

Patti Farnell

SUBMISSION TO FAMILY VIOLENCE INQUIRY

The main purpose of writing to the inquiry is in the hope recommendations will be made for a National, or at very least State Judicial or other transparent inquiry into DNA as evidence and the horrific consequences for women especially (the usual victims of crime) of the still prevailing ignorance . (*Encl.1. Quotes from such an inquiry in US*)

Suggestions raised in this submission arise from experience gained via contributing to a diverse range of law reform and other inquiries, reading the submissions of others and contacts made via my websites at www.cute.com.au/dna and www.democraticjustice.org and my own long, painful and scary journey resulting from crime, coverup and indifference to the emotional abuse it creates.

I congratulate the government on the format of the Issues Paper . Para 4. P.1 encourages me to believe I can make a contribution in two ways. A) Based on research and experiences and B) My personal experience of systemic breakdown in relation to serious crime, intimidation, fear, long term anxiety, emotional abuse and violence in family matters.

More particularly, I want to draw the attention of the Committee of Inquiry to the insidious consequences of fraud in family matters and the resulting emotional abuse due to systemic indifference which I believe contributes to family violence.

There is a seeming inability, unwillingness, or indifference in the Courts and by police to pick up on the clues which indicate fraud in family matters by either party. The serious consequences of fraud and injustice in family matters is trivialised and ignored.

It is only comparatively recently (around the late 80's) there has been more recognition that domestic violence is a crime. But for reasons which escape me, there is still no recognition by Courts that fraud is a crime also. It doesn't appear in the statistics and is perpetrated by both sexes not just men. One of the significant contributing factors I believe to men becoming violent is the adversarial court process contributed to by greedy lawyers and perpetuated by some judges. .

There is a strange naivete, inability or just unwillingness in the Courts both Family Courts and State, to acknowledge that fraud can and does happen in families – especially at times of family breakdown or in probate matters. If a man feels thus cheated out of everything he has worked for and e.g. the wife ends up with the house and the kids and he ends up renting a one room apartment its not surprising seething resentment often then occurs and erupts into violence because the male cannot come to terms with what may well be an undeserved fate .

When I tried to file evidence of fraud by [REDACTED] in relation to false claims he and family members made in a Supreme Court human rights issue, it was rejected by (the Prothonotary) despite at first being accepted as legally and evidentiary wise correct by the self represented

litigants co-ordinator saying it was “an abuse of process” even though the affidavit made it clear it is the [REDACTED] that abused the process .

There is much current focus on women who become homeless as a result of family violence but little focus on the way men and women can become homeless through family fraud such as false documents and false DNA evidence followed by systemic indifference to what is in fact an extremely serious crime.

The crimes, loss, humiliation and injustice I and others suffer from cost taxpayers a fortune yet could and should have been resolved way back in 1998 if victims of crime were listened to and police were made more accountable. [REDACTED]

In my experience, some inquiries, especially Federal ones in relation to ensuring States adopt recommendations, seem to highlight the problems but do not lead to discussion much less adoption by governments of real solutions because the broader public, ie laypersons, are not listened to, experts and others with their own agenda pull the wool over politicians’ eyes with ease, and some agencies seem to be more concerned with a renewal of funding rather than minimising the problems. Stuffup is usually followed by coverup and the safety and suffering of the victim ignored.

My hope is that, unlike politicians, Inquiry members will recognise the serious consequences to women of what I am pointing to as regards misleading DNA as evidence. The examples I am quoting here highlights this but there are other examples. E.g. In 2003 the ALRC tabled their findings and recommendations relating to the widely publicised “Genetics Ethics” Inquiry as “Essentially Yours” in Federal parliament. The findings and recommendations confirmed among other things what many already knew. The safeguards and oversight relating to DNA tests as evidence were inadequate, did not prevent tampering, did not detect tampering and that fraud can and does happen and cannot entirely be prevented.

Nothing was done to assist victims of these inadequacies including those wrongly jailed for violent crimes (meaning the real murder is still out there). The NSW Ombudsman established “1 in 7 DNA samples in the police lab had the wrong name on. The Ombudsman, police etc in Victoria believes it doesn’t happen here or don’t think it matters.

Since 2003 (DNA was first introduced as evidence in the 1980’s) including in 2014 by the then State Attorney General, there have been claims in the media etc and to me personally that “the safeguards have been improved since its “now” recognised they were inadequate. But thanks to a corrupt self interest regulator, ignorance prevails still including among lawyers, courts etc because not only is there no independent examination of what really occurred as regards processes, safeguards and procedures (ie only the technicalities are examined) there is no recommendation in some States that where the victim or the lawyer is able to show serious breaches it does raise serious questions about the integrity of the sample tested and or where it came from and the DNA evidence should therefore be set aside.

