

**Dame Quentin Bryce has presented to the new Premier of Queensland, Anastasia Palaszczuk, the Report on family violence commissioned by the previous Premier, Campbell Newman. It runs to several hundred pages organized as : Report, Recommendations and 7 appendices, all, now, accessible Online. One of the most urgent recommendations is that there should be a 'specialised domestic violence court' created to deal with 'domestic violence' and that there be 'flexibility of approach'. The following account of a February 2015 experience of Victoria's current regime for such matters demonstrates why the Bryce task-force suggestions should apply nation-wide, and as soon as possible.**

**For the second time in two weeks your trusty 4WD trundles along a four-lane highway towards the regional 'Justice Centre'. A shiny, prestige saloon passes 'at speed' as Police say, on your left side, cuts-in on you and heads for the U-turn which leads to the service road which gives access to the Justice Centre, which is where they hide Magistrates' Courts nowadays. It turns left, next, into the restricted parking area entrance – Court Staff Only? You press-on into the public Parking lot.**

**Advancing through the doors of the building you are corralled, along with other attendees, in a small space adjacent the security conveyor belt where you are directed, loudly, to place your bag, file, keys, walking-stick, onto the belt before stepping into the security-frame and passing through to the waiting-area. Raised voices shout directions at you, unimpeded by sissy notions of politeness.**

**Don't speak to me like that, you say, with effort. Please.**

**Please, comes a laboured, mocking response from a man with a metal-detector in hand.**

**Shaking, you retrieve your stick, but, having found a place in an Enquiries queue you must return to the security-pen because you have failed to collect your bag from the conveyor-belt. Already, you are discombobulated. Of the three or four staff in the pen, none offers to hand over your property. You recover your place in the queue. You attain the Desk.**

**Are you [first name only]? We exist in systems devoid of surnames, nowadays.**

**Wait over there. You'll be assessed for Mediation.**

**I'm not here for Mediation. I've come for a Personal Safety Oder, today.**

**You'll be assessed for Mediation anyway.**

**You seat yourself in the public open space and wait. The warm-hearted Copt with her grandchildren speaks to you. Twelve days ago you made companionable conversation with limited vocabularies. Warm hearts, she said then Australian people. Today, you have a knot in your gut and a pocket-book of poetry for calming your nerves. *When in disgrace with fortune and men's eyes, I all alone bewweep my outcast state...* Prayer-book, she nods, and ushers away the children.**

**You are here at the direction of Police. It will make life easier, for everyone, if you have an Order in place. Then, when the harrassment resumes, just dial 911 and – Bob's your uncle. You had thought that a local attendance by Police must be easier all-round. They, after all, must have a record of your reports. Wrong. There is no record. These reports are not always logged; and if they are, they are not always read. But an Order is registered, they say, so one need not go over and over the same sorts of facts, over and over, at each report. And the Order covers you from the date of Application.**

**Does it? Before the Summons is answered? Not in my understanding of court procedures. But it's a long time since I was in court – administration changes.**

**You straighten-up from your book and see, across the open but busy space, the Respondent to your Application of twelve days ago. With him, chatting, smiling, are a friend you've seen with him in the past, a Witness to one of these 'incidents' subject of your present Application and Summons. And beside them stands a young solicitor. You recognize her face from the 'network' activity online recently on your Facebook. She has been 'Looking At' your 'Profile'. Well, there's precious little of that – opened up by mistake and not pursued. Her law firm represents the same Landlord who has ignored requests for restraint of The Respondent's conduct, and has sent letters to you- thinly-veiled threats of unmerited eviction. You have had the temerity to question part of this year's automatic 'rent review'. They can easily find a replacement Tenant. It's a Landlord's market. A taste of ginger to remind you who's boss?**

**The Mediator ushers you into a small interview room. She describes her role 'under the legislation' and the confidentiality of the dispute resolution process. You can't be forced into this, you can decline dispute-resolution. Do you decline dispute resolution?**

**It's not a dispute, you say. It's a Crime. I decline Dispute Resolution. It's inappropriate. I want a Personal Safety Order, today. It has already been twelve days since the Application was filed and served...**

**In fact, there was a muddle about that Service. You got back that night to find Police had been and left a card for The Respondent in your own door.**

**It turned-out that, in transferring your own details from your own-created hand-completed Application form, the Registrar creating the Summons had, inadvertently, placed your own address in the space reserved for The Respondent's. Sorry. Back came the Police and repeated the process, two doors away. Not their fault, agreed.**

