

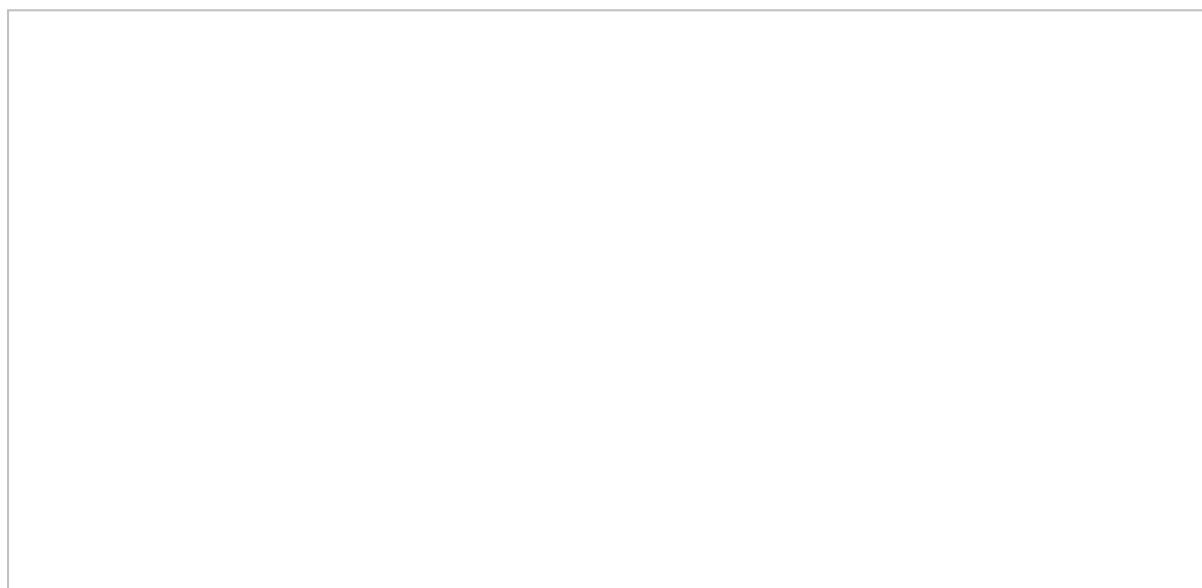
Summaries, Questions of law and Intentions for legal proceedings [RF0F002]

From Reece Ferrara <Reece.Storme@protonmail.com>

To mcvfeedback@courts.vic.gov.au, minister.carbines@justice.vic.gov.au, minister.erdogan@justice.vic.gov.au, Heidelberg Magistrates Court <hmc@courts.vic.gov.au>, Director@opp.vic.gov.au, enquiries@vgso.vic.gov.au

CC Benjamin Luker (CSV) <Benjamin.Luker@courts.vic.gov.au>, teresa.dangelo@police.vic.gov.au <teresa.dangelo@police.vic.gov.au>, evangeline.cameron@police.vic.gov.au

Date Saturday, June 15th, 2024 at 23:56



TO MAGISTRATES' COURT VICTORIA

SUMMARY OF COMPLAINT JANUARY 18, 2024

BACKGROUND AND ALLEGATIONS:

- The complainant, Reece Ferrara, asserts ongoing issues with the Victorian Police (VICPOL) and the Heidelberg Magistrates' Court dating back to January 19, 2016.
- Allegations include corruption, misconduct, and obstruction of justice by VICPOL and court staff.
- Specific grievances involve unlawful remand resulting from jurisdictional errors and falsified documents allegedly used to influence judicial decisions.
- Complaints extend to VICPOL's handling of medical needs, particularly inadequate treatment following an incident of injury while in custody.
- Reece Ferrara claims mistreatment and obstruction in accessing court records pertinent to ongoing legal proceedings.

KEY ALLEGATIONS AND LEGAL ISSUES:

1. Jurisdictional Errors and Misconduct:

- Allegations of jurisdictional errors by Magistrate Lennon during court proceedings, including failure to acknowledge Ferrara and reliance on false information regarding legal representation.
- Claim of unlawful remand exceeding statutory limits, leading to approximately 24 days of unlawful imprisonment.
- Accusations of VICPOL providing misleading information to the court to influence outcomes.

