexually or otherwise improperly interfered with [REDACTED] (18 – Family Court of Australia Orders)**

[REDACTED], I have suggested (in pencil) a couple of additions to ensure an overall “non threatening” flavour. Change if you agree, don’t if not. They are in pencil so you can erase. I have signed but prefer inclusion. [REDACTED]” (19 – Note between 2 Officers of [REDACTED])

(NB: THE DIARY OF “INTERVIEWS” WITH ME, ATTEMPTING TO FORCE MY RESIGNATION, WERE TYPED BY TEMPORARY STAFF EMPLOYED FOR THAT PURPOSE, ONE OF WHOM FOLLOWED ME FROM [REDACTED] AT LUNCH TIME AND HANDED ME THIS NOTE).

“My life has been full of highs and lows. One of the lowest times in my life was in [REDACTED] It started with a knock on the door, I answered it was 2 police men they asked for my father. Before this my Mum and Dad had been arguing which they had being a lot more of recently. Dad quickly grabbed my sister and me. I remember him saying “you cannot take me away from them”. The police took my dad away. I stayed up all night crying, thinking what he has done. I found out later he had done nothing wrong but that my mum had called them because she felt he was going to do something (I don’t know what).

Two days later I was in [REDACTED], staying with my grandmother with lies about my father being told to me and my [REDACTED] I feel now that my grandmother convinced my mum to leave my Dad. I hate my Grandma for saying what she did to me (at [REDACTED] years old) being told that your father was a very bad and evil man.

It was 2 more weeks before I spoke to Dad, but when I did my Step Grandad taped the conversation which was about 7 minutes long for both [REDACTED] and me. I returned to [REDACTED] 2 days later. I can’t remember how long it was before I saw Dad. No [REDACTED] year old should have to go through that, to have their Dad taken away from them by the police” (15 – Essay by [REDACTED] attended some [REDACTED] years later)

(NB: AT THE FAMILY COURT OF AUSTRALIA, AFTER THE MATTER CAME ON PRE LUNCH IN REGARDS MY INTERIM APPLICATION FOR INCREASED CONTACT AND FOLLOWING THE ISSUE OF THE FAMILY REPORT, I REMAINED IN AN ANTE ROOM POST LUNCH TO WHERE COUNSEL REPRESENTING ULTIMATELY RETURNED TO ADVISE ME THAT THE ARGUMENT WAS OVER A CONFIDENTIAL VICTORIA POLICE LEAP REPORT REFERRING TO MY ALLEGED ASSAULT ON THE MOTHER. [REDACTED] REPRESENTING ME, ADVISED THAT THE PRESIDING JUDGE HAD REFERRED DIRECTLY TO HIM SAYING THE INVOLVEMENT OF VICTORIA POLICE IN THIS MATTER WAS “UNFORTUNATE” AND “CONCERNING” – THE FAMILY REPORT HAD ISSUED TO THE PARTIES DATED [REDACTED] – MY FIRST KNOWLEDGE WAS SHORTLY AFTER THAT DATE WHEN COUNSEL REPRESENTING RANG ME TO SAY

THE FAMILY REPORT HAD ISSUED, COULD NOT BE BETTER FOR ME IF I HAD WRITTEN IT MYSELF AND I SHOULD COME TO CHAMBERS TO READ AND DISCUSS – WHICH INCLUDED SEEKING A FURTHER INTERIM LISTING OF THE MATTER AT THE DISCRETION OF THE COURT TO SEEK AMENDED CONTACT ORDERS.

WHILST I WAS ON EXTENDED SICK LEAVE FROM [REDACTED], I RECEIVED A REGISTERED LETTER FROM [REDACTED] ADVISING THAT I WAS REQUIRED TO ATTEND A MEETING AND THAT IF I DID NOT ATTEND I WOULD BE DISMISSED.

I ATTENDED THAT MEETING WITH [REDACTED] OF THE [REDACTED] UNION.

AT THAT MEETING THE CONFIDENTIAL VICTORIA POLICE LEAP REPORT WAS HANDED TO ME BY [REDACTED] AND MY RESIGNATION WAS INVITED ON THE BASIS OF THAT DOCUMENT IMPINGING ON MY REPUTATION.

