

Committee in answer to more precise questions asked of that Committee, which are issues close to my heart.

2. Under the rules of frank and honest disclosure, it is stated that I have personal issues with the complaints handling procedures employed by the Courts concerning complaints made to the Chief Justice of the Court and through the appeals system.
 - a. In short, applications to initiate appeals and “*Special Leave to Appeal*” in both the Family Court of Australia (FamCA) and the High Court have been obstructed. The obstructions have been because the principal issues agitated have been in regard to and the direct citation of judicial wrongs in the other than proper administration of justice, abuse of power, both, at the bench and unreasonable time taken to return (if returned) judgements.
 - b. In regard to; attempts to exercise the Court advertised right of complaint to the Chief Justice of the applicable Court. The standard reply is the corrections of judicial wrongs at the bench are not issues for the Chief Justice.
 - c. More offensive is the claim; issues of long delays for the return of a decision for a Self Represented Litigants (SRL) right to serve an application for “*Special Leave to Appeal*” on the other party, is not an issue for the Chief Justice.
 - d. It should be noted that although *section (s.) 33 of the Judicial Act 1903(Cth)* does create the right and power for the High Court to make Writs on judges of the High Court, that power is not available when judges are exercising an Appellant power of the Court. “*Special Leave to Appeal*” is an exercise of Appellant Power that judges of the High Court use to obstruct SRL fathers’ seeking justice in the High Court by denial of a right to serve an application on the other party. This has a second detriment to the judicial system of concealment of the issues and questions of Law touching judicial misbehaviour sought to be settled by the High Court.
 - e. It should be additionally noted, judiciary of the High Court refuse applications for Writs *s.75(v) of the Constitution* creates in the first instance reinforced by *s.33 of the Judicial Act 1903(Cth)*. Where those Writs are sought citing a judge or judges of the High Court, it is claimed judges of the High Court cannot make a Writ on another judge of the High Court in defiance of *s.33 of the Judicial Act 1903(Cth)*. It is also claimed Common-Law, that is, case law; a decision made by a judge and not a Law of the Commonwealth, NO judge can be served with a summons to appear before a

Court or Tribunal they are a member of. This is defeated by the *Judicial Act 1903(Cth) s.33* and *s.39B(1EA)* defeats that Common/Case-Law where such Writs are sought in the Family Court of Australia.

3. In regard to the Term of Reference of “*procedures for appointment and method of termination of judges*”. It is believed, to change these 2 issues would require amending the Constitution that would cause some undermining of the judiciary independence and security of Tenure. I seek to advance the associated issues of *a judges fitness to hold office* are within the meaning of the terms of reference and is a more apt issue of *procedures* to be dealt with, within the terms of; *Other matters relating and incidental thereto*. That is, the issues of *procedures to establish grounds* for the appointment or termination of judges.

a. I have no issue with the present method of appointment or termination of judicial officers but question whether the ability to cause “*Proven Misbehaviour*” does impede the ability of the Houses of Parliament, Attorney-General and Governor-General to be properly informed of a nominee’s fitness for office, for or holding a judicial position, . The lack of ability to cause “*Proven Misbehaviour*” also impedes the ability of the Houses of Parliament to exercise a *s72(ii) of the Constitution* power or obligation. The presentation and recording of “*Proven Misbehaviour*” would cause an obligation and satisfy the Houses of Parliament, and/or Governor-General, and/or the Attorney-General to decide if a judicial officer is fit to hold or continue in office.

b. If it is as it is believed and has been demonstrated to me, a lot of complaints made to the present in-house complaints handling systems of the Courts are not allowed to be determined on the claim they are issues for appeal or are before the Court. This claim has been made when the obstruction to the initiation of an appeal is within or the complaint, thereby the recording and ability to cause “*Proven Misbehaviour*” by the in-house complaints procedure is obstructed. This denies the Houses of Parliament, and/or Governor-General, and/or the Attorney-General knowledge that is influential in the decision of, is a nominee or judicial officer fit to hold or continue in office.

4. **The following is in answer to terms of reference for the ALRC inquiry “Review of the Royal Commissions Act” relevant to the above said.**

Submissions by

*the Senate Standing Committee on Legal and Constitutional Affairs for the Inquiry
“Australia’s judicial system and the role of judges”*

5. Issue 5.2, Should a permanent body (like Judicial Commission of Inquiry) be established to conduct some types of public inquiries caused by complaints citing a judicial officer?