2. Obstruction of Justice:

- Claims that court registry staff obstructed access to court documents necessary for legal proceedings.
- Alleged suppression and destruction of evidence crucial to proving contempt of court and miscarriage of justice.
- Obstruction claims intensified by alleged intentional destruction of audio/video recordings by court staff.

3. Medical and Psychological Issues:

- Allegations of inadequate medical care and mistreatment by VICPOL and corrections personnel following a medical emergency while in custody.
- Claims of psychological distress exacerbated by ongoing legal battles and alleged mistreatment.

4. Legal and Procedural Violations:

- Claims under various Victorian legal statutes, including the Criminal Procedure Act, Magistrates Court Act, and Mental Health and Wellbeing Act.
- Allegations of breaches of duty and misuse of authority by court registrars and VICPOL officers.

REQUESTED OUTCOMES:

- Ferrara seeks investigation and intervention by relevant authorities, including the Independent Broad-Based Anti-Corruption Commission (IBAC) and compliance with the Public Interest Disclosures Act.
- Desired outcomes include recognition of misconduct, correction of legal records, compensation for wrongful imprisonment, and reforms to prevent future injustices.

Conclusion

The complaint filed by Reece Ferrara against VICPOL and Heidelberg Magistrates' Court alleges a pattern of corruption, misconduct, and obstruction of justice. The allegations primarily focus on procedural irregularities, judicial errors, and mistreatment during legal proceedings and custody. Ferrara seeks redress through legal and administrative channels to rectify alleged injustices and ensure fair treatment under the law.

QUESTIONS OF LAW:

1. Did the Heidelberg Magistrates' Court breach the applicant's rights under the Criminal Procedure Act 1989 (Vic) by remanding him without proper consideration of his legal representation or without

addressing him directly, thus possibly violating sections 328, 329, and 330 of the Act?

2. Was there a breach of natural justice by Magistrate Lennon when he failed to acknowledge the applicant's presence during the remand application hearing, relying solely on information provided by VICPOL, potentially leading to a jurisdictional error under the Magistrates' Court Act 1989 (Vic), particularly sections 60, 79, and 82?
3. Did the actions of the Registrar at the Heidelberg Magistrates' Court, allegedly involving the creation of a false document or misleading information, constitute an offense under the Criminal Code Act 1995 (Cth) or any relevant state laws?
4. Is there evidence to support the applicant's claim that VICPOL engaged in misconduct by intentionally misleading the court during the remand application, potentially breaching the Victoria Police Act 2013 (Vic) and leading to a miscarriage of justice?
5. Did the Heidelberg Magistrates' Court Registry obstruct the applicant's access to court documents, and was this obstruction unlawful under the relevant provisions of the Magistrates' Court Act 1989 (Vic) or any other applicable legislation?
6. Did the intentional obstruction of access to court documents by the Registry result in destruction of evidence that could have proven contempt of court, constituting a breach of procedural fairness under the principles established in common law or statutory provisions?
7. Was there a failure by the Heidelberg Magistrates' Court to adhere to the requirements of the Public Interest Disclosures Act 2012 (Vic) in handling the applicant's complaints of corruption and misconduct within the court system?
8. Does the conduct alleged against court personnel and VICPOL meet the criteria for corrupt conduct under the Independent Broad-Based Anti-Corruption Commission Act 2011 (Vic), particularly in terms of adversely affecting the honest performance of their functions or breaching public trust?
9. Did the Heidelberg Magistrates' Court Registry violate any statutory obligations under the Magistrates' Court Act 1989 (Vic) or the Criminal Procedure Act 1989 (Vic) by failing to provide necessary documents to the applicant or by imposing unnecessary fees for document preparation and copying?
10. Is there evidence to support the applicant's claim that he was denied proper medical care while in police custody, potentially violating his rights under the Victorian Charter of Human Rights and Responsibilities Act 2006 or any other relevant legislation governing prisoner rights?