But the recommendations were based on those of NATA the self interest regulator and the commercial sector generally and bore little relationship to the real solutions. (Illustrated by the fact in 2014 politicians were still claiming they saw the need for improvement – yet still missing the real problem – lack of independent monitoring, oversight, and statistical monitoring. In any other type

of test such as alcohol, medical or drug testing, if safeguards were shown to be breached the test would be set aside in law. That if waiving over the heads of politicians and therefore Courts.

In several cases I looked into, but more extensively in my own the safeguards and procedures had been breached and not adhered to. Yet NATA and “Experts” claimed to Courts, lawyers, Ombudsmen and politicians they had examined these and not found any discrepancies and in my case, corrupt individuals claim “the safeguards cannot be breached”. Ignorance still prevails because the consequences of the actual findings of various inquiries, as opposed to the dismally inept recommendations are based on the recommendations of those with their own agenda rather than the experiences of the victims. Nothing illustrates more the serious consequences of this ignorance than serial murderer Lloyd Clark Fletcher www.democraticjustice.org

Several cases of violent crime as well as in my own case illustrate the way Courts are still ignoring other clear evidence of innocence or guilt. Farah Jama’s lawyer (Victoria) was able to clearly show Farah was not in the vicinity of the rape for which he was convicted - the Courts ignored this and relied totally on the DNA evidence which turned out in this instance to be false as a result of contamination. (Though personally I find it hard to believe this was the real reason for the DNA test result being false). What still is not being recognised by lawyers, Courts, media etc is that when the wrong sample is tested or is obtained in an unethical way no technical error can be detected.

Sadly, badly even experienced lawyers and retired Judges (Shane Davis – a violent rape/murder case) www.democraticjustice.org seem not to grasp this much less what and where else to look in order to prove innocence. Above all it is absolutely essential that lawyers listen to victims and minutely check out the process and procedure relating to collection and provision of the sample, thoroughly understand what to look for (they don’t) and better understand the dangers and shortcomings of DNA. Attorneys General must ensure that laws include that where the procedures and safeguards are questionable in light of other evidence the DNA evidence must be set aside regardless of what experts say. This type of investigation of evidence (ie of procedures and safeguards) should not be left to the say so of a self interest regulator or Labs., scientists, police etc with something to hide.

OTHER ISSUES

The male species is genetically programmed to be aggressive and in a perfect world this is of course an asset because we need the protective nature of males towards their country as well as their families. And of course taken in its original context it is the more aggressive type of person who is usually the most successful in Sport. So perhaps one improvement which could be made is more recognition of the protective nature of many males towards their families and hold them up as role models rather than the media obsession for glamorising violent crime. E.g. via a different model for “Father of the Year” – more of them in each shire? or something like that.

Perhaps also more recognition could be given to the frustration and anger that arises in normally loving males when they cannot achieve the basics for their family such as affordable housing and secure employment.

Having said that, it seems to me that some of the wording of para 10. Is somewhat narrow in its focus. There needs to be more focus on research/studying whether if assistance were given of a practical nature such as ensuring there is more affordable housing, encouraging men at a very early stage to participate in sport, meditation or other preventive pursuits would it lessen the tendency to violence.

ie Perhaps more recognition/research as to why some people cannot control their violent behaviour. Does practicing yoga, meditation as well as involvement in sport minimise tendencies to let aggressiveness become violence. Does recognition by partners of the need and value of reinforcing the male's contribution, talents, better points and encouraging more diplomacy by females minimise problems before they get out of hand?

Statistically, did violence or emotional abuse emerge early in the relationship or was there a trigger later for tension leading to unacceptable violence? These triggers may be related to the increasing intense housing stress many families experience (frustrating for a male wanting to provide for those he loves); job insecurity via casualisation and contract employment or feeling cheated by fraud and injustice in a Family Court situation which many men do. (*illustrated by mens' blogging sites, and way of discussions with participants in men's shed*)

Para 20 comparison statistics actually indicate this ie the percentage increases in violence are on a par with the rise and rise of unaffordable housing (*Federal Government Inquiry into Housing Affordability*). And job stress. (*Redundant Holden worker pointing to the years of pre redundancy uncertainty that contributed to stress among employees*)

The focus of society seems to be on the branches (outcomes) rather than the roots (contributing causes) - e.g. that many women are homeless due to violence rather than the question – is housing stress or job stress leading to increased violence then resulting in homelessness, substance abuse etc.? ie are we looking at the problems from the wrong end?

QUESTION 1

Lack of accountability

There needs to be a bi partisan very different approach to ensure more accountability of police, lawyers, and Courts. The emphasis now in Courts to ensure re Court mediation has not filtered through to governments. Secret one sided biased inquiries contribute to rather than resolve systemic problems - early dispute resolution via a mediated approach involved both parties, ie police, lawyer, etc. brings out the truth before it gets drowned in the convoluted uncivilised adversarial processes that pass for justice in this State and which so often aggravate family breakdown and contribute to violence. .