- 10 a. It is submitted, there should be a permanent judicial complaints Commission of Inquiry established for the recording and handling of public complaints of judicial behaviour. That has the power and jurisdiction to handle complaints of Commonwealth, State and Territory jurisdiction, where the State or Territory does not provide an alternative to the conflict of interest in-house complaints handling systems available now.
- 10 b. When a member of the public has a complaint of wrongful behaviour by a judge of the Family Court of Australia (FamCA), or judges of the High Court and the office of the Chief Justice (CJ) of that Court claims it is not an issue for the CJ. Federal Police claim they do not have the resources or refuse to uphold their duty to investigate complaints of wrongful behaviour that *Part 7.5 of the Criminal Code Act 1995 (Cth)* creates as a crime/offence. Do such denials of a right to justice support a permanent Commission should be made available for public complaints citing members of the judiciary? YES.
- 20 c. This is supported by *section(s.) 72(ii) of the Constitution* that requires judicial misbehaviour to be proven in some way before Parliament can act. Whether or not a wrongful behaviour by breach of a Law of the Commonwealth, like the laws in *Part 7.5 of the Criminal Code Act 1995 (Cth)* or Contempt of an Undertaking given to the Court, that undertaking by an “*Oath or Affirmation of Office*” has occurred, it must be “Proven Misbehaviour” before an action under s.72(ii) can proceed.
- 30 d. I say YES, an independent Commission is required to inquire into complaints citing the Commonwealth, State or Territory Judiciary, not already provided, to reduce the conflict of interests and obstructions to justice. A judge can and has been caused a conflict of interest of a matter brought before the Court. The conflict was, wrongs committed that required determination conflicted with the guilt of the determining judge who had committed similar wrongs in the past or that determining judge had to commit a wrong to protect the judge cited. The conflict is; how can you allow some wrong you have committed or are about to commit, be proven against a fellow judge? To do so would enable your wrongs to be proven.

- e. “Odgers’ Australian Senate Practice”, “Twelfth Edition” Chapter 20, “Relations with the judiciary” has to some extent, examined questions regarding this question of judicial misbehaviour. At page 535 it is reported;

“the opinion of the Solicitor-General is that misbehaviour could be constituted only by misbehaviour in the performance of judicial duties or conviction for a criminal offence”. So is it an abuse of power for [a FamCA judge] to grant a fellow FamCA judge immunity?

- f. Immediately after that reported opinion, that opinion is expanded by the statement;

“All of the Commissioners supported the opinion of the counsel to the first Senate committee that misbehaviour consisted of conduct which, in the judgment of the Houses, indicated unfitness of a judge to continue in office.”

Therefore I submit, a judicial finding in a civil or criminal matter, a judicial officer has committed a wrong in *the performance of judicial duties or by conviction for a criminal offence*” enables *“the judgment of the Houses, indicated unfitness of a judge to continue in office.”* Does granting immunity to a fellow judge undermine this ability of the Houses to make a judgement of *“unfitness of a judge to continue in office.”* YES. Furthermore, conceals judicial wrongs from those who offer judicial positions, offered by a lack of knowledge of “Misbehaviour”. Is a convicted felon given a position in Parliament or of major trust if the knowledge of the behaviour is known? No, but if the wrongdoing is not known because the prosecution was obstructed could that position be offered, YES, there would be no reason not to.

- g. How can a judge be convicted of a criminal offence when [a FamCA judge] grants [a FamCA judge] immunity from prosecution for a crime (Contempt of an undertaking given to the Court) created by a law of the Commonwealth. Judges of the High Court refused “Special Leave to Appeal” to prevent/obstruct a finding of fact [a FamCA judge] and [a FamCA judge] committed wrongs that the Houses of Parliament could use pursuant to *s.72 of the Constitution*. Evidence of this is in the High Court Transcript *“Mackintosh, In the matter of [2007] HCATrans 340 (1 August 2007)”*.

- h. The Attorney-General, of the day, refused to address or investigate or cause the Federal Police to investigate and file the charges for the wrongful behaviour of [a

FamCA judge] and [a FamCA judge] created by Part 7.5 of the Criminal Code Act 1995 (Cth) namely s.139.2 and s142.2.