These questions reflect legal issues arising from the complaint and touch upon potential violations of procedural fairness, natural justice, criminal law, and statutory duties applicable to court personnel and law enforcement agencies. Each question would require further investigation and analysis of evidence to determine their legal merit.

Legal Summary of Complaint and Allegations

1. **Overview:** The complainant, Reece Ferrara, alleges a series of judicial and procedural errors resulting in unlawful detention, stemming from events at the Heidelberg Magistrates' Court. The complaint implicates court officials, including Registrar Ben Luker, and accuses Victoria Police of misconduct.
2. **Key Allegations:**
 - **Jurisdictional Error:** During a court proceeding on April 28, 2022, Magistrate Lennon allegedly failed to acknowledge Ferrara's presence, conducted proceedings based on misleading

information or false documents, and unlawfully granted a remand application without due process, violating Ferrara's right to liberty.

- **False Representation:** Ferrara claims that false information regarding legal representation and bail advice was used during the remand application, leading to a misrepresentation in court proceedings.
- **Obstruction of Justice:** There are allegations of intentional obstruction by registry staff in providing access to court documents and recordings crucial to challenging the judicial errors and misconduct alleged.
- **Misconduct and Collusion:** The complaint alleges collusion between court registry staff and Victoria Police, contributing to a miscarriage of justice and obstructing legal remedies available to Ferrara.

3. Legal Framework:

- **Magistrates' Court Act 1989 (Vic):** Alleged breaches include improper conduct by court officials and failure to adhere to procedural safeguards in remand proceedings.
- **Criminal Procedure Act 1989 (Vic):** Violations of sections pertaining to remand procedures and the rights of defendants are alleged.
- **Public Interest Disclosures Act 2012 (Vic):** Claims that the complaint constitutes a public interest disclosure due to its implications for judicial integrity and procedural fairness.
- **IBAC Act (Independent Broad-based Anti-corruption Commission Act):** Allegations suggest potential grounds for investigation under the Act for police misconduct and collusion.

4. Relief Sought:

- Ferrara seeks to appeal the remand decision, challenging the legality of the detention and the conduct of court officials.
- Requests for access to court records and recordings to substantiate claims of misconduct and judicial error.
- Remedies include setting aside the remand order, potential damages for false imprisonment and psychological harm, and disciplinary actions against implicated court and police officials.

5. **Conclusion:** The complaint raises serious allegations of procedural impropriety, judicial error, and misconduct by court officials and police, affecting Ferrara's legal rights and resulting in unlawful detention. It calls for thorough investigation and remedial actions to uphold the integrity of the judicial process and protect individual rights under Victorian law.

This summary outlines the substance of Ferrara's complaint, highlighting the gravity of the alleged misconduct and the legal avenues sought for redress.

AB (a pseudonym) v CD (a pseudonym); EF (a pseudonym) v CD (a pseudonym) (2018) 362 ALR 1, 4

(Kiefel CJ, Bell, Gageler, Keane, Nettle, Gordon and Edelman JJ)

'[10]...Likewise, Victoria Police were guilty of reprehensible conduct in knowingly encouraging [Ms Gobbo] to do as she did and were involved in sanctioning atrocious breaches of the sworn duty of every police officer to discharge all duties imposed on them faithfully and according to law without

favour or affection, malice or ill-will. As a result, the prosecution of each Convicted Person was corrupted in a manner which debased fundamental premises of the criminal justice system.

[23] On 5 November 2018 the High Court delivered judgment in *AB (a pseudonym) v CD (a pseudonym) (2018) 93 ALJR 59* in respect of Nicola Gobbo. This was the very month in which the High Court refused the applicant special leave to appeal his convictions (on 14 November 2018). The Chief Commissioner of Police (who was one of the parties to that case) did not inform the High Court or the applicant that Joseph Acquaro had also been a police informer. It is not presently known whether the prosecution was aware of that matter.

[42] The applicant relied on observations made by the High Court, in the course of rescinding a grant of special leave, about the 'fundamental and appalling breaches' of Ms Gobbo's obligations to her clients and duty to the court as counsel, and the 'reprehensible conduct' of Victoria Police in 'knowingly encouraging' her in doing so, which meant 'sanctioning atrocious breaches' of the sworn duties of police officers.