I DID NOT RESIGN ON ADVICE FROM THE [REDACTED] UNION REPRESENTATIVE)

“We note your recent advice that you wish to call your [REDACTED] to the hearing of your criminal charges.

You do not have to make a final decision on this matter now. However we have two major concerns regarding calling your [REDACTED]. Firstly it is highly unlikely that the Magistrate will consider that [REDACTED] is of sufficient maturity to take an oath. In these circumstances [REDACTED] evidence may have very little evidentiary value. Secondly, as we have discussed with you, the calling of your [REDACTED] may be considered inappropriate by the Court. There might therefore be a negative effect for you even if [REDACTED] evidence is supportive of your story” (11 – Letter from [REDACTED] Solicitors).

(NB: THIS MATTER WAS HEARD AT [REDACTED] MAGISTRATES’ COURT ON [REDACTED] AFTER THE RELEASE OF THE FAMILY REPORT TO THE PARTIES BY THE COURT ON [REDACTED] BUT I WAS ADVISED THAT THE EMBARGO ON THAT DOCUMENT MEANT IT COULD NOT BE REFERRED TO IN PROCEEDINGS AT [REDACTED] MAGISTRATES’ COURT. GIVEN THIS ADVICE, AND IN THE WEEK LEADING UP TO THE PROSECUTION OF ME, I ATTENDED [REDACTED] POLICE STATION WITH THE FAMILY REPORT INVITING THE OFFICER IN CHARGE TO READ THE FAMILY REPORT. IT WAS GLANCED AT AND I WAS TOLD TO “F..K OFF OUT OF HERE BEFORE YOU FIND YOURSELF IN MORE TROUBLE”)

“Although I am not able to give legal advice and my comments here should not be construed as such, I see no reason why a Family Report could not be tendered in the Magistrates’ Court. So far as I am aware, the “Rules of the Family Court” (ie the Family Law Rules) have nothing to say on the subject. I suggest that you seek further legal advice on this point” (16 – A letter from the Chief Executive Officer of the Family Court of Australia)

“I refer to your correspondence concerning the charge against you which was heard by this Court on [REDACTED] last year” (NB: [REDACTED]).

“You chose not to appeal the matter and I am not aware of any other avenue open to you. Accordingly I am unable to assist you” (12 – A letter from Department of Justice Victoria)

(NB: THERE WAS NO CONVICTION RECORDED AND NO PENALTY IMPOSED. I WAS SUBSEQUENTLY ADVISED BY LEGAL AID THAT, AS THERE WAS NO CONVICTION, THERE WAS NO AVENUE FOR APPEAL. I WAS ADVISED BY LEGAL AID THAT ANY PROCEEDINGS FOR DEFAMATION WOULD SUCCEED AT LEGAL COST TO ME BECAUSE THE DEFENDANT'S FINANCIAL POSITION WOULD PRECLUDE ANY MONETARY RESTITUTION OR ORDER IN REGARDS COSTS. FINANCIAL SETTLEMENT WAS MY PAYING \$ [REDACTED] IN FULL AND FINAL SETTLEMENT OF ALL MATTERS BETWEEN THE PARTIES)

**"I refer to your letters concerning your allegations about the release of information contained in documents provided to this Court by Victoria Police.**

Leave was granted to the legal representatives of both parties to inspect documents. There is no record of arrangements being made for any other person(s) to inspect the subpoenaed documents. The documents were shredded by an Officer of the Court. I am satisfied that the documents provided by Victoria Police were not released from this Court for circulation within the community" **(9 – A letter from the Registry Manager, Family Court of Australia)**

**"I have established that the document you refer to as Leap – Victoria Police Criminal History Report, and included within your most recent correspondence, was the subject of a Family Court of Australia subpoena**

This document was forwarded to the Family Law Court of Australia as required by subpoena. I suggest therefore that the register is the most appropriate avenue towards which your questions might be addressed" **(10 – A letter from Victoria Police)**

(NB; VICTORIA POLICE HAVE FAILED TO ADDRESS THIS DOCUMENT BEING IN THE PUBLIC DOMAIN PAST THE CONTENT OF THE REFERRED TO RESPONSE AND DESPITE THE CORRESPONDENCE FROM THE FAMILY COURT OF AUSTRALIA BEING PROVIDED TO THEM