- i. Is this a sound reason for a Commission, the public can file complaints too, that have the power to inquire into, inform Parliament of, and cause the charges that should have been caused to be filed by [a FamCA judge] , to be filed, referred to the Director of Public Prosecutions or the Attorney-General?
- j. To obstruct a party from filing Contempt of Court Order applications citing a mother and her solicitor for aiding and abetting the Contempt, a judge of the FamCA made a s.118 Order for the father to seek leave when there had been no applications determined by the Court for grounds or reason to make the s.118 Order. [A FamCA judge] identified this fact on the but failed to undo this wrong committed by [a FamCA judge]. It appears the wrong was not undone because the issue of leave being required to start Contempt applications the [a FamCA judge] had before her for determination, could no longer be obstructed. This is again demonstrated by the fact it took a leave application to seek a Writ of Mandamus in the FamCA, supported by *s.39B(1EA) of the Judiciary Act 1903* such an action is available. For the [a FamCA judge] to obstruct the Contempt applications by denial of leave to file those Contempt applications. The [a FamCA judge] primary excuse was the time between a second seeking of withdrawn applications (sought when the offences were committed) and the new applications. This, 2 years after the offences were committed when there is no law of limitation applicable for the prosecution of the crime of Contempt created by Laws of the Commonwealth.
- k. Questions before the Full Court of the FamCA, at the appeal of that immunity granted by [a FamCA judge] and the High Court application for “Special Leave to Appeal”, included words akin to if not the same as;
 - i. What Law of the Commonwealth grants a power or right for a judge to grant fellow judges’ immunity from prosecution of crimes created by a Law of the Commonwealth?
 - ii. Can a Doctrine or Common-Law, defeat a Law of the Commonwealth?
 - iii. Is there a Law of the Commonwealth that creates a judicial immunity?
 - iv. Is the granting of a wrongful immunity an offence against a Law of the Commonwealth?

- v. Does clause 5 of the Constitution cause the Common-Law, Doctrines and claims of a judge to stand quiet, when there is a Law of the Commonwealth create by an Act of the Commonwealth or the Constitution applicable to the issue?
1. Both the FamCA and the High Court refused leave to appeal the immunity granted [a FamCA judge]. This was to obstruct a determination of;
- i. Had [a FamCA judge] committed the offences cited?
 - ii. If so, were the Orders made by [a FamCA judge] unsafe at law?
 - iii. Did the offences cited constitute Contempt of the Court by Contempt for a judicial undertaking given to the Court?
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- m. The fact it was incomprehensible to [a High Court judge], that is, not allowable for [a High Court judge] to consider a judge could be dealt with for a demonstration of Contempt for the Oath or Affirmation a judge is required to give to the Court. This refusal to think a judicial undertaking given to the Court can be upheld, supports the willingness and belief of the common people that it is OK to act in breach of an Oath, Affirmation or Undertaking given to a Court because judges do it.
- n. If I had a Lawyer present this matter, it is arguable the issues of judicial wrongful, that is, criminal misbehaviour would have been refused to be answered like those question have been refused in the past. The question of, were the Orders of [a FamCA judge] unsafe at law would have had a unanimous YES and been sent back for retrial. Hence the complaints that need to be determined, the High Court judges refuse to allow a hearing for are;
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- i. Did [a FamCA judge] commit unlawful behaviour at the bench?
 - ii. Was the behaviour of [a FamCA judge] at the bench committed in Contempt of the judges Oath or Affirmation of Office?
 - iii. Is the immunity granted [a FamCA judge] by [a FamCA judge] an offence of abuse of power to grant a benefit to a person?
 - iv. Is the immunity granted [a FamCA judge] by [a FamCA judge] an offence of abuse of power to cause a detriment to a party of a denial of a right to justice and correction of wrongs perpetrated against the prosecutor?
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- v. Is the immunity granted [a FamCA judge] by [a FamCA judge] offensive and/or wrongful to the purpose of *s. 72(ii) of the Constitution (Cth)*?

