

The Final Order issued by Consent from the [REDACTED] Magistrates' Court on [REDACTED] 2015. The Respondent was represented by Counsel of 35 years' experience who practised routinely in family law.

The Applicant was unrepresented and attended after being contacted by local police through Counsel so the Respondent could gain some access to personal property including clothing and toiletries.

The Order did not reflect the agreement reached. The Court indicated it was too difficult and time consuming for the Order to show the agreement reached. Counsel asked that the signed consent reached be placed on the Court file and his request was granted. Of course, that would not ever be seen by anyone dealing with the Order again. That included the members of the Victoria Police from [REDACTED] and [REDACTED]' Uniform branches who were called upon to deal with the Respondent's access to personal property pursuant to the standard Order that resulted from the decisions and actions of Magistrate [REDACTED]

On [REDACTED] 2014, Magistrate [REDACTED] heard the Application for Intervention Order and caused the Interim Order to issue. The Application was heard ex parte.

The application hearing at [REDACTED] went as follows:

(Applicant sworn in)

[REDACTED]: You filled out this application form, is everything in it true?

Applicant: yes

[REDACTED]: And, ah, has [REDACTED] got an Order against you?

Applicant: No

[REDACTED]: And you've got children together do you?

Applicant: No, I've got children of a previous

[REDACTED]: you've got children of another relationship. How old are they?

Applicant: They're [REDACTED].

[REDACTED]: And, ah, you say that [REDACTED] poses a risk to them?

Applicant: Yes, DHS have also asked for her not to be in their presence and ...

[REDACTED]: right

Applicant: etc

[REDACTED]: And um, you previously had an Order against her and what happened to that Order?

Applicant: Basically, we didn't come back into court because she was trying to get help through psychologists and psychiatrists and stuff like that but it's not working.

[REDACTED]: Right, where is she now?

Applicant: No idea ...

[REDACTED]: Right

Applicant: ... wherever, I don't know.

[REDACTED]: So what's brought this on?

Applicant: Um, well, she continually threatens, she is continually going to hit me and stuff like that, I have to block and walk away and etc ... um ...

█: What is she trying to achieve by all of this? Is she trying to get back with you or ...

Applicant: She's ... she was trying to get back with me the last couple of weeks I've sort of said no way, that's it, you know what I mean – that's it, it's totally over and etc and she's getting more and more ...

█: but there's been periods of reconciliation has there?

Applicant: yeah, well, obviously we moved in together █ months ago and um once we were in together you know there was sort of like some financial ties and stuff like that so we tried to make it work as well but um, but it's just not gonna work.

█: You say here that she has been taken away to █ Mental Health as an outpatient, is it?

Applicant: that's correct, the police took her in a divvy van to █ Mental Health because she threatened me and the police █

█: when was that?

Applicant: that was about █

█: And what since then?

Applicant: Since then, um, she's hit me a few times, ummmm she's ...

█: In what context? What, she goes around to your place?

Applicant: No, we live together.

█: ok

Applicant: Umm, basically, if we get into an argument like one of the last arguments um was █

█: so, have you kicked her out of the house?

Applicant: Ummm, I have in the past, at the moment I've sort of move out sort of very temporarily coz I didn't want to get into ah, coz she's threatening to ah, make up lies, she's been making up lies and stuff.

█: who's house is it?

Applicant: It's in both our names, it's uh, in both our names.

█: was she charged with the █ incident?

Applicant: ah no

█: why not?

Applicant: because I wasn't pressing charges because ... she's mentally not stable.

█: but the police were present?

Applicant: the police came, yes.

█: but they didn't see the actual incident? You rang the police did you?

Applicant: I rang the police, the police came, she still had the █, she wouldn't drop it when they asked her to, so um ...

██████████: why didn't they charge her?

Applicant: I couldn't answer that.

██████████: And, ██████████, that's your place? Renting are you?

Applicant: It's a ██████████ property that we're renting, yes.

██████████: You and she?

Applicant: Yes.

██████████: So, how is gonna work? You're seeking an Order excluding her from that property?

Applicant: Well, basically, I need to get back home and I'll need somewhere for my kids to stay as well coz you know, the kids stay there and we haven't been there because ...

██████████: Where would she go?

Applicant: She's got friends, family, etc. ... I know it's hard but you know I'm couch surfing at the moment as well. I'm not seeing the kids I'm supposed to have them there and I can't even have them there.

██████████: Where are you?

Applicant: I'm couch surfing at the moment.

██████████: Yeah, whereabouts?

Applicant: Um, whasamacalled, at a friend's place in ██████████.

██████████: with your children?

Applicant: No. They're at their mothers but I haven't had access because ....

██████████: So this is gonna be an Order excluding her if I grant it excluding her from that address.

Applicant: Yeah. ... Unfortunately I can't see any other way of doing it. ...

██████████: But she's the co-tenant on the lease?

Applicant: Yeah, yeah.

██████████: So you feel as if your personal safety is at risk?

Applicant: Well, my personal safety and my well being is at risk because ... a lot of the times, you know, she'll just keep coming at you like a wounded bull ...

██████████: When was the last time she threatened to hit you?

Applicant: Last time she tried to hit me was that two weeks ago, um and I blocked her and I walked off.

██████████: And why have you waited this long?

Applicant: Because I got told by the Court that I couldn't get in until this date.

██████████: Argh

Applicant: I tried coming in twice ...

██████████: Do you think an application would be enough to change her behaviour?

Applicant: Um

██████████: If the Application is adjourned, she gets a copy of the Application.

Applicant: Um,

██████████: She knows you're applying. Would that work?

Applicant: Do I think the application would be enough?

██████████: Yeah, the fact that she's on notice that you're applying?

Applicant: Um,

██████████: Or, would you say that would ...

Applicant: I don't think it will, it would just aggravate her further.

██████████: indiscernible.

Applicant: She's made threats that if I come to court that she's going to go to things like my ... because I'm currently bankrupt ...

██████████: Has she ever had an Order against you?

Applicant: No. But she's made claims that she's going to go to my trustees and tell them that I'm doing this and doing that just to try and cause trouble ...

██████████: Lie about you?

Applicant: Yeah. She's actually a ██████████ and um, she's not very ethical.

██████████: ok. Well um, so there's no children involved ...

Applicant: She's actually even married so I don't even know her married name, all I know is her <redacted> which is her maiden name and that's all she ever uses.

██████████: ok, well, I'll grant you the Order and it's a full interim Order that I'll grant you until the ██████████ which you have to come back on that day if you wish to pursue the matter after that. So that'll be quite a sensitive matter because she'll go home and there'll be a knock on the door from police serving an order on her.