Para 19 My fear and anxiety is clear when I approach the police or other agencies for assistance. I am aware that what happened to me, ie the police claiming I am paranoid and delusional because I am fearful and anxious happens to other women. Inaction by police and politicians, as well as extensive injustice reinforce this false claim by police.

In para 24. Although the introduction of programs to assist those who have been violent to change are important, I believe far more could be done to minimise if not prevent violence in families getting out of control in the first place and that much of the funding is going into the wrong end.

Privatisation of sporting facilities is reducing opportunities for men as well as young family members to participate in some sports. Governments pour money into the cruel racing industry with all its sad consequences to families victims of excessive gambling, while minimising support for family friendly cruelty free sports. E.g. BMX has participation levels for every age group from 3 year

olds to geriatric The carnival atmosphere at the World competition held in Adelaide was equally exciting and vibrant as any racing event. While Victoria continues to support Warnambool Jump racing on the grounds of its needed for the economy, the BMX course in Warnambool is one of the most loved by BMX families in Victoria yet receives little recognition of the role it could play in attracting more events and visitors.

Physical, constructive and satisfying work and other energy consuming pursuits which act as minimisers if not prevention is on the demise.

Privatisation of many once publicly owned inexpensive swimming pools, tennis courts, caravan parks etc. is making many former energy outlets unaffordable. And worse, inaccessible to many of our young people from low income families.

In my experience, increased renting often of small gardenless places has an insidious effect on some men because traditionally, if one owns one's own home, the instinct of the male is to enjoy the physical work of either the garden and or "fixing it up" and improving it even if they have a sedentary job. . When will politicians wake up to the fact there is a serious affordability crisis in Australia and that they have taken Australia down the wrong track by encouraging increased unaffordable rental rather than striving for home ownership that is now totally out of reach for so many families.

Question Two

I believe funding would be far better directed to alleviate contributing causes of violence and in particular research into the effect and minimisation of these contributing causes.

.Para 30 My experience as regards systemic indifference to family related violence and the emotional abuse that serious fraud and injustice cause is ongoing yet could easily have been resolved if not prevented had police stepped in ain the first instance as happened in Long vs Long FC 1993 see www.cute.com.au/dna

. On three separate occasions when police have been called due to violence against me, including being knocked to the ground by [REDACTED] in the Family Court itself, the police blamed me and insisted I am paranoid and delusional, that I provoked the violence by insisting DNA paternity test results were false, and therefore to blame and nothing was done.

[REDACTED] following on the findings and recommendations of the ALRC Genetics Ethics Inquiry, I lodged an undefended application in the Supreme Court seeking to have a Declaration of Paternity issued in accordance with Secn 10 Status of Children Act – a human rights issue that is and was between the Court and me, the mother of an adult offspring, the father being deceased. In my application I had pointed to the evidence of a very sinister threatening motive for falsifying a DNA Paternity Test [REDACTED]

[REDACTED] After this incident, one of several, I again sought the

help of the police [REDACTED] only to find that as soon as he, Inspector [REDACTED] realised there was evidence of fraud [REDACTED] I never heard from him again. When I obtained the [REDACTED] file it was clear that lawyers had advised Commissioner [REDACTED] (Inspector [REDACTED]'s superior) not to meet with me.

It illustrates the way threatening situations and emotional abuse against women and young people is trivialised that 15 years on I am still trying to get justice but believe that lack of accountability has a cruel, costly, insidiously destructive effect. The police, lawyers, politicians and Courts that created the extraordinary cesspool of misleading claims, misapplied legal issues, humiliating, soul destroying judgements that bear no relationship to the truth and the indefensible cover up of wrong doing by Justiceconnect when they realised the solicitor they appointed had a serious conflict of interest is typical of what happens if one complains. (*Encl.4 Synopsis of Chain of Evidence which police, ombudsmen, politicians, Law Institute and Justiceconnect all claim doesn't exist or isn't relevant*) .

Diligent attempts by my local M.P.'s staffer to try to ensure legal assistance for an appeal based on compelling new evidence, changed circumstances, fraud and a miscarriage of justice far stronger than any lodged on behalf of convicted criminals are of no available – the response being either that I would be declared vexatious (ding ding) or that I have to have had the DNA test I am not allowed to have (and which family members ran up over \$700,000 in legal fees rather than agree to [REDACTED])

During the ten year period Labor was in office previously, several highly respected Labor M.P.s wrote to the then Attorney General,, Hulls and Police Ministers seeking to get assistance for me to resolve the paternity issue. I believed resolving this would enable my [REDACTED] and I to restore our credibility, get compensation from the labs involved, and quietly move on and away from the cesspool of humiliation, fear, injustice and emotional abuse that systemic breakdown relating to the father's actions has caused us. I made every effort to keep out of the affairs of the family, focussing

only on the paternity issue. Secret non event inquiries where I was never contacted and only the wrong doers interviewed, merely added to my anxiety and fear.