- vi. Is the immunity granted [a FamCA judge] by [a FamCA judge] offensive and/or wrongful to Laws created by an Act of the Parliament of the Commonwealth?
- vii. Did [a FamCA judge] make Orders that/when a Law of the Commonwealth states the Court has no right to make those Orders?
- viii. Have judicial officers of the Commonwealth denied a father a right to justice created by a Law of the Commonwealth?
- ix. Have judges of the High Court wrongfully, that is, in Contempt of *s.35A of the Judiciary Act 1903 (Cth)*, denied “Special Leave to Appeal” because they do not consider wrongful or criminal misbehaviour by judges of the FamCA should be a question of law that is of public importance?
- x. Have judges of the High Court wrongfully denied “Special Leave to Appeal” because they were abusing their power to provide a benefit of protection to a fellow judge by obstructing a matter that would cause “*Proven Misbehaviour*” required for an action pursuant to *s.72(ii) of the Constitution (Cth)*?
- xi. Have the unappealable Orders of [a FamCA judge] caused abuse of children, a father and the father’s family members by a denial of a right of children to know and interact with all their family members? *The Family Violence Protection Act 2008 s.7 (Vic)* says yes.
- xii. Should the children, the father, and family members of the father be compensated for the abuse and wrongs perpetrated by the judges of the High Court and FamCA?
- o. These are all questions put to the FamCA and High Court in words the same as or akin to those used above that if a body for complaints citing Judicial Officers were available. These questions would be posed or reworded as complaints of judicial misbehaviour for the Commission of Inquiry to inquire into rather than questions judges refuse to answer.
- p. The above questions are representative of common complaints stated by Self Represented Fathers seeking justice in the High Court and FamCA although the above questions are my questions for wrongs committed against my children, family members and myself.

- q. It is therefore again stated, there should be a permanent judicial complaints Committee of Inquiry established for the handling and recording of public complaints of judicial misbehaviour. That has the power and jurisdiction to handle complaints of Commonwealth, State and Territory jurisdiction where the State or Territory does not provide an alternative to the conflict of interest in-house complaints handling systems available now.
- r. Like the Judicial Commission of New South Wales, <http://www.judcom.nsw.gov.au/about-the-commission/annual-reports/annual-report-2007-2008/ar08-operations.pdf> reported 66 complaints were received for the year of 2007 to 2008. If there was a Commission with jurisdiction to receive complaints citing Commonwealth, State and Territory Officers. I wonder how many complaints would have been, for Family Law (Cth) matters, in that State alone, if available?
- s. Additional complaints that would be filed with a Commission having jurisdiction to determine judicial misbehaviour or wrongs like refusing to allow a hearing that have questions of Law that are of public interest before the High Court and/or the FamCA.
- i. A finding of fact would be sought that the denial of a proper hearing for the matter denied by [a High Court judge] and [a High Court judge] was a wrongful act of a denial thereby perversion of justice by those judges.
- ii. The questions raised by the reported matter sought to be appealed by put to [a High Court judge] and [a High Court judge] for “Special Leave to Appeal” in broad terms were. Does the FamCA have power and a right to make a Writ to prevent or correct wrongs committed or about to be committed by judges of that Court and/or a Magistrates Court of Victoria? There was prima facie and proper evidence before the Courts to support judicial wrongs had been committed to cause the making of Orders of those Courts and the Orders were made in regard to issues within the jurisdiction of the FamCA.
- iii. Does s.39B(1EA) of the Judiciary Act 1903 clearly demonstrate by the words; *“a party to the proceeding seeks a writ of mandamus or prohibition or an injunction against an officer or officers of the Commonwealth”* (All Commonwealth Judges come within this

meaning and is consistent with and gives power to the in-house complaint procedures in place in the FamCA)

That is, does the FamCA have the power and the right to correct wrongs committed by a judge of that Court for an expeditious correction to those wrongs?