Applicant: Yep ... exactly

██████████: it may be something you might like to think about how you're going to be there and liaise with the police ...

Applicant: well, I'm gonna need to ...

██████████: ... because you want to avoid a scene.

Applicant: Yeah

██████████: Well, if you step down here if you go around here to the front counter you will get a copy of the Order

Applicant: Thank you very much.

██████████: We'll see you on the ██████████

Applicant: Thank you.

And in 7 minutes and 43 seconds, the woman's life changed traumatically and drastically – without cause.

On [REDACTED] 2014, the Respondent was served at [REDACTED]pm after placing a distress call to 000 that her former partner had showed up at the house with a person [REDACTED]

While the men sat at the rear of the property, the woman received text messages about how the man had felt he had his back against a wall, was sorry but had no choice and was glad the police were attending because they would be able to serve the woman with the Summons.

By [REDACTED]pm, the woman had packed a few items of clothing into her car, argued with the police, been ordered to leave and not been able to lock her property. She said there would be consequences to her not being able to lock when she left. The keys were handed to the man and he had his wife and children in her house before the night was out.

The woman had nowhere to go. She initially arranged to go to a friend's house but it was a [REDACTED] minute drive away. She contacted another friend whose house was only a [REDACTED] minute drive away. Within the next [REDACTED] minutes, she would be told she couldn't attend the second friend's house because she and her family did not want to get involved because of the man and the amount of trouble the man would cause for her family. By the time that decision had been communicated to the woman, she was unable to drive the [REDACTED] minutes to the other friend's house and drove to the only place she could think of that would not cost her money to stay: the [REDACTED] house where she knew he would not be attending that night because he had [REDACTED]

The person occupying the [REDACTED] home was a [REDACTED] of the man's friend. He said he couldn't talk to the woman at that time, and only admitted her to the premises when she said she had nowhere to go. The boy obviously knew what had happened. She had fed and sheltered this boy and offered him advice to assist with his, also, numerous problems.

She was offered the bedroom that the man had occupied recently – so recently that the [REDACTED] hung heavily in the air. His laptop was still switched on and she read through an internet dating site where he had been a member. She realised the man had been disloyal to her for some time. The more she looked, the more she saw that the prospective dates the man wanted were with women who looked like his wife. His profile represented that he was a man of means, culture and education. [REDACTED]

He was wearing the expensive labelled clothes she bought him, in the lifestyle she paid for with her [REDACTED] and he was representing that's what he was and using that to attract other women. He was looking for his next support system.

He hadn't purchased clothes for himself in [REDACTED] years – didn't even have a black pair of slacks when she met him [REDACTED]

He couldn't launder clothes properly, never had his jeans shortened and cuffed before he met her and had only 1 suit in the wardrobe – the one he married in.

He was going to do to others what he'd done to her.

She'd paid for the [REDACTED] that would eventually harm others.

She started to lose her mind.

She asked the boy whether there was anything in the house to drink – he offered water and she said that probably wasn't remotely strong enough. [REDACTED]

Before leaving the [REDACTED] house, she apologised to the boy and thanked him graciously for his kindness in admitting her to the house. She was disingenuous but the boy was not that bright.

She said that she wished him well but she couldn't stay because there was no hope of her being able to settle. His response was he hoped she really did wish him well and would stay in touch. She said of course – she had done all she could do for the man and the man had done this to her nonetheless. [REDACTED]

The next step was for her to find a place to be. She drove to the [REDACTED] Shopping Centre and sat outside in the car across from the [REDACTED] Police Station. She reasoned that if she needed help or a bathroom where it was safe and roughly clean, she could use the facilities that ejected her from her home, made her unsafe and made her property vulnerable to unscrupulous, fraudulent freeloaders.

She reasoned that she would need to be near the Magistrates' Court in the morning because she would attend and have the Interim Order overturned. On the face of the documents with which she had been served, the man had perjured himself to achieve the Order. Surely, when the Court was put on notice of this fact which was provable by objective evidence, the Court would terminate the Interim Order and issue a replacement that named her as the protected family member.

She used the police station toilet a couple of times that night. She was met the first time, after a long wait, by three police officers. It was approximately [REDACTED] am.

She attended [REDACTED] Officeworks the next morning and had printed copies of the numerous text messages she had received from the man and evidence of their telephone discussions that had occurred since she terminated the relationship on [REDACTED] 2014.

She made an application to vary the interim intervention order at the [REDACTED] Magistrates' Court later that morning – after one hour of sleep, in a state of trauma and dismay. The hearing proceeded as follows:

(Commencing [REDACTED] am, before [REDACTED])

Her: Your Honour, I am [REDACTED] <redacted> and I appear in person.

[REDACTED]: Thank you. Now Ms <redacted>, you're the Applicant for a Revocation ...

Her: Yes, Your Honour

[REDACTED]: And you're the Respondent to an Application by [REDACTED] <redacted> on behalf of himself and [REDACTED] <redacted> ...

Her: Yes

██████████: ... and I just ... I'm just looking through the file here ... ahm. Yesterday I granted an Interim Order in their favour ...

Her: Yes, Your Honour

██████████: and adjourned the matter until the ██████████

Her: would your Honour care to read my application or shall I attempt to provide a summary?

██████████: well, perhaps if you go in the witness box

(Applicant affirmed)

Her: I solemnly and sincerely declare and affirm that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

Particulars entered – name: ██████████ <redacted>; occupation: complicated ... ██████████

██████████: so you filled out this Application Form did you Ms <redacted>?

Her: Yes, Your Honour

██████████: And is it true and correct?

Her: in its entirety, Your Honour. Can I say ...

██████████: well, when were you served with the Order?

Her: ██████████pm last night

██████████: right, well, now look, you're ██████████?

Her: ██████████

██████████: right, ok. Um so you can understand then how it works. Basically yesterday an application was made ... and there wasn't any findings of fact, it was just a risk assessment on the balance of probability ... I found that on the balance of probability that I should grant the Order so I granted the Order and which was to be ... end of ██████████ and it was served on you so you are the Respondent

Her: yes

██████████: and I don't know whether you've read the legislation but ...

Her: ██████████

██████████: yeah, if you had of, if you are an Applicant or an AFM you can vary the Order and so on quite easily and you just come along and if what is accepted then you can change the order ... if you are the Respondent, it is not the same, there's a couple of hoops that you have to go through in the Act. Section 98 says that you have to show there's been a change in circumstances that justify a variation so there has to be a change in circumstances since the grant of the Order, other than the making of the Order and the consequences of the impact of the making of the Order, there has to be some change in the circumstances. What the legislation contemplates is that, you know, sometimes the interim order will be made and then the parties can completely reconcile and so the circumstances that gave rise to the necessity of the Order are no longer ... so the Respondent can tell the Court "here's my husband; here's my wife; we are now back together again" then you say well there has been a change in circumstances that justify the change in the Order making the revocation possible. But, where you've just been served at ██████████ o'clock and you come along before me in the morning um, I don't know, well, I'll invite you to tell me what the change in circumstances are.