**But, hectic. Chaotic.**

**It sounds as if you're not very happy living there, says The Mediator. Perhaps you should move.**

**Twelve days earlier The Registrar has said: Could you live somewhere else?**

**It is two lifetimes since Master of the Rolls Lord Denning told women exposed to violence to stay put. Change the locks, he said, and remain in occupation. That way, they retain their living-place. They are not made Homeless.**

**The Mediator doesn't like your chances of obtaining an Order today. You can ask, but they don't usually do that if it's a contested matter. They set a hearing-date – ten weeks from now.**

**It will be contested, you say.**

**You consider your position.**

**Your Application, lodged at the urging of Police, is about to be contested by a Perpetrator unfazed enough by Police warnings to him as to come knock at your door and tell you that 'YOU – 'as a Tenant - do not have Authority' [to open windows to relieve heat-stress and nicotine stuffiness]...and you face a ten-week delay. And, you feel, this Perpetrator, shan't think-twice about perjuring himself...**

**Pity the Police didn't bring the Application, say Court Staff.**

**Police told me to apply, you say. And they said I'd be immediately protected.**

**No, say the Court Staff. Not until there's an Order. And you won't get an Order without Mediation. Well – it's unusual.**

**You say you're re-considering and about to withdraw.**

**Why?**

**Because I won't get an Order today.**

**I didn't say that, says The Mediator.**

**If it's contested – It shall be contested. The presence of three persons in the Waiting Area indicates Contest. Police sent me here to get a Safety Order – today. Now I'm told there'll be ten weeks before hearing. It's too long a delay.**

**You can't do that, says The Mediator.**

**You manage to summon-up the demeanour of a Julie Bishop – blank incredulity.**

**I mean: You've come so far! Says The Mediator.**

**It's not worth it, you say.**

**You walk away.**

**Some time later you phone and report events of the day to Police at the local Station. They seem not to understand. You have been a lawyer for more than 30 years – neither do you.**

**It's a pity you walked-away, they say. You should go back.**

**You phone the Court to enquire. Can the Summons be re-instated? The Registrar says it cannot. It's been Struck-Out. Has anything new happened in relation to that Respondent? Because in order to come back on the matter you need a fresh Application, with fresh allegations and evidence. The old, 'struck-out' facts and evidence are incapable of resurrection. The process must begin all over again – with fresh facts.**

**Is this right? In an age when Pleadings can be amended up to, even after, judgement, can a Personal Safety Summons be so-contained and controlled? None of what's in this Application can be used again. The file is closed.**

**Grounds for Striking-out a Summons used to be: Delay is caused by the party bringing the action – being not excusable or inevitable; prejudice to parties; an issue with 'bona fides' – one must come to court with clean hands.**

**It ought to be possible to reinstate a matter when a party has come to court wrongly-advised by persons on whose advice one is or ought to be entitled to rely. But no: now the Court walks away. And you are a person who cannot afford comfortable housing and housing-security. You certainly can't afford the luxury of appeals to superior courts.**

**They can't do that, says a lawyer you consult. They haven't heard the Facts!**

**You have walked-away, and The Respondent is waiting at his stalking-post, advancing upon you. But you have not yet washed your hands of the mess.**

**You call-up your local alderman : Councillor South Ward. He sits on the Board of management of the accommodation-providing charity.**

**Did you know that your Board has approved payment of fees to lawyers for one of your Tenants? You ask.**

**Is that a proper use of the corporation's monies? It implicates you, you know.**

**I can't speak to you, he says. I have to ask The Chairman first.**

**Next day you call again. He has yet to speak to The Chairman.**

**Why?**

**You're against us in Court.**

**No. I'm not.**

**Can you assure me there is no legal action on foot against us in Court?**

**There is no such action by me, You say. What makes you ask?**

**We were told you are taking us to VCAT, he says.**

**I applied, on Police advice, for personal safety protection against another Tenant, you say. How is it a proper use of the corporation's money, of Tenants' rents, that it be used to protect one Tenant from such a claim? You have been lied to, it seems. I wonder what an Auditor will make of that, of a Board which accepts misrepresentations from its officials in order to gain improper monies.**

**You thank him for having confirmed your perceptions; your suspicions, even.**

**You are a very difficult person, he has said, on more than one occasion. He seems to think there is nothing wrong with speaking to you like that.**

**Nobody resigns. Nobody apologises. All that remains is confusion, a flawed process which might almost have been designed to cause delay – to cause people to walk away.**

**Ken Lay, Rosie Batty, Old Uncle Tom Cobleigh and All have promised that, now, Applicants for Protection will be 'listened-to'; that they will be believed.**

**It's not true.**

**C Rosemary O'Grady**