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- iv. Thereby is the reliance by [a FamCA judge] and the Full Court of the FamCA on “*Bizannes & Bizannes (1977) FLC 90-313*” in error? This due to the fact *s.39B(1EA) of the Judiciary Act 1903* demonstrates the FamCA has the power and right to determine a matter where “*a party to the proceeding seeks a writ of mandamus or prohibition or an injunction against an officer or officers of the Commonwealth*”.
- v. Therefore it is claimed and a complaint would be filed that [a High Court judge] and [a High Court judge] have denied, thereby pervert justice to prevent the public knowledge a Law of the Commonwealth has bestowed on the FamCA. Being the *s.75(v) of the Constitution* power to make a Writ citing a judge or Orders about to be or wrongfully made by a judge of the FamCA.
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- vi. A complaint would be filed, that judges of the FamCA and the High Court, have perverted justice by acting in defiance of the finding in “*Re Ross-Jones; Ex parte Green (1984) FLC 91-555*” and the Common-Law of Writs. That is, a Superior Court of Record; in this case the FamCA, have the power and jurisdiction to make Writs in regard to Orders wrongfully made or about to be wrongfully made by an Inferior Court were the issue/s of that Inferior Court are within the jurisdiction of that Superior Court.
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- vii. A complaint would be filed, that [a FamCA judge] and [a FamCA judge] both obstructed courses of justice created by a Law of the Commonwealth in relation to a judicial power of the Commonwealth. The courses of justice are the right of a wronged party to prosecute the party (mother) committing the wrongs of multiple demonstrations of Contempt for Court Orders. The Orders were made by consent or agreement thereby invoking the Common-Law requirements of “Promissory Estoppel”. That is; there must be a legal unity (ex de-facto relationship, children and Court Orders), proof of an agreement (Consented Court Orders) Order 1 of the Consented Orders is; “*The father to*

have contact with the children ... each weekend from Friday to Sunday inclusive.” Evidence of a physical attempt to exercise a right created by the agreement (police evidence before the Court), and evidence the attempt to exercise the right created by the agreement was reasonable and lawful (police evidence before the Court both of these conditions were meet). In Contempt of the Common-Law and the Laws of the Commonwealth being *s.35 and s.112AP of the Family Law Act 1975*, the judges of the FamCA obstructed a father from demonstrating beyond doubt a mother was intent on committing Family Violence, in this instance by preventing children the right to interact with all their family members. *The Family Violence Act 2008 (Vic)-s.7* now creates the meaning of such abuse beyond doubt so judges like those of the FamCA will stop aiding and abetting such family violence on children and parents by parents.

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t. An additional complaint arising from an attempt to appeal the FamCA matter reported as [a High Court judge] and [a High Court judge] is that it has been claimed judges of the FamCA refuse to up-hold agreements made at mediation caused by the Family Law Act 1975. The purpose of those agreements is to reduce the multiplicity of FamCA proceedings. A purpose and legal requirement of a “Special Leave to Appeal” hearing and the hearing of the Appeal is to settle issues arising from the Court below that are of public interest. Is the enforcement of an agreement reached, that is caused by a Law of the Commonwealth, a necessity, for the Law of the Commonwealth to have any true purpose. The Common-Law or Doctrine of “Promissory Estoppel” is founded in the enforcement of a proposal of marriage. The agreements reached at mediation are agreements arising from the agreement to marry or de-facto marry. The agreements reached at mediation are products of the legal unity of the marriage or de-facto marriage.

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u. Why would the Court claim a lack of power to up-hold the Common-Law or Doctrine of “Promissory Estoppel” for enforcement of a contract, agreement, which arises from an existing legal unity if it was not to undermine the purpose of the Laws of the Commonwealth thereby create work for the Court and Lawyers?

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- v. This is just another demonstration of judges' willingness to apply whatever law they want to achieve the hidden agenda/policies of the judges despite the proper and public agenda of the Court that will not be allowed a public hearing or correction.
- w. An example is, it took newspaper publications of a FamCA judge Orders returning a child to reside in Perth, at what had been established at Law was probably an unsafe environment that was not going to enable the child to reach their fullest potential. This while a residence was ready, willing, and able to be provided by the Grandparents in Tasmania. The ramifications' to the publishers of public knowledge of the outrageous behaviour of FamCA judges is such those publishers are scared to speak out or hear any more of the outrageous behaviour of FamCA judges.
- x. It is believed, who spoke out against the publications that caused much to his discuss the child's best interest to prevail over the mothers wishes. Claims, speaking out against a judge's outrageous behaviour (Orders made) of putting a mothers wishes before "the best interests of the child". Is that the speaker is being derogatory of the Court, thereby in Contempt. This appears to be to conceal judges aiding and abetting abuse of children by causing them to reside in an environment that is not in their best interest, reach their fullest potential and/or denial of their right to interact with all their family members.
- y. A Commission of Inquiry that has the power and authority to accept public complaints of judicial wrongs and cause a correction of those wrongs would undermine these judges ability to abuse their power to cause their hidden agenda prevail over the proper purpose of the Court.