I LODGED COMPLAINT TO VICTORIA POLICE RE THE MAKING OF A KNOWINGLY FALSE ALLEGATION AGAINST ME. IN RESPONSE VICTORIA POLICE RELIED ON A MIS-REPRESENTATION IN THE CHRONOLOGICAL ORDER OF THESE EVENTS, CAPTURED BY "Further to that, we did not contact them or ask them to conduct any interviews of [REDACTED] for any reason. No communications have been made with the Department of Community Development in [REDACTED]". VICTORIA POLICE HAVE RELIED ON THIS MIS-REPRESENTATION OF THE CHRONOLOGICAL ORDER OF THESE EVENTS DESPITE THE CONTENT, AND REFERENCE TO DATES, IN THE LETTER OF THE DEPARTMENT FOR COMMUNITY DEVELOPMENT, [REDACTED] DISTRICT OFFICE

IT IS, AND REMAINS, MY VIEW THAT VICTORIA POLICE ARE MORE CONCERNED WITH STATISTICS AND PR SUPPORTING THOSE STATISTICS THAN EQUITY AND JUSTICE)

**"Once a custodial parent registers with Child Support Agency the assessment raised over rides any Court Order in force and payments must be made in accordance with your registration letters" (13 – A letter from Child Support Agency)**

(NB: LEGAL ADVICE WAS THAT TO DISCONTINUE PAYING IN ACCORDANCE WITH THE FAMILY COURT OF AUSTRALIA ORDERS WOULD SEE A CONTEMPT OF COURT AND BE FATAL TO MY APPLICATION BEFORE THAT COURT)

"After calculating the maintenance you were ordered by the Court to pay, and crediting the amount against your current liability, as per paragraph 6 (a) and (b) of the Court Order dated [REDACTED] the amendment has resulted in a NIL assessment for the period [REDACTED] to the [REDACTED]

Your employer [REDACTED] have been informed not to make further deductions from your salary, find a copy of the fax sent to them on [REDACTED].

The Agency will not be able to issue a refund of the amount deducted from your salary until approximately the [REDACTED]. I apologise for any inconvenience this may cause" (14 – Letter from Child Support Agency)

(NB; I WAS SUBSEQUENTLY ADVISED VERBALLY BY CHILD SUPPORT AGENCY THAT THERE WOULD BE NO REFUND BECAUSE THEY WOULD NOT RAISE AN ASSESSMENT AGAINST SOMEONE WHO DID NOT HAVE A CAPACITY TO PAY. THE INITIAL AND UNILATERAL ASSESSMENT OF ME BY CHILD SUPPORT AGENCY DID NOT REFLECT THE CONTACT ARRANGEMENTS I HAD WITH THE CHILDREN AND SUBSEQUENT TO THE RETURN OF THE CHILDREN FROM [REDACTED])

"For the current financial year Mr [REDACTED] is required under the formula to pay \$[REDACTED] to Ms [REDACTED] (weekly around \$[REDACTED]). This is not the significant issue for Mr [REDACTED] and his issue is very clearly explained on his application form.

The parties' property settlement covered the issue of retention of superannuation and the applicant would be entitled under that settlement to retain his superannuation and termination benefits. To therefore include draw downs from such funds on the income base that support is now calculated appears to me to involve double accounting which will produce an unjust result for the Applicant.

In fact Mr [REDACTED] is the principal carer of [REDACTED] and Ms [REDACTED] has only shared care of [REDACTED]"

(NB: THE ORDERS INCLUDED THAT [REDACTED] WAS ALSO IN MY CARE AND CONTROL FOR ALL PARTICIPATION IN AND ATTENDANCE AT [REDACTED] – WHICH INCLUDED UNDER AGE [REDACTED] AND [REDACTED] PARTICIPATION INCLUDING ALL ATTENDANCES AT PRACTICE SESSIONS TWICE WEEKLY AND [REDACTED] WEEKLY, THE ATTENDANCE AT [REDACTED] AND [REDACTED] AND ATTENDANCE AT ALL [REDACTED])

"Mr [REDACTED] income fairly reflects his entitlements. I note that there is a use of a car. However, I would not consider any variation on this basis unless Ms [REDACTED] can produce satisfactory reasons why she, herself, cannot exercise a full earning capacity. There may be legitimate reasons why she is only working part time. However given the impact of the formula and the basic legal principle that both parents have a primary duty to support their children in accordance with their earning capacities, it is a very relevant issue for consideration.