Her: I would say to you that you haven't been given all of the facts, the evidence given is actually – to an extent – false and self serving and um,

██████████: ██████████ – they're issues - those allegations and your response are ... I can see you're very frustrated. That's for a hearing, that's for another day.

Her: he lied to you and he has another place to live

██████████: that's for another day. Well, I don't think you have got change in circumstances. Look, it's only been ██████████ hours so I don't think you can satisfy that threshold.

Her: I can say to you that I've got medical evidence indicating that I am ...

██████████ ok, but you see ...

Her: indiscernible

██████████: you seem to be conflating issues of ... you seem to be confused so I will start again. Now, do you want a glass of water or anything ...

Her: ah, no, I don't ....

██████████: 'cause now you're talking over me when I'm trying to talk to you

Her: Forgive me

██████████: ok. Do you need a break? Do you need some time? Because I, I don't want to have to repeat myself over and over again ok.

Her: No, it's ok. I'll just ...

██████████: alright then, I'll explain it to you. You're the one who's called Respondent. That doesn't mean anyone has found that you've done anything wrong. That just means that on the balance of probabilities on an interim application a court namely me has found that an Order should be granted. It was served on you. Has the Respondent been able to show a change in circumstances? To say the allegations are false is not a change in circumstances. To say that I have medical problems or that I am homeless is not a change in circumstances. There has to be a change in circumstances that justifies granting an order for me to give you leave to make an application to revoke. Ok. It's complex. You can't come along and say, your honour, can you revoke this Order. That's not the right way it works, unfortunately. I understand you are objecting strenuously to the whole thing. You are complaining of basically an abuse of process that someone has come along and told a stack of lies and now here you are. Now that's all well and good and that may be true but that is for a Magistrate to decide on the day of the hearing after everyone has been cross examined up hill and down dale and the court has had an opportunity to find who to believe and who not to believe. But at this stage the Court doesn't do that for obvious reasons because it's an interim application and you're responding and now you were served with it and you come along today and as I said, you can't show a change in circumstances. It would be an error of law by me to purport to grant the leave to file that application to revoke because I'd be ultra vires, I'd be ignoring the law. The law says that the Court can only grant leave to a ... you don't have a right to make an application to revoke you have to ask for leave for permission to make an application. So as I said you have to make an application for leave that is governed by section 109 and section 109 says there has to be a change in circumstances and, I'll settle up now, good. So, if you could just take me to a change in circumstances ...

Her: Um, ... on 1 hour's sleep in my car Your Honour in 11 degrees while waiting to be heard today, I struggle to ... to even direct ... to awaken ██████████

██████████ sure

Her: ... that load of garbage that is before you that is the best I could summons. I understand that the allegations were the basis on which the Order was made; the allegations will be tested at a



██████████ Issued by the landlord?

Her: that's right.

██████████: um

Her: and, if I may?

██████████: yes

Her: and I've been saying to him that I will sit down with him and work out the property matters but just not in the seconds that he wants it done

██████████: yeah

Her: I said to him that it would be done; he asked for it by email and I said that's fine – it would be done. But ... if I may ...

██████████: inaudible

Her: I have been a person suffering a great deal for some time and I have only really just regained my health and part of that is to exclude this man from my life, so ...

██████████: alright, well, look, it seems to me ... look I understand, I do, I understand the situation, ... and, in a way ...

Her: He hasn't ...

██████████: look, as the Respondent it is very difficult: you are served with a document excluding you from your home and you come along and a Magistrate like me tells you you've got to show this evidentiary standard, a change in circumstances, you're not able to and you have been excluded from your own home for ██████████ and ██████████.

Her: inaudible

██████████: ... but as I said, I can't change that ...

Her: I can't lock up my house

██████████: ... what you want me to do is to amend that exclusion to allow you to continue to live there but I can't because there hasn't been a change in circumstances.

Her: he didn't live there.

██████████: what you are basically saying ... yes.

Her: ... and he didn't have a key.

██████████: but you're saying yourself that that was as of the ██████████

Her: so I have to continue to have him stay in my house

██████████: if he'd moved out at 3am, that would be a change in circumstances but he hadn't. He'd only ...

Her: that's because he ... inaudible

██████████: but you're saying that the Order is made on a false premise.

Her: that's correct.

██████████: oh, ok. Well, ...

Her: with all due respect Your Honour because ... you were ...

██████████: no, no, no, no – that's ok, no offence. I don't even feel badly about it myself because how was I to know?

Her: You cannot.

██████████: ... because I get one version of events.

Her: that's correct.

██████████: that's the problem with an interim application. But that's, that's the way it works.

Her: well, I would suggest that there is a ...

██████████: the one version of events and that's why I was at pains to say that I haven't made any finding against you. Look it's cold comfort to you now but what I am telling you is that on what you've said there is that he moved out on ██████████, it was obviously a long time before I heard the application on the ██████████ and granted the Order but there is no change in circumstances other than the obvious consequences of the Order; in other words, other than you having to sleep in your car last night. That's not a change in circumstances within the meaning of the Act. So I am hamstrung but I don't want to imply that if I weren't hamstrung that I would grant your Order because again I don't know where the truth lies in all of this but I am just indicating that it would be an error for me to purport to revoke this Order that I made yesterday. You can see how that would be an error can't you? So I have to operate within the law. ... change in circumstances.

Her: Can I just say ...

██████████: all I can do is say, that you are bound by this Order, you will be bound by it until the ██████████ ... and ...

Her: how can I get access to my property and how can I communicate with ...

██████████: well, it allows you to ...

Her: ... with an abusive man ... to deal with these things. He can't instruct ... I don't know whether ... well, clearly I am biased and I know the man but I don't know whether he can actually instruct a solicitor – he has no capacity to pay .. which is why I've kicked him out. ... reasoning I've been under so much pains in the last sort of ██████████ weeks or so ... I think with any application there is a duty on the applicant to be candid.

██████████: look, I understand all of that ...

Her: .. and to put their case at the worst.

██████████: and if it turns out that they're false allegations then he'll incur the real displeasure of the court but look I've ... I understand, I empathise alright? You've been hit with an Order, you've been kicked out of your home, you're innocent – that's what you're saying – and you've got to sleep in your car for the next ██████████ weeks.

Her: and attend a professional position and try to shower and ...