6. If so, should such a body conduct investigatory inquiries, policy inquiries, or both?

- a. I take it this question is "should the investigatory inquires of the Commission include power to investigate the unwritten and written policies of the body the person/s, or issue/s the Commission is investigating?"
- b. On that basis, it is submitted that it is probable the body of the person/s or issue/s being investigated have unwritten policies demonstrated by common behaviour of the person/s of the body that cause the person/s or issue/s being investigated. Therefore, a lack of power to investigate a bodies policies written or otherwise could

be prejudicial to the person/s or issue/s being investigated and undermine the ability of the Commission to obtain knowledge that is required to effect change to wrongful behaviours by caused by other than good policies of the body.

- c. An example is; it has been claimed a common practice of the FamCA is some judges of the FamCA have ex-parte communications with some Counsel for/or the Independent Children Lawyers (ICL). There is prima facie evidence this occurred in the matter reported on the FamCA judgements site that is published under the name of; [redacted] ". The evidence of the behaviour of [a FamCA judge] is the intent of a judge of the FamCA to act in spite of a Law of the Family Law Act 1975 that requires a judge to consider shared parenting where there is "*Family Report*" evidence before the Court that supports shared parenting Orders is in the child's best interest.
- d. There is prima facie evidence the judge caused evidence to be presented by Counsel for the ICL that challenged a Court Ordered Family Report to circumvent the legal requirement to make Orders consistent with evidence equal shared parenting is "*In the Best Interests of the Child*". Furthermore, the afore cited publication supports the judge, at minimum, aided and abetted if not contributed to the badgering of a Family Report Writer into giving answers that enabled the judge to claim the Dr had changed his evidence. Namely, the judge's claim the Dr turned on his own evidence, the proper evidence for the aforesaid, would be in the Transcript of that matter not available because of the cost to the father. Hence, the appeal has been delayed and will be obstructed if the Full Court award a security of costs and demand the father produces the transcript the father does not require, cannot afford, and has no ability to provide the security for costs if Ordered.
- e. There is evidence of an appearance ex-parte communications occurred between Counsel for the ICL and [a FamCA judge] in my matter determined by [redacted] Furthermore, there is proper Transcript evidence of an agreement between [a FamCA judge] and Counsel for the ICL of an agreement to conspire to pervert the course of justice by [a FamCA judge] , in the Transcript of my matter that is available. This matter has been unappealable because [a FamCA judge] seized the initiating application filed [redacted] and has never made a determination of that application.

- f. These 2 matters aforesaid, support a policy of the FamCA is; that the wishes of a mother shall prevail in the Court regardless of the evidence of wrongful or, in the words of *“Toxic Behaviour”* perpetrated by the mother *“That is not in the Best Interests of the Child”*. Further supported by the time taken and contradiction in findings for a mother to be jailed for contempt of FamCA Orders. This is notably reported by the *_____* issued *_____* as proof woman can be dealt with, when vigorously pursued, for Contempt of Court Orders. I put it, the Full Court granting an appeal of the conviction of a mother for Contempt of a Court Order because of an unwritten policy of the FamCA to protect mothers’ from prosecution and evidence of wrongs committed that would challenge the character and claims of the mother.
- g. Furthermore for the Full Court to cause multiplicity of proceedings that, more often than not cause a father to give up, is the purpose of the Full Court turning on the evidence referred to within

That prove the wife had knowledge of the Orders she acted in Contempt of, at paragraph 58 of the cited *“Reasons”*, applicable, by her inspection and copying of the Court file after the Orders were made. The reasons the Full Court turned on the evidence of the wife’s knowledge of the orders and orders in relation to the orders she had sought to appeal. To I, a common person, supports the intent of the Full Court of the FamCA was to cause a multiplicity of proceedings. This was to cause the husband the detriment of additional costs, emotional or psychological harm and obstruction of justice by a need, again, to seek justice before justice could be done and seen to be done.