However, I do not unnecessarily want to complicate this hearing and accordingly only address the issue raised and setting the income for the last financial year" (17- Notice of Decision by Child Support Agency)

(NB; AFTER RESIGNING FROM EMPLOYMENT [REDACTED] I OBTAINED EMPLOYMENT AT [REDACTED] WHERE THE GENERAL MANAGER, [REDACTED] WAS A FORMER EMPLOYEE AT [REDACTED] AND KNOWN TO ME. I REMAINED IN THE EMPLOY OF [REDACTED] LIMITED UNTIL [REDACTED] WHEN IT WAS TAKEN OVER BY [REDACTED] AND I WAS ADVISED THAT THE ARRANGEMENTS I HAD CONCLUDED WITH [REDACTED] WOULD NOT CONTINUE, MY POSITION HAD BEEN MADE REDUNDANT AND THAT THERE WAS NO OTHER POSITION AVAILABLE TO ME AT [REDACTED] WHICH WOULD ACCOMODATE MY FAMILY NEEDS. I WAS [REDACTED] YEARS OF AGE AND, GIVEN WHAT I ENDURED IN THE WORK PLACE, I HAVE NOT SOUGHT EMPLOYMENT SINCE. I BECAME A FULL TIME PARENT TO MY CHILDREN, WITH THE SUPPORT OF MY WIFE, WHOM I MARRIED IN [REDACTED] AND WHO HAS [REDACTED] CHILDREN. MY [REDACTED] AND ONE OF MY STEP [REDACTED] ARE BOTH ON THE [REDACTED] [REDACTED]. MY OTHER STEP [REDACTED] IS [REDACTED] DAYS OLDER THAN MY [REDACTED] AND BOTH [REDACTED] TOGETHER)

"We understand from [REDACTED]" (NB: [REDACTED]) "that you have been in dispute with it over your employment with it .... We appreciate that in the circumstances you may be reluctant to assist ..... our instructions that your lending practices were not and never have been an issue between you and [REDACTED]' (20- Letter from [REDACTED] Lawyers)

The Family Report includes "[REDACTED]

(NB: I HAD \$ [REDACTED] – WHICH COULD NOT BE STITCHED SO WAS SECURED BY [REDACTED]

### SUMMARY

There are obviously reasons why I wish for the Royal Commission to consider the questions I have raised and in this presentation I have focussed on matters and confirmations relating specifically to

the questions I would wish for the Royal Commission to consider in their deliberations and included at the commencement of this submission.

The presentation is therefore selective – including because certain of the further events that impacted on my children and me are not independently documented.

I was removed from the family home shortly after returning home from my work under an ex-parte Order with only some clothing in my possession – and a vehicle which was [REDACTED] vehicle I used as part of my remuneration package.

I was “dumped” by Victoria Police in an adjoining suburb – and found accommodation in a Motel.

The initial legal advice I received from solicitors and successive barristers who represented me at The Family Court of Australia – and despite gaining Orders that the children be returned to [REDACTED] from [REDACTED]. Orders acted on unsuccessfully by Federal Police because they could not locate the parties – was that father’s do not win in that Court and that the mother would be successful in her application for full custody and freedom of movement to [REDACTED]

So the telephone call from [REDACTED] AO QC and my introduction to [REDACTED] were most significant

I subsequently discovered that all monies in joint accounts, including monies in Trust for the children, had been withdrawn. My Credit Card (to which the other party had a secondary card) had been utilised to in excess of the limit (again under my remuneration package) including to put down our family dog ([REDACTED]) to the dismay of the children and me (this is covered in formal Reports).

The family [REDACTED] was released from its cage (This also is referred to in formal Reports).

Indeed, it later came to my attention that my [REDACTED] had kept notes of certain events, removed the [REDACTED] and substituted the notes, screwed up.