[57] Ginnane J's judgment, rejecting the application by the Chief Commissioner of Police and Ms Gobbo to restrain disclosure of the information, was delivered on 19 June 2017. The Chief Commissioner and Ms Gobbo prosecuted unsuccessful appeals from that judgment before the Court of Appeal [26] and the High Court.

Also see *Victorian Legal Services Board v Gobbo [2020] VSC 692 (04 November 2020) (Forbes J)*

There can be no question that by her conduct Ms Gobbo is not a fit and proper person. Her conduct caused prosecutions "corrupted in a manner which debased fundamental premises of the criminal justice system". [17] Where conduct rocks the foundations of the justice system the protective purpose of the court's power demands the removal of the privilege of admission to practice. By her consent, Ms Gobbo acknowledges that there is no prospect that in the future she could take any step that might allow her to attain the status of a fit and proper person. As such I am satisfied that she is likely to remain someone not a fit and proper person.

Also see the 'Royal Commission into the Management of Police Informants, Summary (Final Report, 2020)'

2024 06 14 – AT 1604 OPP [VIC] CC'D AS CONSEQUENCE OF VICTORIAPOLICE CORRUPTION, ACTUS REAS AND MENS REARELATING TO TORTURE AND INTERFERENCES WITH ADMINISTRATION OF JUSTICE - AB V CD; EF V CD (2018) 362 ALR 1

LEGAL SUMMARY

outlining the main points:

Reece Ferrara's email expresses strong dissatisfaction and outlines several legal assertions and accusations primarily directed at Victoria Police and government officials. The key points are summarized as follows:

1. **Documentation of Interactions:** Reece Ferrara asserts an intention to meticulously document all interactions with Victoria Police, emphasizing thorough cross-referencing with applicable statutes, policies, and procedures.
2. **Defense Against Charges:** Ferrara plans to mount a defense asserting that all charges against them are invalid. This assertion is based on the premise that all evidence relied upon by Victoria Police was obtained through torture or cruel, inhuman, or degrading treatment, invoking international human rights standards.
3. **Accusations of Treason:** Ferrara accuses the Commissioner of Victoria Police and the Ministers for Police and Justice of treason. This accusation is rooted in alleged intentional violations of the Commonwealth of Australia Constitution Act and associated constitutional provisions.
4. **Systemic Abuse of Powers:** Ferrara accuses certain officials of systemic abuse of their powers, alleging violations of both domestic laws and international treaty obligations, particularly concerning human rights.
5. **Non-disclosure of Material:** Ferrara alleges that informants knowingly withheld material required to be disclosed to the Magistrates' Court of Victoria, potentially constituting contempt of court under sections 133 and 134 of the Magistrates' Court Act 1989 (Vic).

6. **Collusion Allegations:** Ferrara describes collusion between the Registry of Heidelberg, Criminal Defence Lawyers, and Victoria Police, suggesting impropriety in legal proceedings and law enforcement activities.
7. **Personal Impact and Emotional Distress:** Ferrara expresses profound emotional distress and publicizes personal anguish, including extreme statements about wanting to be harmed by police, attributing this distress to perceived long-term mistreatment by Victoria Police.
8. **Future Consequences:** Ferrara warns of potential future consequences if corruption within the government and public sector is not addressed, invoking dire scenarios of tyranny and societal division.

In summary, the email represents a comprehensive critique and accusation against Victoria Police and government officials, intertwining legal arguments with personal grievances and dire predictions about the future of governance and justice in Australia. The assertions range from specific legal violations to broad societal warnings, reflecting deep-seated dissatisfaction and a demand for accountability and reform.