By the time Liberal took office far more was known about the problems with DNA as evidence and I had managed to get really damning evidence via FOI relating to Victoria Police Lab. [REDACTED] Liberal had been spouting their intention to ensure more accountability and a genuine Crimes & Corruption Commission etc. So I expected to be able to overcome the misinformation, trivialisation of what was happening to me and the emotional abuse with which I live. I hoped there might be some concern to ensure justice for us. I have many articles from overseas which illustrate that Attorneys General in other countries have quickly stepped in where DNA tests have been claimed to be wrong and ensured independent, strictly supervised DNA testing - something my [REDACTED] and I have never been able to obtain. .

Question 8/9

In my experience lack of accountability of police, secret one sided inquiries in which the victim is not interviewed and only wrong doers listened to and the adversarial role that one is pushed into trying to resolve systemic inaction is a significant contributing factor to escalating rather than avoiding excessive violence and emotional abuse.

Although numerous recommendations have been made via law reform inquiries to minimise the adversarial process in Courts, and warring parties are now required to sign a stat dec that they have done everything they can to settle their difference, these recommendations have not filtered through to governments. ie to complaints about police, lawyers, educators etc should first be handled by way of a mediatory approach prior to further investigation because it is the way to speedy, just, cost effective resolution.

It should be mandatory – as now happens in Courts - ombudsmen and others should first ensure the parties meet in a spirit of co-operation and resolution because this would avoid the issues becoming bogged down in layer upon layer of lying, misunderstandings, he said she said and increasing frustration and anger that can lead to violence and emotional abuse.

I believe the lack of involvement and listening to both sides of any dispute and first getting all the facts and establishing the truth and therefore the problem is still significant contributing factor as regards escalation of violence.

Question 10

Lawyers recommend to those with the money – police, government departments, fathers etc and those who are lying not to agree to an initial mediation meeting. Such a meeting could and often would minimise the adversarial process. Not only would a mediatory approach rather than current secret inquiries minimise the damage that police, greedy lawyers etc and inaction does it would the obvious cost saving to governments would probably fix the big black hole in the budget.

Ensuring and encouraging parties whether partners in dispute, complaints about police inaction etc before lawyers get involved ie by way of increased funding for mediators and collaborative lawyers

is, in my view, one of the most effective including cost wise measures that needs to be reinforced and among other things would probably lead to less family breakdown.

33. One of the issues that came up over and over again during the interesting, empowering round of discussion relating to the Charter of Human Rights as well as in my own experience is the fact that victims are not listened to and often feel the system tramples on them. Despite these discussions nothing much seems to have changed.

Question 11

Clearly examples indicate it is essential to ensure not only more accountability of lawyers, police and other agencies but even more importantly, transparent mediatory processes to minimise the frustration and anger that develops due to unresolved issues and the perceived or very real injustice lack of accountability creates.

The current adversarial system escalates difficulties, enables serious coverup and adds to family breakdown rather than any chance of healing and leads to the dangers victims are faced with due to liars and wrong doers being listened to rather than victims.

Mediation as a starting point, whether between family members or police is more likely to minimise the angst because the truth and facts more quickly becomes obvious.

When I wrote to the then Police Commissioner Jean Dixon seeking to establish mediation with the police [REDACTED] I received a letter from the Assistant Police Commissioner, [REDACTED] threatening me with legal action. Later I found a note on the [REDACTED] file by Commissioner [REDACTED] saying "Lawyers advised against this!"

Question 13

My [REDACTED] had always been an exemplary student, never got into drugs or alcohol, is community minded and is and was a source of great pride often working part time from an early age and contributing to social issues such as the establishing of the Riding for the Disabled Scheme and the banning of dissection in schools.

Despite all [REDACTED] has been put through as a result of crime when [REDACTED] was only [REDACTED] and the heinous fraud by [REDACTED] father followed by systemic indifference, [REDACTED] never exhibited any signs of anger much less violence. Any aggressive tendencies were and are channelled into sport and [REDACTED] had never exhibited any signs of socially unacceptable attitudes. But on the day we realised the police and police lab were lying and covering up for [REDACTED] and that [REDACTED] was therefore going to lose the house [REDACTED] father had claimed he was going to buy for [REDACTED] actually hit me for the one and only time. As soon as [REDACTED] realised what [REDACTED] had done, [REDACTED] turned [REDACTED] anger on to violent acts against the house [REDACTED] was about to lose – breaking mirrors, pulling lights out of their sockets, smashing a chair into a door panel etc. [REDACTED] was due to meet with a solicitor who was supposed to be helping [REDACTED] in the Family Court who told me later that [REDACTED] had driven like someone possessed, nearly killing [REDACTED] and the solicitor who [REDACTED] was giving a lift to.