██████████: look, I don't know ... I apply the law but I don't make the law.

Her: I appreciate that; I understand.

██████████: and I don't even want to comment because it's not my role to comment on the law. I disagree with Magistrates and Judges who do that – there's a separation of powers; parliament has enacted that if respondents want to vary an order – someone like you wants to come along and vary an Order – and wants the key back to their home, they have to show a change in circumstances. And there hasn't been one since the granting of the Order. Other than the ... that you've got ...

Her: um, is there any way that I can hand up to you information that ... um, I had sent text messages, I have been sent text messages on and off since I had him leave ... emails about the

breach notices from the landlord and his responses refusing to comply; I can't afford to instruct if I can't have anywhere to live – um, I don't know if I'm going to be able to work so I am in dire straits and I need to be able to communicate with him so that perhaps reason may prevail. Um, what he considers to be abusive is my resistance to his coercion.

██████████: ... inaudible

Her: .. and I understand ... look, I am at a loss as to what to do ...

██████████: look, I can't

Her: and I know that you'll appreciate that ...

██████████: look, I do but I'm not your advisor, I'm not your counsellor, I'm not your solicitor. I believe that my hands are tied on this. Um, now all I can do is state the obvious but it is not going to make you any happier but to see a solicitor and get some advice.

Her: ... Mr <redacted> ... inaudible

██████████: look, I'm sorry, I'm sorry. That's as much time as I can give you on this. I've asked you to satisfy the evidentiary standard, you've given some evidence about that – I've considered it carefully, I'm not satisfied there's been a change in circumstances and ...

Her: so we can't vary the Order?

██████████: ... I refuse the application

Her: completely cannot vary the Order so that I can communicate and I can get access to my property?

██████████: No

Her: my clothing?

██████████: there has to be a change in circumstances.

Her: my work clothing?

██████████: alright, thank you for your time today. That decision has been made. Application has been refused.

Her: Thank you Your Honour.

A lady in the body of the court not known to her cried for her.

She drove to the ██████████ DHS. Through an hour long interview, she told them what had occurred. She was asked to keep in touch about any matter that she may recall that was not otherwise disclosed.

She drove ██████████ minutes to her friends' house where she was told, after a time, that she was wrong – she knew this was coming for years and just kept choosing the same outcome. She was a fool. She spoke and lived lies because she chose her heart over everyone else's heads. She was the cause of her own trauma.

One of the friends would negotiate and appear for her on ██████████ 2015. "Negotiate" was not what happened. She obeyed. She conformed. She was barely not allowed to cry.

She reasoned that all of this happened because between the time she terminated the relationship on ██████████ 2014 and the time he brought the application on ██████████ 2014, she had argued with the man – told him she would correct the wrongs he had occasioned on society: social security fraud, theft, detainee and conversion of property, assault on her, fraud on the Commonwealth revenue through evasion of taxation for decades, perjury and breach of bankruptcy

orders. She had warned she would tell the Department of Human Services about the neglect and abuse the children suffered at his hands; about the neglect and abuse she had suffered too. She told his friends of the assault he occasioned on her and one of them had already told her he knew and was not a fool, he'd seen the result of the man's handywork the day after it happened in [REDACTED] 2014 but did not know what to say or do.

On [REDACTED] 2014, she arrived at her friend's house late in the day. They went for dinner with her but complained that they had just planned to stay in the house and eat nibbles for [REDACTED]. She was not allowed to cry. Eventually, she cried anyway.

So firstly it was the courts, then the police, then her own friends that helped perpetuate the control and abuse she had felt from the man. Well meaning, certainly, within the protocols – yeah - but damaging nonetheless. She was then forced to go to a bbq on [REDACTED] that involved a [REDACTED] hour drive: she wasn't asked if she wanted to go, she was told. On the return drive she was told again – how she damaged herself and put herself in the position she now occupied; how it wasn't the man's fault and he wasn't mentally ill and hadn't acted unusually and had just done what he knew to do. She was told she couldn't blame anyone but herself.

She had never in her life had any difficulty in being responsible for her conduct – actions, omissions and their varying consequences. She didn't know what to do.

They finally got to the friends' home. [REDACTED]

[REDACTED] She sucked it up.

[REDACTED]

The woman cried herself convulsing into a form of sleep. The "friends" woke her [REDACTED] hours later. She packed her bag and said nothing. She had been sufficiently audited and edited by her "friends". She knew how to be silent and so she did.

She told them she needed to look for a place to live that afternoon so would drive herself to Court. She did.

The day before, she showed the friends evidence of the man's text messages and calls between [REDACTED] 2014 and [REDACTED] 2014, how he had warned her that [REDACTED] she'd better not try anything. That he would help her move to a place "more suitable to her needs" [REDACTED]. She knew better all the way through each lie. Her friends were angry and disappointed because she had returned verbal/text fire at the man: [REDACTED]

At Court on [REDACTED] 2015, it was the female friend that lashed out. She divorced herself from the woman, effectively noting that the woman was as bad as her abuser and could not be tolerated anymore. After [REDACTED] hours' sleep and a [REDACTED] minute drive with no breakfast, filled with trauma and racked with grief over her life, the woman had nothing left to say or do except exclaim that she "was a good person". She knew she'd lost a friend, a mentor, her home, her life and all because she could not litigate this matter at court. She would be unrepresented if she did and she would be unable to function.

She was not competent to give instructions.

The matter settled with only the following hiccup for the Applicant:

Counsel: Mr <redacted> has come to court representing himself Your Honour, we have reached an agreement about various matters about which we ask that Your Honour will make. An interim order was made on the [REDACTED], here's Mr <redacted> now .

[REDACTED]: Yes

Counsel: Your Honour my client is in Court, she is seated behind me. Orders were served on my client late on the [REDACTED] and um, she's had to move out of premises that she had previously been occupying solely for a couple of weeks. All of her goods and chattels are there – she left with the clothes on her back effectively. These Orders allow for the interim intervention order to be made final. They stipulate that my client doesn't make any admissions. [REDACTED]

[REDACTED] Notwithstanding that Your Honour, these Orders allow the parties to communicate with each other with a view to getting my client's chattels and belongings into her possession and formulating a way forward for herself. And not going back to that premises.

[REDACTED]: so is it that the Order, the Final Order will remain in force until [REDACTED] 2016?

Counsel: That is so Your Honour.

[REDACTED]: And the Order will be that Respondent not commit any act of family violence, damage property, attempt to locate the person, or publish by email or the internet or anything – not to go within 200 metres of [REDACTED] or get any other person ...