These notes, which ultimately came to me after legal proceedings concluded, included amongst others **“My mum put down [REDACTED] and [REDACTED] so she could go to [REDACTED] to live” plus “she said she had every right to clobber us over the head”, “forcing [REDACTED] to put cream on his lip said stupid boy, smash his brains out if you don’t keep still”, “hit me on the head and on the back and the bum with a slipper and said not to tell anyone about it. I had marks there for about a year”, “[REDACTED] would not eat his tea so got sent upstairs and got smacked at least 5 times he has gone to bed hungry” and then, obviously post the arrival of the maternal grandmother as referred, “[REDACTED] didn’t know how to run a bath so he asked my mum to run the bath. My mum said no [REDACTED] kept asking. In the end my grandma chased [REDACTED] upstairs and put a [REDACTED] mouth. Before that she said she would [REDACTED]”**

I found myself having to re-establish housing, including the purchase of all items including cutlery, crockery, cooking utensils, beds and bedding, a refrigerator, tables, chairs etc. etc. and items for my children, who came to me dressed in their school uniforms

During this period I had legal fees accruing and I had the unilateral garnishee from my wages by Child Support Agency, where correspondence is referred to in this submission and where, for 3 months, I complied with Court Orders and also had an assessment of me by Child Support Agency garnisheed from my wages concurrently, placing further financial pressure on me

Plus there was the position in the work place, again as covered in the submission

Then I had Victoria Police knocking on my door in regards the false allegations made against me

This may give some understanding of the position my children and I found ourselves in, but it is not an exhaustive presentation

Some may suicide in the face of such circumstances. Indeed, in the mid [REDACTED] a former work colleague of mine at [REDACTED] – whose cousin [REDACTED] – had his marriage end and lost his children. In its abhorrent lack of understanding and judgement, [REDACTED] suggested and transferred [REDACTED] to [REDACTED] “to start again”, where [REDACTED] committed suicide.

My wife of the past [REDACTED] years fully supports me in this submission

My children are unaware of this submission, by my deliberate decision

I have always encouraged my children to learn from the past but to look forward

I am also aware of the teacher comment appended to my [REDACTED] viz: **“I must say it’s more than I have ever had to deal with. You seem strong in person and in the tone of your writing! You write well! The emotion in your writing is strong. I look forward to reading more over the year”**

My response to these matters is to let my children know I am available to discuss any matter with them – at their request

I would also seek to rely on my written submission unless specifically requested otherwise (my wife and I are fully engaged with our grand-children aged [REDACTED] years and [REDACTED] year and they take precedence)

In regards the establishment of the Royal Commission I do express concerns which are identified in an article in “The Age” of Friday February 20, 2015 headed “Advocates warn of inquiry toll” and which refers to “Family Violence experts”.

This article includes “Women’s Legal Services Victoria head Joanna Fletcher said women would need legal support because sensitivities around what they can say about court cases”, “Domestic Violence Victoria head Fiona McCormack said some women giving evidence would need help to avoid retribution from former partners. Ms McCormack hoped the findings of the commission would help develop a “web of accountability” when it comes to abusive men, rather than the family violence response always being directed towards women and children. Men fly under the radar – there have

to be more ways that organisations can intervene to take the onus off women keeping themselves safe”

It is, accordingly, my concern that there is a pre-emptive attempt being made to influence the direction and findings of the Royal Commission to focus on men as the perpetrators – and not circumstances such as my children and I found ourselves in.

My further question is the impact on the demeanour and reaction of a father confronted by such circumstances and such disenfranchisement as I detail and support by specific independent referencing – and I view it most important that the Royal Commission take this question and the circumstances I detail into considerations, because the response of people to such circumstances and disenfranchisement may differ and may introduce its own dimension, including punitive reprisal.

Simply, for every action there is a reaction.

I have had nothing to do with the birth mother in any manner or form since Family Court of Australia proceedings concluded, and, during those proceedings only because I was obliged to come into her presence for Counsellor requirements as referred in the Family Report.

I will never again have any contact in any manner or form with the birth mother no matter the circumstances.

The handover of children was by me taking them to school and the mother collecting them from school

The only exception was for [REDACTED] involvement(s) where, as and when necessary, I collected [REDACTED] from the front of the mother’s various residences by prior arrangement with [REDACTED] and letter advice to the birth mother, including a cc to The Family Court of Australia referring to the Orders (although these were never forwarded to The Family Court of Australia)

### RECOMMENDATIONS

I understand that the Royal Commission is seeking recommendations from those contributing their experiences.