To me at least this so illustrates why it is important to put more effort into the causes of outbreaks of violence and why I believe far more needs to be done as regards a failing justice system, lack of accountability of police and the increasing major problems creating unacceptable stress in families.

Question 13

My [REDACTED] very much takes after [REDACTED] father in many ways but knowing how violent he was and that my [REDACTED] channels [REDACTED] own aggressive nature into sport, work etc in a constructive way has caused me to believe this is essential for many males – ie finding channels and outlets such as sport, community involvement etc to divert anger and frustration. The Mens Shed program appears to be especially beneficial in giving men a sense of “tribe” and an outlet for frustrated energy!

Q,17 Cant comment! One can only guess that areas experiencing high unemployment, low home ownership etc. are the worst as far as physical violence is concerned but in terms of emotional abuse that may not be the case.

Q.18 The barriers for me have been the coverup that follows stuffup, the indifference and misleading claims made by those agencies that should be supportive but just swallow the claims of wrong doers, and the general lack of any effort to ensure the facts are established before making a response (negative ones in my case)

Q.20 I believe self help programs, less nannying agencies and more input into causes – especially lack of appropriate, secure, affordable housing for many (*Economics Committee Report into Affordable Housing, ACOSS & others*) and job insecurity (contract and casualization of the work force) would give men back a sense of dignity that they lose sometimes due to circumstances beyond their control. Controlling behaviour is probably the result of insecurity or lack of self esteem. ?

Yoga and meditation should be taught in our schools instead of religion and I believe would be hugely beneficial in terms of helping more people to control violent and abusive behaviour. And would have a far better long term outcome including in terms of economics.

There seems to be a lack of training as regards establishing the facts of both sides in disputes and despite all the rhetoric, systems that create a confrontational (adversarial) approach rather than a conciliatory one.

Q21 Improved mechanisms, ie an early conciliatory approach to establish the facts of both parties in complaints as regards inaction by police, more effort by Courts to nip disputes in the bud – especially the attempt of lawyers to drag cases out e.g. by bringing in numerous irrelevant issues (*Productivity Commission – various Submissions into Access to Justice*) and generally more accountability of police, lawyers (including community legal centres when complaints are raised), is essential. The Productivity Commission report p.10,45 recommends that lawyers be made accountable via Consumer Law – clearly a far better outcome than the current situation where the Legal Services Commission and, according to them, the Courts, are on the side of the wrong doers ie the corrupt lawyers rather than the complainant. Clearly this, dispensing with the Legal Services Commission, would be a huge saving to taxpayers in more ways than one.

ENCLOSURES (FURTHER READING IF OF INTEREST)

1. Quotes from US Inquiry

[REDACTED]

[REDACTED]

4. Synopsis of Chain of Evidence relating to fraudulent DNA tests

CRUEL COSTLY CONSEQUENCES OF SYSTEMIC PROBLEMS WITH DNA AS EVIDENCE

Victims of DNA stuffups and other problems in Victoria labs. are not all in this State. (Justice Action) but to some extent they have obtained justice via e.g. Ombudsman (NSW) Crime & Corruption Commission (NSW) Updated Law (Queensland and ACT)

Your attention is drawn to Houston Chronicle extract relating to exposure of problems in forensic labs in the US by Ann Werner and referring to systematic inaction in relation to claims of erroneous and fudged results .

“... State Rep. Kevin Bailey, D-Houston, chairman of the legislative committee ...
 "I'm not sure there was criminal activity, **but there sure was a lack of interest and concern that is surprising of people in (leadership) positions,**" said Bailey. "And I guess you can't indict people for that. **But they sure failed the public and failed the criminal justice system by not being concerned with what was going on (at the crime lab).**"

Stan Schneider with the Harris County Criminal Defense Lawyers Association was more critical.

"I think (the blame) includes everyone in the system," he said. "And it's not a ringing endorsement of any of the leaders of our community." Full text available on internet. Or by request.

Quote from Ombudsman's letter when I wrote for the ninth time seeking an investigation into my claims of fraud and collusion "it's not government policy"? Letter to previous Police Minister "when I sought mediation (as recommended in several inquiries related to justice) with police and colluding scientists, including from the police lab., their response was to threaten legal action". *Correspondence confirms.*

Please take the time to consider what you personally can and will do to support that the "leaders of our community" should be calling for changes to laws and a National independent forum of inquiry. Patricia Farnell and [REDACTED] Victims of serious crime, compounded by a further serious crime, exacerbated by widespread systematic inaction.

URL: (pre ALRC Genetics Inquiry) www.cute.com.au/dna after inquiry when other cases and problems started flooding in www.democraticjustice.org – for a cross section of systemic problems with DNA evidence go to "DNA cases"

[REDACTED]

FRAUDULENT DNA EVIDENCE LEGAL CLARIFICATION, EVIDENCE, FACTS & WHERE I AM AT WITH IT ALL.