Counsel: that is so except for this – she will be entitled to attend on the premises pursuant to section 92 of the Act, in order to get her goods and we've negotiated that and Mr <redacted> has been good enough to make some concessions in relation to that and to make some concessions in relation to my client in contacting him for the purposes of making arrangements for the packing up of goods and taking away of goods. There is a significant amount of furniture and other chattels involved Your Honour.

[REDACTED]: So Mr <redacted> do you understand that? So that you have to comply?

Applicant: Yes, I do.

[REDACTED]: And, Ms <redacted>, I have read the Orders there. Mr <redacted> knows what he has to do as well. The Order will remain in force until [REDACTED] 2016 and if there is a breach and if you are charged, you may be fined or sent to jail – so you know that?

Her: yes. I understand that Your Honour.

[REDACTED]: Alright.

Applicant: Well, Your Honour, there is only one other problem. When we decided to use my [REDACTED] - as the person on the Order to be there with her I sent him a text message saying ... are you happy to be used? And this is the text I got back. If you like Your Honour I will just pass it.

[REDACTED]: No, I don't want to. Just read it.

Applicant: [REDACTED] I want no involvement in your little games. I hear now you are trying to include me. Please do not include me in it any further. I am working and too busy to play games.

[REDACTED]: What's your [REDACTED] name?

Applicant: [REDACTED] <redacted>.

[REDACTED]: He's not a police officer, ha?

Applicant: No, he's ...



– she stocked her home well and ensured that no one ever went without. He used it all and let his new and old friends use it and in the process, they used her too.

On the morning of [REDACTED] 2015, she heard him talk on the phone to his wife. She asked “is it done?”. He said “yes”. She said “good, I’ll talk to you later”. The friend who supervised the process said the wife always called the man; that she was never too far away or off the phone from him. The woman said that’s an indication of the person with whom you share a relationship – always being on the phone to them.

She told them what she had observed and experienced at his hands. She’d protected him before but had no reason to do that anymore. She noted there was no support from him when it came to his children – they were allowed to do as they chose. They took her and her generosity and kindness in all forms for granted, [REDACTED]  
[REDACTED]  
[REDACTED]

She arranged to collect her possessions with her friends on the following [REDACTED] 15. The Order did not say he had to agree with her attending; it did not say he had to be in attendance.

He insisted on attending and refused for her to start packing on the [REDACTED] 15.

On [REDACTED] 15, they arrived at [REDACTED] am. Herself, her [REDACTED] year old friend whom [REDACTED] and her [REDACTED] year old friend whom the man had met once started to pack the [REDACTED] house. He watched her in each room and when she could not tolerate him near her and physically cringed with his proximity, she asked for the woman who talked with her friends to accompany the woman through the house.

His girlfriend who said she met him in [REDACTED] 2014, monitored the woman’s movements and criticised her distress. The girlfriend said the big [REDACTED] party was a last minute thing.

He insisted she was not his girlfriend [REDACTED]  
[REDACTED]

He couldn’t answer questions about what possessions were his. He couldn’t say how much they cost, where he’d bought them and whether he wanted them or not.

[REDACTED] He couldn’t make a list. [REDACTED]  
[REDACTED]  
[REDACTED]

A [REDACTED] house occupied for [REDACTED] months, filled with a lifetime of the woman’s possessions would take more than one shot at packing. After [REDACTED] hours in the presence of two women – [REDACTED] – arrangements were made for the woman to return [REDACTED] to complete the packing. She was to organise friends to witness the packing but couldn’t.

On [REDACTED] 15, she attended the house at [REDACTED] am as organised. The professional removalist was organised to attend from [REDACTED] pm. The police were there in advance as had been arranged. The police talked with the man. The police talked with the girlfriend. The girlfriend complained that the woman had disconnected the electricity and thrown out an entire fridge and freezer of food. The police became hostile. The police did not ask the woman who paid for what and threatened to arrest the woman because she was troublesome and had obviously not tried to get her friends to attend to help with the packing. Unless the woman spoke kindly and deferentially to the man, the police did not trust that conflict would not arise. She had to leave because the girlfriend wanted it so.

She noticed someone had been through the things she had arranged on the last occasion she attended with her friends. [REDACTED]

[REDACTED]

The young male constables could only hear that she had the word "Respondent" after her name. They asked not of her well being, whether the goods were hers and what legal role she had in the household.

[REDACTED]

She was "going to be a problem" so had to leave. Leave she did by driving directly to the [REDACTED] Police Station and reporting the difficulties she had experienced.

She was not welcomed.

She was not understood.

She was not heard. She was met by a large, older, brutish Sergeant who told her that it was a civil matter.

The man was permitted to continue his exploitation of the situation.

On [REDACTED] 15, the removalist – after several attempts by him and his company – collected her goods. They arrived at [REDACTED] am as scheduled and the man shut down the packing and moving at [REDACTED] pm. There was a lot more stuff still left at the home. The man called her at [REDACTED] am. He texted after that asking if she would attend. She had been advised not to attend or communicate. She took that advice given he man was unscrupulous and ready to see her convicted.

The boxes received were not packed fully or properly. [REDACTED]

[REDACTED]

Several further attempts were made. She'd had a new rental property for a [REDACTED] by the time the man allowed her goods to leave her former home.

It was [REDACTED] 15 before she could get the rest of her property. Still, on [REDACTED] 15, she has not got all of her property. Her [REDACTED] – some collected over [REDACTED] years – are still with the wife and/or girlfriend. A list of goods that his wife stole from her home when she was excluded by an Intervention Order.

On [REDACTED] 2015, the woman received a text message from the Victorian Civil and Administrative Tribunal telling her that her Residential Tenancies matter was listed for hearing on [REDACTED] 2015 at [REDACTED] am.

She had been talking with the Estate Agent for the former property but was not at any time told by the Estate Agent that she had been named as a party to the proceeding.

The Estate Agent had told her that the man had not topped up the bond and had continued successive breaches of the Lease; that they were trying to have the man evicted for those breaches.

The Estate Agent had been told in writing on [REDACTED] 2014 that the relationship between the man and the woman had terminated and she, as the payer of the rent, wanted to take in new tenants – could the agent please obtain the landlords' permission?

The Estate Agent told her that unless the man agreed, they could do nothing.

The woman knew the man would never agree to terminate the Lease – he'd said he would never the leave the property.