I would view that the material I submit is self explanatory and my recommendations are accordingly influenced

What I am aware of, over the past [REDACTED] years, is that [REDACTED] acquaintances of mine have both been unilaterally informed by their wives (neither known to me) that their [REDACTED] plus year marriages were at an end and have been “invited” to depart from the marital homes where the wives and the young adult children have continued to reside – although, in one instance, [REDACTED] of the young adult [REDACTED] have chosen to reside with the father at his rented accommodation.

In the other instance, the advice of the wife followed a [REDACTED] week family holiday overseas, and his comment to me was “if you read her affidavit I am worse than Hitler”



"Then there is the Child Support Agency"

He was forced to return to the home of his parents.

I have seen the impact on both of these acquaintances, both absolutely "blindsided", and can only counsel to hang in there because every day you become stronger – and life does go on.

Both now need to repair their financial position – and that can be done

So nothing much has changed from over [REDACTED] years ago, and I do acknowledge the complexity of these matters.

My recommendations therefore include that the relationship of children with **both** parents is sacrosanct, with any proceedings at the Family Court of Australia to be dealt with in regards Final Orders within an absolute maximum time span of 6 months and including the direct involvement of the children to the Court Counselling Section wherever possible

Documents such as Family Reports should not issue to the parties unless the Court takes unilateral decision to then protect the children from any repercussions consequent upon what they have said, including by interim Custody Orders.

Children also rebound – and they do become used to the new order in their lives although, from my [REDACTED] some 10 years later, as quoted, there is obviously significant impact on them so there is a need for security and safety in their lives to discuss any matter, including with qualified practitioners independent of the parties as necessary.

Children have to know they have recourse and they have to know that there is uncompromised integrity in that recourse – where teachers and others they associate with have a part to play.

In regards any advice given by solicitors representing to the parties, this advice should also be divulged to the Court by legislation.

That any consideration by legal representative's to "sign up" those they represent be immediately divulged to the Court.

That the Family Court of Australia exclusively be the instigator (by referring to appropriate jurisdictions) of any prosecution of any criminal charges courtesy of allegations made to that Court in regards violence directed at any party to the proceedings antecedent or contemporaneous – including particularly children who otherwise have no representation.

Simply, false allegations, including made under advice from legal practitioners, are made to gain advantage before that Court. This is a statement of fact, and it continues today.

That the Family Court of Australia also direct where false allegation has been made, recommending prosecution and penalty as well as taking the making of false allegation into its wider deliberations. This is most important because it will introduce (what should be significant) penalty where false allegation is made and deter from most damaging false allegations being made

That a Central Registry be established such that any event of a child being “hawked around” jurisdictions, including interstate, is immediately identified and those making the allegations are called to account before the Family Court of Australia (with powers of refer for appropriate criminal proceedings against the parties making the allegations)

That any assessment of residency and care and control of children commence from 50% actual residency (week about) with each parent, then subject to the direction of the Family Court of Australia taking to account any other matters which could be deemed as detrimental to the welfare of the children.

Adults can protect themselves. Children cannot.

That ex-parte decisions by Magistrates’ Courts and the Child Support Agency be banned (including by Magistrates’ Courts referring such matters to the Family Court of Australia which needs to be appropriately funded and resourced, including particularly in its Counselling Section)

That all parties, including jurisdictions such as Victorian Police, the judiciary, legal representatives and Child Support Agency be made accountable for their involvement in proceedings, including being liable for damages

Simply, there has to be transparency and accountability at every step.

Complexity is not a reason for unreasonable outcomes, impinging on those involved – including children.

Complexity demands transparency and accountability in every instance.

I do note that significant of the high profile cases reported in the media result from family break up, and apparent retribution by a disaffected party or a party which views it has been disaffected – and, whilst this is absolutely no excuse - and doing further damage because of gender association including in media reporting - I can understand this

A father no longer coming home to his children every night defies any description.

If you have nothing to lose, you have nothing to risk and we unfortunately see the outcomes we do.

So there must be equity supported by timely and considerate reasoning before the appropriate jurisdiction being the Family Court of Australia (where solicitors should not be a pre-requisite and, in fact, should be banned from proceedings) – and not unilateral actions by the likes of Magistrates’ Courts with ex-parte rulings and Victoria Police (and others) which are damaging in the extreme, as this submission confirms.

The (still) widely held perception of gender bias at the Family Court of Australia needs to be addressed – a bias which was most evident to me in proceedings and despite the ultimate outcome of those proceedings

I commend this submission to the Royal Commission.