With reference to my request for assistance to obtain consent to strictly supervised DNA testing of [REDACTED]

The civil issue of paternity and human rights is a separate issue to the criminal issues of fraud as is family violence.

LEGAL ISSUES

If the obvious strategy of ensuring [REDACTED] is made aware of the facts, evidence etc. withheld by a corrupt lawyer, and now including new evidence obtained via FOI I am confident she would agree to have discreet DNA testing rather than go to Court. There are sound reasons for this belief.

1. [REDACTED] has a legal right and there is enough evidence to make an application since she only attended as a witness. (Confirmed by barrister [REDACTED] among others) Due to the way we were bullied and threatened during the process, I will only pursue this option as a last resort. My other reason for not proceeding with this course is the cruel injustice of costs being awarded against Mums even though they are not the ones refusing to have DNA testing under the tighter, stricter controls now known to be essential. (1a) Letter from previous Attorney General Clarke & (1b) findings of various Law Reform Inquiries.
2. There are better processes now in the Court which people like me helped bring about through law reform inquiries. These include mandatory pre court mediation and that expert evidence is sorted out pre Trial. However, the attitude in the Courts as well as lawyers * needs to change.
3. I have the right to seek Leave to Appeal to the High Court **who of course can order DNA testing.** This only became delayed and is now more difficult because of ill health, severe housing problems and misleading claims being fed into the legal profession by [REDACTED] as well as corrupt scientists. . My files were all in storage. By the time I got somewhere to live and got them out I found out I had recurring cancer. It was only recently, ie when I was in affordable secure housing I persisted successfully in trying to obtain a report and working notes via FOI withheld by [REDACTED]. When coupled with the evidence of paternity which proves "something" went wrong with four DNA tests it conclusively proves scientists are lying including to the Ombudsman and on oath as to where the DNA they tested came from.
4. The Lawyer appointed by [REDACTED] had a serious, undisclosed conflict of interest and withheld vital witnesses, evidence, including scientists' reports etc. and constantly misled the barristers especially [REDACTED]. Despite repeated requests by [REDACTED] that evidence of means method and motive be put in an appropriate form he as well as I were ignored by [REDACTED], the solicitor appointed by [REDACTED]. They were not made aware of what really went wrong ie the samples used in the tests were not [REDACTED] as claimed. Judges keep saying I claimed error and there is none. The latter is true, the former is not – I never have because I quickly and easily established the old fashioned way not only how the test results were falsified, but who by and why ie a very sinister threatening motive.

5. The FC Judgement is claiming it doesn't matter if the father falsified the DNA test because my [REDACTED] was by that time over 18 and that I had already extorted thousands of dollars out of him – both provably untrue. Affidavits and transcripts showing [REDACTED]'s false claims had been withdrawn as regards "extorting money out of him while his wife lay dying of cancer." The FC Judge repeats it and the SC Judge does the same despite the evidence it isn't true.
6. **I believe this false claim, ie that we had already received thousands of dollars from [REDACTED] - was used to convince [REDACTED] to falsify the test and lawyers, earlier police and others not to support my [REDACTED] and I and influenced the misleading Judgments.**

BRIEF SYNOPSIS OF EVIDENCE of (MORE DETAILED CHAIN OF EVIDENCE AVAILABLE WITH ALL SUPPORTING DOCUMENTS)

7. In view of the following, the Court should agree to the Declaration of Paternity being issued regardless of if DNA testing was agreed to. Various barristers have said they will only assist if we have the DNA test we are not allowed to have yet we cannot get legal support to help ensure pre Court agreement. Much of the evidence was withheld by the lawyer [REDACTED] appointed by [REDACTED] because she had a serious conflict of interest. Her long term valued client is the insurance company that covers at least one of the labs. Easily provable lying and misleading claims by [REDACTED] are ignored by Legal Services Commissioner as well as [REDACTED] claimed is she only agreed to "limited" assistance as regards the paternity issue. This does not explain why she did not put the evidence of a strong motive She is the person who briefed the barristers for the examination of the scientists on the days set aside for this purpose. And clearly focussed them on questions about error with no hint as to other ways tests can be false. She is the one who was liaising with the scientists recommended by [REDACTED] of Lindy Chamberlain fame (and undermining their efforts at the same time). None of the evidence in reports or what she was told via emails (which scientists were sending me copies of as well as [REDACTED]) went into Court. She is the one who liaised with numerous witnesses to the fact [REDACTED] from [REDACTED] obtained a positive result (then changed sides and continues to lie) **
8. The SC Court Judges state: paternity was established by the lay evidence". **"The whole body of evidence points to it..."** [REDACTED] totally missed the significance of the evidence of strong motive saying the father suddenly started thinking "for some reason" [REDACTED] wasn't his child. Evidence and witnesses show he was offered \$800,000 to marry a young Indian girl in order to bring millions of dollars out of India under the relationship laws. When [REDACTED] realised I wouldn't go along with his plans he changed it to the legal option of international students being able legally to funnel money into Australia. The woman he proposed to marry enrolled at Gordon Institute as a student.
9. It can be seen from the transcripts that the [REDACTED] were claiming as one of the reasons they wouldn't have the DNA test under tighter security is because I wouldn't agree not to go back to Court. Its not true but this shows they knew that the result would disprove earlier tests otherwise they would want the result to be produced in Court to shut us up. [REDACTED] was an ignorant fool. Another claim was "the cost" of DNA testing – I had offered to pay the \$500 VIFM required. So why did they spend over \$700,000 in legal fees rather than prove things one way or the other?
10. The corrupt lawyer, [REDACTED] withheld and buried the extensive evidence and witnesses I gave her that support my claim as regards the means, method and motive for falsifying DNA tests. She ignored the barrister, [REDACTED] who acted pro bono for six years and kept requesting this. Judges lawyers politicians etc keep saying I didn't provide witnesses and