On [REDACTED] 2014, the man called her. [REDACTED]  
[REDACTED]

Later on [REDACTED] 2014, she finally answered his calls. She talked to him [REDACTED]  
[REDACTED]

The man texted and called throughout through the period in between when she terminated the relationship and he perjured himself to obtain the outcome he could get in no other way. [REDACTED]  
[REDACTED]

On [REDACTED] 2014, she asked that he attend the house to get a missing [REDACTED]  
[REDACTED]

[REDACTED] He took too long. She did it herself. [REDACTED]  
[REDACTED]

[REDACTED] She sent him a text message indicating he was not required [REDACTED]  
[REDACTED]

[REDACTED] He showed up anyway. [REDACTED]  
[REDACTED]  
[REDACTED]

She drove to [REDACTED] – looked through bookshops and walked the main streets. She had not done something like that for herself for a time she could no longer remember.

She felt sad but free and unburdened. She came to become herself again.  
[REDACTED]  
[REDACTED]

She shopped, slept, read, cleaned, tidied and organised. She moved his possessions into the back room [REDACTED]  
[REDACTED]

When she'd had the locks changed on the night of [REDACTED] 2014 [REDACTED]  
[REDACTED]

[REDACTED] she'd considered taking out an intervention order to protect herself. She was concerned, as were others, that she was vulnerable to the man's manipulations. But she busied herself with her newness and routines. She had returned to work after an extended period of distress and depression [REDACTED] and continually making the same decisions about the man she'd recently kicked out of her life. She found happiness. She slept without a TV turned on in the bedroom for the first time in [REDACTED] years. She blossomed. Everyone noticed. She was allowed to drastically reduce her medications. She exercised and she reduced the need for her to attend a psychologist. Her psychiatrist predicted a full recovery.

She thanked her psychiatrist for his efforts. He said that he'd done nothing. She had done all of the work herself.

And suddenly when she needed it because of the actions of the man she had adored, protected, maintained, gifted, served and assisted for [REDACTED] years, she could no longer afford her psychiatrist. She wanted the man dead. Her psychologist said that was a natural response in the circumstances. She took comfort in that.  

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Property collection:

On [REDACTED] 2015, I called the police station at [REDACTED] and a Const [REDACTED] answered the phone.

I called to say [REDACTED] obstructing the Court order - he is going to . the Removalist at midday - he is going to damage my furniture - say it's been put to the street and he doesn't know what's happened. Can't do anything, the order is to protect him and his property - I've given you the advice and that's it. You need to make a journal note for court on Monday. I said I'd rather not bother the courts, I said [REDACTED] is just making everything difficult. I've been told that if I don't go on Monday to work, Ill lose my job - I've lost enough.

Terminated call when I said I will make a journal note

On [REDACTED] 2015, after a night's rest in a hotel with a steak dinner, she traveled back to her intended location to inspect potential properties. Let's be clear: it was the first night since [REDACTED] 2014 that she'd slept for more than 4 hours and had access to a decent shower without feeling like she was imposing. She traveled through the local area and competed for rental properties. then visited with a friend for several hours. Along the way, she received a phone call from a friend with whom she'd not exchanged any communication for some time. [REDACTED]

[REDACTED] The friend said she'd offer her home and enquired about the woman's homeless state. The man was reportedly incapable of understanding that he alone was the sole cause of the homelessness. The man reportedly rejected the notion that he was responsible for the woman sleeping in her car, being at risk and not able to live her life. The man said to the friend that the woman had published stuff about him on Facebook. Over a meal a month later, the friend remarked to the woman that her post on [REDACTED] 2014 [REDACTED]

[REDACTED] apparently was what caused the man's belief about her publishing material about him. The friend was repulsed. Another month later over another meal with a friend produced a similar story: the friend had been contacted by the man on Facebook [REDACTED]

[REDACTED] The friend told the man she would not be homeless if it wasn't for you. The man rejected the notion and said how terrible it was. The friend said but you did this and the man said it was best he disengage from the communication. The friend said the man was incapable of understanding - even contemplating - the reality that he alone produced the outcome he apparently was attempting to rectify. The friend asked the woman [REDACTED]

[REDACTED] The woman responded that the friend's opinion was backed by a psychologist and a psychiatrist.

On [REDACTED] 2014, the man had gone socialising with "friends". He promised the woman he would come home. She had tolerated hosting one of his "friends" at their home for a few weeks and was in need of quality time with the man. The "friend" was an employee of sorts with multiple problems, [REDACTED]

[REDACTED] She understood dependence and mental illness. She did not judge. She just did not need that in her home. She communicated all of this clearly and the man said he understood. He called at [REDACTED] am saying to not worry, he was not coming home - [REDACTED]. She expressed her great disappointment and then sucked it up, again. She said she'd make and bring him breakfast. He said he'd like that.

And so she fell back to sleep. She woke at 7:30am - late, but it would do. She made [REDACTED] wrapped them in foil and drove the 20 minutes in the morning chill to [REDACTED]

deliver [REDACTED] to the man she loved. She had forgiven him but did not want him to repeat the behaviour so did not let him off the hook easily.

[REDACTED]

He owed her money. He owed everyone money.

They screamed at each other.

They followed each other around [REDACTED]. He got close enough and did hit her.

He called the police to have her removed. He knew there would be serious consequences for her professionally - he did not care.

She told him she was staying to talk with the police - she was going to report his assault. [REDACTED]

[REDACTED]

He rang the police again. He told them she had threatened to assault him. He did not back down.

The police arrived. [REDACTED]

[REDACTED] She walked outside. A female constable waited her. She was hysterical in her grief - crying, wailing, struggling to breathe. She was asked her name and simultaneously knew it was an offence to refuse to give her name all the while saying her name wouldn't matter by the end of the day.

The complaint and summons stated that she yelled at the female constable; the male constable directed her not to yell at his partner. She thought the male constable was young, inexperienced and ill suited to his job.

They arrested her. She partly resisted. She saw the man stand with his alcoholic friends, grinning as she was thrown into the back of a divisional van.

She couldn't breathe. She couldn't articulate. She was hyper distressed.

She started to vomit.

She had not eaten - she came last, always.

The female constable told her through the intercom that all would be ok soon - she'd arrive at her destination soon.

She didn't understand. She was a 10 minute drive to the police station but she had been travelling in the divisional van for twice as long.

They pulled up. The door was opened. She struggled out of the van - remnants of her remaining.

She was at a hospital - the [REDACTED] Hospital. She was being sectioned. Something else to disclose.

The male constable scared her. He'd taken her phone and keys. He'd refused to allow her to make a phone call. She was scared, emotionally hurt and damaged. An argument had escalated beyond all reason and this was only worsening by the second.

The man was her medical power of attorney. She needed to talk with him about what he could do to jail break her. She had to get free and safe.

She was not permitted to talk to him. She could see they he'd been called to attend at the hospital. He was on the opposite side of the emergency unit.

The male constable had used unnecessary levels of force to get her into the divisional van. She hated him. She ordered him to stay away from her. He talked disrespectfully about her to his female partner whom the woman allowed to stay around her.