- h. This is another of the many complaints I and many fathers have with the FamCA judges, they too often cause multiplicity of proceedings that cause financial hardship to fathers that in turn deprives children of financial benefits and obstruct justice. This by the fathers financial resources have been chewed up by Lawyers, costs of transcripts and the Court awarding cost against the principal income earner.
- i. Addition evidence an other than public policy of the FamCA of a mother’s wishes shall prevail in the FamCA despite the Courts obligation to *“the Best Interests of the*

Child” shall prevail. That is the minimising of abuse of a child and the causing of the lesser of 2 evils to prevail.

- j. Is supported by and supports this other than written policy of a mother’s wishes shall prevail is the article titled *“Banned dad's agonising loss”* available at <http://www.news.com.au/heraldsun/story/0,21985,24761929-661,00.html> Sunday Herald Sun (Melbourne) 7 December 2008 , by Laurie Nowell that opens with the line *“ “STEVE” has been barred from seeing his daughter for seven years.”* (I have not seen my children since August 2003 because of some judge’s unwritten policy of abusing fathers and children, the CJ’s refusal to correct judicial wrongs and High Court refusal for a proper hearing.) Further down states; *“His wife twice raised sexual-abuse allegations, proven false after months of investigation. But the court accepted she would “shut down” emotionally if Steve was allowed to see his daughter and that her distress would affect her parenting skills.”* Hence, proof the Court causes a benefit by unwritten policy a mother’s tantrums and claims shall prevail over the best interest and rights of the child be achieved by the child’s need to now and interact with all their family members. But you say the father and I must have done some horrific wrong for judges to make such disgustingly offensive Orders. I spoke out against false allegations of the mother, which the judges took such offence to, they obstructed by “Reserving” or “Denial” of a right to file proper evidence the allegations are false and statements made are perjuries. This for a false appearance of lack of knowledge that had been obtained from other affidavit evidence by the judges.
- k. The above cited article continues to say; *“His wife twice raised sexual-abuse allegations, proven false after months of investigation.”* Further down; *“There was no violence, threats, abuse, harassment or intimidation.”* Further down; *“But I bucked the system and paid the price. If you argue with the court's finding, they label you as unco-operative.”* This is regardless of if the mother committed wrongs or not but more so when the evidence before the Court supports the mother has committed wrongs that question the fitness of the mother to be the resident parent.
- l. Or, as they have with me, if a father seeks justice and claims the right to cite the mother for criminal wrongs, judges claim you are demonstrating intent to cause a mother harm. This by a dereliction to a judges duty and obligation to do right by law

without fear or favour, benefit or ill will and decide if the mother had committed wrongs. Judges will abuse fathers, children and their rights to justice solely to protect a mother's claim to be the resident parent and abusive behaviour of denial of children a right to interact with all their family members.

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7. **The above said is, there is a clear need for a Permanent Commission of Inquiry that can take and record public complaints on a daily and/or ad hoc basis.** For this Commission to be effective it will need the jurisdiction, power and will to cause Courts to reopen matters the Court have closed, by denial or some other method, like that used by the Privy Council when that avenue of complaints or redress was available.
8. The elegant language of the higher processes of Parliament and justice suggest a "Recommendation" by the Committee is all that would be required. The reality is although a Recommendation may impose an obligation like those made by the "United Nations for Civil Rights" for the right to appeal and seek Writs where there is evidence the Courts have obstructed the hearings of such applications. It is reasonable to assume the Court will ignore those Recommendations on the grounds such hearings will cause a public lack of confidence in the proper administration of justice.
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9. It is therefore sought such a Committee although may make a recommendation in the first instance. That Committee would need the power and jurisdiction to enforce its recommendations if it became apparent the Committees Recommendations were not being fore filled.
10. Based on; it is probable the High Court would not follow Recommendations a determination of the High Court be re-opened.
- a. Like the matter "Reasons" that have been removed from the published reasons titled akin to and for this transcript title

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will not be re-opened because to cause an Oral Hearing of the issues of that matter denied at the first determination, will cause the Court proper knowledge of wrongful misbehaviour committed by that judge of the High Court and the FamCA. This would thereby cause proof some judges of both Courts are bring those Courts into

disrepute and undermining the public's confidence in the proper administration of justice by those judges.

- b. This is additionally supported by the matter brought to the attention of the Attorney-General of Victoria shortly before [redacted] stepped down from office supports this. That matter was published within the High Court Transcripts as or words akin to [redacted] but it appears to have been removed from the published Transcripts.