evidence— not true – she buried it all - yet Im blamed by the Court as well as in correspondence from previous attorney general .

11. Ive written up a more detailed Chain of Evidence if needed. In 15 years of hell no one has asked me what evidence I have or been in the least bit concerned much less interested as to how I established what went wrong . Nor, as far as I know investigated why some Mums were getting opposing results despite no error showing in the original tests. .
12. Judgements are available via Austlii of course. They are full of contradictions, ignorance, humiliating lies and stupidity. BUT – there is nothing in the transcripts, judgements or anywhere else where anyone claims much less proves my [REDACTED] and I are lying. Quite the opposite. (Judgement of Bell) The actual Trial covered 7 days. I was extensively cross examined on each of those days as well as numerous other Court appearances with and without lawyers. No Judge or defendant or lawyer or politician has ever been able to claim my [REDACTED] or I am lying because we are not.
13. When these factors are put together with the strong likenesses of my [REDACTED] to the father and the sibling, [REDACTED] (which can easily be supported by witnesses and assumptions can be made since these likenesses were being pointed to while the father was alive. Claims its not “evidence” and not even “suspicious” when a child looks like someone who admits to being on intimate terms with the mother at the time of conception is cruel, costly, and a bloody disgrace.
14. The obvious thing to do is to agree to strictly supervised DNA testing if we are lying . In fact, since the [REDACTED] too would receive swift compensation if we are not it is still the obvious thing to do. Unless of course they already received it. They can still pretend they didn't know the truth. If they don't agree pretty soon to discreet solutions to the paternity issue personal issues are likely to come out instead of keeping the focus on the lack of accountability of scientists and police.
15. We require extra safeguards etc including that signed sealed control samples are given to a second scientist of our choice at the time of extraction (advice and offers from ethical scientists re this already established) This is as you know common practice with drug and alcohol testing - there is nothing to prevent [REDACTED] or police having any extra safeguards she requests so its incomprehensible what her problem is unless she already received compensation.
16. [REDACTED] and I signed the agreement [REDACTED]'s lawyers drew up which includes we won't go back to Court re paternity issue. Neither he nor the [REDACTED] signed it and still claim their refusal is because I wouldn't agree not to go back to Court. (1d) Copies of this agreement, and a second one I drew up which precludes the need for DNA testing available. This excuse is however one of many feeble ones which indicate they know what the outcome of strictly scrutinised DNA testing would be.
17. [REDACTED] claims in his affidavit to the Court “agreement had been reached” but neither he nor the [REDACTED] abided by it. The situation is the same now as then – if they have the DNA test with strict safeguards in place it wont go back to Court if they don't we will have to.
18. I wrote to the [REDACTED] pre court seeking discreet secure DNA testing. Considering the above, [REDACTED] affidavit and the massive amount of money legal fees (well over \$700,000) would have come to rather than have the DNA test and prove we are liars if we are, yet claiming to be “impecunious”, that the Estate was bankrupt” and knowing neither [REDACTED] or I

has the resources to pay their massive costs - - its not just [REDACTED] and I who wonder where the money came from to pay the lawyers and if DNA evidence affects' Judges' brains.

19. Judge Bongiorno's ruling and the agreement [REDACTED] and I signed makes it clear we were not seeking any money from the [REDACTED]. Although I knew where some of the hidden assets were there are other reasons why I chose not to – including knowing what was behind the clause in the will that was ignored by [REDACTED] and the [REDACTED].
20. Do "impecunious" people really pay out that sort of money to cover up the fact their father slept with someone else while married to their mother? Not of course that they are – [REDACTED] was an accountant – one of the worst kind. **When [REDACTED] was originally charged and fined over Sunday trading [REDACTED] was the accountant who hid all his assets.**