The female partner would later be a worse influence in the woman's life than the male constable. Meanwhile, the woman confided in the female constable and the female constable encouraged it.

It was mid-morning when she was delivered to the hospital. It was late afternoon that she was involuntarily admitted to treatment under the Mental Health Act: involuntarily because she would not consent to anything without being given the relevant legislation and advice about its consequences.

She was taken to the ward. The man had been called to attend the hospital again. She was petrified of everything around her. Other patients gathered close to her when she stood waiting to talk to nursing staff. She had no personal space or privacy. She was offered sedatives and refused. She refused all treatment stating that what they were doing to her was damaging and should be .ped. She should be released to the care of someone because she was not a risk to herself and could not be detained unless she was a risk.

She was given a private, remotely located room. By [REDACTED] pm, the man had been and gone - he had seen what he had done and was sorry. [REDACTED]  
[REDACTED]

She had not been trembling from head to toe with a force for [REDACTED] hours. She trembled herself to sleep after contacting a couple of friends by Facebook and hearing that she had to terminate her relationship with the man.

Before sleep, she'd also done Internet research on a psychologist and a psychiatrist, both being qualified to deal with PTSD, depression and anxiety. She'd sent emails asking for urgent contact and price structures.

She was awoken early. The head psychiatrist would meet with her before she was allowed to leave. She texted with the man that he needed to come get her - she negotiated with him about what he would need to do first: attend to business or pick her up from hospital.

She finally succeeded in getting no the man to attend the hospital first. He was told by hospital staff that the police wanted to see her before she left the unit. She was to be served with an interim intervention order. There was drama about that.

She met with to man and the head psychiatrist. The head psychiatrist said she did not belong there; it was clearly damaging and not beneficial. The woman had to get some treatment for what seemed to be PTSD - given she had disclosed she had earlier received this diagnosis although that diagnosis was under pains because her behaviours dis not then fit the DSM-IV.

The head psychiatrist said he wished he could help her more: he can't take on new patients but there's plenty of doctors locally who might. He said there was a drug - [REDACTED] - that could help balance out the distress she experienced.

The man was told he was her carer. He said he loved her and just wanted to see her be well. He said he would do all that he could to achieve it. She loved him and felt protected.

The man walked with her out of the hospital to the [REDACTED] shopping centre. The men walked with her through the shopping centre and escorted her into a pharmacy.

He then drove her to the [REDACTED] police station where he and she walked in through the front door.

The police insisted that she men walked from the foyer of the police station around through the site gate in through the back door into an interview room where she knew suspected criminals were investigated for their alleged crimes.

She was served with an interim intervention order. She was told she was not permitted to return to her home. The police did not care whether she had clothing and did not care what the consequences were for her as a woman being homeless.

She complained. She said the young constables had mistreated her; they had not recorded her complaints about assault in the summary and the male constable had used unnecessary force and was unnecessarily aggressive in his dealings with her.

She was told that it was a difficult business and the young female constable was unlikely to not record information about an assault however the woman's complaints would be investigated.

She was told to appear at the [REDACTED] Magistrates' Court the next day and not to have any contact with the man.

She exited the police station building and could not see the man anywhere. She began walking. It was drizzling and she was getting wet. Her phone rang and it was the man who asked where she was. She responded by saying she was up the road near the [REDACTED] and she wouldn't wait there for him if he wanted.

He picked her up and drove her home.

Not much happened in the next day.

She attended court the next morning with him. The senior constables with whom she met to negotiate the terms of the order told him to stay away from her and that he was breaching her.

[REDACTED]  
[REDACTED] He'd done this in the presence of his [REDACTED] year old daughter who cried out for her father to stop.

That document saved her. The senior constables instructed the police prosecutor to ensure that the interim intervention order application would be withdrawn if nothing further came to the police's attention in the next three months. Nothing did.

The woman made sure that anything that occurred between her and the man remained private business. This included occasions when he abused her verbally and denigrated her in front of others. It also included occasions when he threw her across the room and allowed his friends and children to run her home.

In that time she obtained the care of a psychologist and psychiatrist. She told both professionals that at no point would she ever leave the man and they both had to be very comfortable with that to retain her as a patient.

They both expressed concern about her and said however that they would not object to her continuing her relationship with the man.

She met weekly with the psychiatrist. She took PTSD medication and anti-anxiolytic medication. She was drugged and she was calm.

The man noticed that her attitudes did not change in the relevant period: she still expected respect, she still craved loving attention and demanded that his children would behave in her presence.

After some months, the man had attended with each of the psychiatrist and psychologist and he was told (again) that he was the woman's carer which was a difficult one important job.

He responded suitably to this guidance. He told the psychiatrist that he'd been through this before with his wife and just like with his wife he wanted the woman to be well - after all, he loved her and wanted to spend his life with her.

Time moved on. The woman attended to psychologist and psychiatrist sessions regularly and when scheduled. She took the medication as required. She continued to avoid social and professional interactions. She was scared people could see through her – see her despair and pain and threaten to leave her forever if she kept choosing the man.

Still, the woman became more domesticated. She cooked most things from scratch, she bought new appliances, [REDACTED]

She ignored the signs of him betraying her. She had lost her best friend, her husband, her lover and her confidant. She self-medicated when necessary to forget being thrown around in front of the man's daughter and his friends and being threatened that the relationship would end because she "would never change" and was "just like" his wife.

She thought that if she did more, gave more, could be more – he would remember her heart, kindness, generosity, commitment and sacrifice. He would stop repeating his wife's opinions about the woman to the woman: that the woman thought she was better than everyone.

[REDACTED] She took the family for dinners and excursions to the beach at [REDACTED] - all where the children had never been. She took the family to the [REDACTED] She took them to movies and paid for Father's Day gifts, for whatever they needed. She paid for it all. She was disregarded, disrespected and bullied. She was abused in the presence of the daughter.

She borrowed more money from her parents. She paid the rent with that money and she paid the bills with that money and she thought that's what a good wife should do. She knew deep down that money may never be seen again. She believed though against all hope that he would become the husband she needed and he would find a way to give her back a year of her life where she had paid for everyone except the odd takeaway. She believed somehow he would find a way to repay at least half.

On [REDACTED] 2015, the man remains indebted to her in excess of \$ [REDACTED]. The list of expenses over the years is [REDACTED] This is not money that is just thrown away. It is not recoverable through family law litigation. She carries the debt to which the expenses were attached. She pays the interest on the debt also.

[REDACTED]

The man knows it. [REDACTED]

[REDACTED]. The wife harassed and harangued the woman by text message from within a fortnight of the woman knowing the man.