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- d. If this Inquiry requires a copy of that Transcript, the party making these submissions, being the party of that matter, has an electronic copy available that will be supplied on request.

11. A loss of public confidence in the FamCA for justice and the proper administration of justice was brought to my attention by a SRL father I had an hour's conversation with immediately prior to adding the submissions from paragraph 7 of these submissions.

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- a. That SRL father has claimed a lack of confidence in obtain justice in the FamCA. That father has an appeal before the FamCA that is being hindered by the slow return of a judgement of a security of costs and demand by a mother a transcript be produced by the father the mother needs (transcript not needed by the father) sought against the father. The low income of the SRL father (Low Income Health Care Card holder) supports the father will not be able to pay the security of cost or the transcript the father does not need to prove his case. Hence the matter will become abandoned thereby the Orders of the Court will have caused a perversion of justice by causing a father unsurmountable obstacles of providing benefit to the mother the father does not require.

- b. The probability is the SRL fathers appeal will be obstructed by the delayed Orders the Court knows would be detrimental to the proper administration of justice.

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- c. The appeal would raise evidence of judicial misbehaviour by the presiding judge that is offensive to the law and detrimental to the best interests of a child. That the

obstruct of the appeal will prevent being presented to the Court, the office of the CJ has refused to deal with by the in-house complaints process.

- d. Contempt of Court Orders citing the mother are now required due to the mothers demands of the SRL father and behaviour of the mother in contravention of the Orders amounting to a mother demands it is probable the Court will attempt to uphold. The mother's behaviour in contravention of the Orders has been such a State Family Violence Order (for stalking while the child is in the fathers care) citing the mother with physical evidence of the Contraventions of the FamCA Orders and stalking is being sought.

10 12. Returning to the matter "Reasons"; that "Leave to Appeal" an Ex-parte application Rule 42.17 of the High Court Rules only requires an "Appeal" of, not "Leave to Appeal" demanded by a Registrar of that Court is before the Court.

a.

A determination of "Denial of Leave" without Oral Hearing will be made. It was implied this is because the Attorney-General (Cth) will not be intervening in the matter pursuant to a s.78B of the Judiciary Act 1903 Notice served on the Attorney-General (Cth). I have replied to the refusal to intervene given on behalf of the Attorney-General (Cth) that has not been replied to.

20 b. A request for the Attorney-General (Cth) to reconsider the decision of not to intervene by a letter of "*Concerns of judicial prejudgment*" with a reminder of the questions the matter put to the Court and the question of if these questions are not questions of major public concern or interest, put by; Some of the questions before the High Court by matter include;

- i. Did [the deciding judge], by making a final decision in the matter misbehave in contravention to s.78B(5) of the Judiciary Act 1903?
- ii. Did [the deciding judge], act in contravention to s.78B(1) of the Judiciary Act 1903 by continuing to determine other than if an Urgent Order was required in the matter ?
- 30 iii. Did [the deciding judge], misbehave by behaving in contravention of s.32 of the Judiciary Act 1903 by failing to do complete justice?
- iv. Does the Family Court have the power bestowed on it, by s.34 of the Family Law Act 1975, to make Writs pursuant to s.75(v) of the Constitution?

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- v. Were issues before [the deciding judge], to cause "Proved Misbehaviour" by a judge or judges that it is claimed have committed wrongs, therefore, leave should have been granted so the issues could be determined?
- vi. And more, although only 1 is required that should cause the actions sought, be granted.

10 13. If the need to ask these questions and the answers to those questions do not warrant the intervention of an Attorney-General, the right to appeal a decision causing these question to be asked, and there is no Commission of Inquiry to inquire into the misbehaviour cited. What happens to a father's right to justice and a fair hearing denied by denial of a right to seek a Writ and/or appeal reliant on proving judicial misbehaviour for their determination. That judicial misbehaviour is concealed to allow judicial wrongs at the bench to be continued.

14. A copy of the letter sent by fax seeking the Attorney-General (Cth) reconsider the decision of Not to Intervene in the matter _____ is available on request but the common language it is written in might be offensive to the rules of the Senate by citing the name of the judicial officers behaviour being questioned.

15. Thank you for hearing my submissions with hopes they answer rather than raise more questions of the need for a permanent judicial Commission of Inquiry.

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28/4/09