SCIENCE ISSUES – AND FRAUD

21. These are set out in more detail together with supporting documents if DNA testing is not agreed to and will be made available to the IBAC inquiry. I'd prefer this was put together in a more professional way. Or if it becomes necessary to go back to Court. Scientists can be available via video once its better understood what they support. (2a) They have already done reports confirming no technical error and other contradictions buried by [REDACTED].
22. The lawyer buried credible witnesses and withheld evidence of means, method and motive and other issues such as **numerous discrepancies in safeguards and witnesses to collusion** because she was working for the labs. She continually ignored the barrister's instructions in this regard. Documents that support my claim can be supplied.
23. It has been well and truly proven and publicised that the safeguards relating to DNA as evidence were totally inadequate, did not prevent tampering and do not detect tampering, that judges need to be better educated, that fraud can and does happen and cannot entirely be prevented and so on - Little has changed.
24. I established this long before the subsequent inquiries – all of which I contributed to and several of which including the VLR Forensics inquiry and the ALRC Genetics Ethics (lack of) inquiry.
25. **My evidence includes serious proveable discrepancies in the procedures and normal safeguards which make the integrity of the sample used unsound.** Lying by [REDACTED] the person switching samples at [REDACTED] and lying on oath by [REDACTED] including **lying about where the sample used by [REDACTED] came from.** Coupled with other evidence it proves the wrong sample was used at [REDACTED] that [REDACTED] falsified the test at [REDACTED] and that [REDACTED] obtained the false sample from [REDACTED] not from the sock as claimed. I have scientific support for this which would need to be sorted out pre Court (as is now common practice) with independent ethical scientists present if the [REDACTED] continue to refuse DNA testing under strict security.
26. When I tried to draw the attention of the Judge to discrepancies and lying, he insisted "its science pure science". Its not its significant evidence. He kept saying I was claiming "error" – I wasn't – I never have because I knew [REDACTED] could be trusted and he checked the technicalities of the original tests as did [REDACTED] who I also trusted. Both contradicted [REDACTED] claims regarding matching loci. Again – evidence that never saw the light of day.
27. My claim is [REDACTED] sample proveably wasn't used in the tests giving a negative result. The only time his sample was used was when the positive result was obtained by [REDACTED].

changed sides then provably lied claiming his tests were negative. The extensive credible witnesses, including a private detective, correspondence etc to the fact the result was positive were not utilised by the corrupt lawyer who buried witnesses as well as evidence, nor interviewed by the police at the time because I was being ignored, inquiries are secret, liars are listened to and everyone sticks their head in the sand rather than investigate the old fashioned way when it comes to DNA as evidence.

28. I have and always had significant evidence and witnesses to the fact [REDACTED] falsified the second test. I had wanted to call [REDACTED] see www.cute.com.au/dna but it only became clear when I finally retrieved the files after the Trial that the lawyer had been burying evidence and witnesses, including relating to the positive result which that cruel, lying rat [REDACTED] at [REDACTED] continues to deny and I'm never given the opportunity to point to evidence because I'm not a scientist.
29. Prior to going through extensive files after the case went belly up I thought that credible, ethical witnesses, including scientists who had been liaising with me via victims of crime (and recommended by [REDACTED] of Lindy Chamberlain fame) whose names I had provided to [REDACTED] were refusing to give evidence on our behalf, when of course **from [REDACTED] point of view that was the problem – they were willing.** As well as [REDACTED] (one of many victims I've helped get justice) they included an independent private detective to the fact [REDACTED] claimed he had a positive result, my former accountant relating to false financial claims, my sister* and other witnesses who first alerted me to the motive and which then [REDACTED] himself confirmed thinking I would go along with his unsavoury plans.
30. When I tried to draw [REDACTED] attention to misleading claims and lying by witnesses, including [REDACTED] he refused to let me get my notes despite allowing [REDACTED] to get his even though at that time it related to events 12 years ago.
31. We seem to be having to provide more evidence of fraud and paternity than would be needed to get leave to appeal in a murder case where endless appeals are granted for the most trivial of reasons but lawyers say [REDACTED] and I would be seen as "vexatious".
32. It's beyond my comprehension the way the whole system. Including [REDACTED] supports the wrong doers rather than the victims
33. Lawyers I've approached say we have to have the DNA test we are not allowed to have in order for them to seek leave to appeal. **I am saying we would not have to seek leave to appeal since the [REDACTED] would agree to the test if given all the facts because they do not want these to come out in Court.** I have no idea what their problem is. I'm the one who tried to abide by their father's dying wishes, they are the ones making it impossible.
34. The agreement drawn up by [REDACTED] and his lawyers and signed by my [REDACTED] and I but not them was worked on for months - the big sticking point for me being to ensure additional safeguards to protect **the integrity of the samples and that we would not have to pay their previously incurred costs out of any compensation.** I still do not know what the rules are in this regard since extensive costs were awarded against me – just one more injustice. Would they be reversed? I don't know.
35. I don't relish the thought of more protracted Court battles but time is running out for me and I do not want to go on living in this hell any longer.