The woman tolerate the wife's behaviours because she was the mother of the children the woman would come to love and care for.

[REDACTED]

[REDACTED] She stopped giving advice and comfort. She told the wife she would contact the DHS the next day – and she did.

The wife always hated the woman. The woman was loathed because she did everything the wife could not do for the children, all the while working in a professional job with high stress and long hours and [REDACTED] which would lead to professional specialisation. The woman protected the children and gave them a role model who was self-educated, ambitious, [REDACTED], not reliant on a man or welfare to achieve a life. [REDACTED]

The wife had such little maturity that she could not put herself aside for the benefit of her own daughter's future.

Eventually, the man asked for a spreadsheet of debt and she gave it, backed by bank statements and credit card records. He did nothing.

The cost of the woman's loss was also in hiding herself, making herself small, in the face of emotional abuse and control. He'd kept telling her that she was welcome, a part of his family and would always be wanted in his life. Even on [REDACTED] 2015 when he sent a text [REDACTED] [REDACTED] He said this again and again, and even when she last saw him at the house on [REDACTED] 2015 when she again, for the sixth time, tried to collect her possessions and he refused her entry to a bedroom which she now understands is where her things were being kept from her. His friend who attended that day to supervise knew where the [REDACTED] but just repeated the man's stanza: "it went on the truck" which means it was stolen by the removalist. The list is attached of the things he retained.

There were so many more events – court dates for intervention orders to protect the man and the kids from the girl's kidnapper and from the wife. Court dates in the family law arena to establish consent orders – a waste of precious court resources given that neither the man nor his wife could ever follow Court orders. [REDACTED]

[REDACTED]

There were court dates for the man's failures in business. There was advice about commercial tenancies and bankruptcy and debt collection and ... the list just went on and on and on.

On [REDACTED] 2015, the woman had to attend the VCAT Residential Tenancies Tribunal. The man had not ensured that the landlords changed the lease so she was named in the proceeding where he had still continued to breach his obligations. He told the VCAT Member that he was responsible for the lease. She told the Tribunal Member that she was not responsible for the lease. The agent conceded that he knew of the Intervention Order. Still, an adverse finding has been recorded in her name so that the residential tenancies database will now reveal her name connected to a possession order because the man caused such great acrimony with the landlords by perpetual breaches, that she must now for some years explain what happened and why to any potential landlord. And that is if the potential landlords will listen. If a Warrant for Possession is required, it is possible that the landlord's agent will be enough of a despicable creature to place it in the woman's name also. She has not had the benefit of the contract which she signed by way of a lease since [REDACTED] 2014. She had paid the rent until [REDACTED] 2015 and was making arrangements for co-tenants to move in. She was going to live a life she chose – instead of the one the man had decided was suitable for her. But she was denied all of that and so that landlords were denied a tenant who met her responsibilities fairly and without prompting. She had told the agent on [REDACTED] 2014 that the man had left the property but the agent stuck his head in the sand and refused to do what was right. The agent continued to talk with the woman right up until the week before the VCAT hearing and he did not tell her that he had named her on the Application documents that sought to evict the man. The agent – like many of his ilk – could only conceive of the situation as one where his clients should not be punished just because the man and woman “couldn't get along”. Those were the agent's words on [REDACTED] 2015.

Her losses may be attributed to the inaction and selfishness of the agent, as well as the man with whom she had once intended on sharing a life.

### **Recommendations for Change**

So how can we prevent this trauma and injustice from reoccurring?

We need to teach people about equality. Equal decision making. Equal responsibility. Equal relationships.

We must protect children from violence, neglect and sexual abuse. We must not treat children as possessions but as individuals in need of care and guidance.

We must teach our Magistrates the colour of truth so they can discern its absence on the stand. Answers that equivocate are not sufficient to secure a favourable balance for an Applicant on the balance of probabilities. It must be more likely than not that what the Applicant is saying is correct – rather than perhaps just possible.

We must not place clocks on walls above witness stands as is the case at [REDACTED] Magistrates' Court – time is irrelevant when injustice may be occasioned.

The threshold for an intervention order needs to be changed. We need to introduce consequences that have immediate effect for any Applicant who lies their way into an intervention order. The threat of perjury in the future after a final hearing is inadequate.

The Applicant should be required to put their case at the worst and the Respondent's case in the best light. The applicant should be made financially responsible for the consequences of any

interim order made that occasions losses on the Respondent. The Applicant should be made to put funds into Court to ensure they can cover the potential losses of the Respondent.

When someone is about to be made homeless and be deprived of their possessions, more than the word of an Applicant must be examined that the individual will have somewhere to live in the period between the interim order and the return date. Wherever a government agency is identified as having previously been in contact with the Applicant and/or Respondent, it is incumbent on the Court to obtain information before any decision is made.

When someone is about to be made homeless, they must be provided with Notice. They must be provided with legal aid. Being ejected from your home in the middle of the night is tantamount to arrest and detention without warrant or cause.

Where assault occurs or is alleged, charges must be laid and prosecuted. There is no doubt that attitudinal change has occurred within the police force such that incidents like those detailed here do amount to serious assault and should not depend solely on the willingness of an individual to give evidence. Compulsory procedures exist in law to compel evidence from witnesses – let the law be used for the purposes it was designed to meet.

When a Respondent appears at court the next day and can provide evidence that undermines the Order and/or the Application made, the court must be empowered to hear it and give weight to it.

When the police are ordered to attend to assist with the collection of personal property, the police must attend for the duration of the collection to prevent theft. If it is not practical for police to attend, an alternative procedure must be implemented to prevent theft.

When police attend at homes, they must ensure they talk with the Respondent and learn what position the Respondent occupied before the order was granted. They must learn the roles of the people telling them stories – not necessarily just the AFM but their purported support people.

An Interim Intervention Order must be sufficient to terminate a lease if the landlord is provided with a copy of the Order. The VCAT must be compelled to observe the Orders of the Magistrates Court of Victoria. An Agent and/or landlord must be compelled to sever the contract which can no longer be performed and is hopelessly frustrated.

The VOCAT must be empowered to deal with the effects of the trauma occasioned by the forcible removal of a person from their home in the middle of the night without warning or opportunity for hearing. The VOCAT must be able to award compensation for counselling and a procedure must be established for pursuing those claims.

Property division must be assisted.

Reference to anything after unlawful eviction being a civil matter for resolution in the family law system must be stopped. When someone has lost their home, documents, and possessions – it is not likely that they will have the resources to commence family law litigation. This is particularly so where one of the parties is bankrupt and dishonest as was the true for the man and his associates in this case.

Due to time constraints, this submission is incomplete. Please contact the writer for further details.