QUESTIONS OF LAW

1. Whether meticulous documentation of interactions with Victoria Police, including cross-referencing and research into applicable statutes, policies, and procedures, imposes a legal obligation on law enforcement agencies under Australian law or international norms.
2. Whether charges can be invalidated on the grounds that evidence relied upon by Victoria Police was allegedly obtained through torture or cruel, inhuman, and degrading punishment, in accordance with articles 1, 2, 10, 11, 12, 13, 14, 15, and 16 of international treaties, and if so, what procedures should be followed to assert such defenses in Australian courts.
3. Whether accusations of treason against the Commissioner of Victoria Police and Ministers for Police and Justice, based on alleged contravention of constitutional provisions (specifically sections 51(xxiv), 51(xxv), 51(xxix), 51(xxxvi), 51(xxxix), 52, 61, 106-109, 117-119 of the Commonwealth of Australia Constitution Act), constitute valid legal claims and if such claims can be pursued through judicial review.
4. Whether allegations of systemic abuse of power by public officials, excluding individual police officers, in contravention of domestic laws and international treaties, provide a legal basis for civil or criminal proceedings against those officials.
5. Whether accusations against informants for allegedly withholding material from the Magistrates' Court of Victoria, thereby contravening section 133 or 134 of the Magistrates' Court Act 1989 (Vic), or provisions under the Victoria Police Act 2013, merit legal investigation and potential disciplinary or criminal action.
6. Whether allegations of collusion between the Registry of Heidelberg, Criminal Defence Lawyers, and Victoria Police, as described in recorded phone conversations, constitute actionable offenses under Australian law, and what legal remedies or consequences may apply.
7. Whether statements regarding seeking justice through public transparency and constitutional principles, including extreme expressions of personal distress and alleged historical mistreatment by Victoria Police, have legal implications for judicial proceedings or public policy considerations.
8. Whether predictions or warnings about potential future societal consequences, such as the establishment of an elite ruling class and modern slave class, due to perceived corruption within the executive branch and public sector, raise legal issues requiring government accountability or legislative intervention.

These questions highlight the complex legal and constitutional issues raised in the email, spanning from allegations of misconduct and abuse of power to the invocation of international human rights norms and the constitutional framework of Australia.

LEGAL SUMMARY OF REQUEST FOR DISCLOSURE PROCEDURAL MATTERS PURSUANT TO THE CRIMINAL PROCEDURE ACT 2009 (VIC)

Date of Document: 11/06/2024

Filed on Behalf of: Defendant/Accused

Solicitor: N/A Self-Represented

Informant(s): Cons. Cameron, Cons. D'Angelo

Document Reference: RF0F001

Introduction

This document initiates procedural steps pertinent to the lead-up to the Committal Mention hearing and references legal precedents regarding disclosure obligations in criminal proceedings.

Background

Referencing AB (a pseudonym) v CD (a pseudonym); EF (a pseudonym) v CD (a pseudonym) (2018) 362 ALR 1, this document highlights systemic issues within Victoria Police related to breaches of legal obligations, impacting the integrity of criminal prosecutions.

Request for Disclosure

The accused has systematically attempted to obtain disclosure of pertinent materials under the Criminal Procedure Act 2009 (VIC), which were purportedly ignored by the informants and Victoria Police. This non-disclosure is alleged to constitute contempt of court, as per section 133 of the Magistrates' Court Act 1989 (VIC).

Chronological Correspondence

The accused has documented numerous attempts to secure disclosure, beginning with emails and escalating to formal requests. These efforts were made to obtain various materials, including LEAP database entries, complaint files, briefs of evidence, and related documents spanning multiple years.

Legal Context

The accused cites legal frameworks underpinning the duty of prosecution to disclose all relevant material to the defense, emphasizing the fairness of proceedings and the rights of the accused. Non-compliance with these obligations may lead to procedural unfairness and potential consequences such as failed prosecutions and cost sanctions against Victoria Police.

Conclusion

This document serves as a formal request for disclosure, outlining the accused's efforts to obtain necessary materials for the defense in accordance with statutory and common law obligations. The accused seeks prompt action to remedy alleged breaches and ensure fair proceedings as mandated by law.

Signature:

Reece Storme

[Contact Information]

QUESTIONS OF LAW:

1. Has the prosecution fulfilled its duty of disclosure under the Criminal Procedure Act 2009 (Vic) and common law principles?

- This question arises from the accused's assertion that there has been intentional ignoring of requests for disclosure by the informants and Victoria Police, which allegedly continued up to the contested hearing. It focuses on whether the prosecution has complied with its obligation to disclose all relevant material to the accused.

2. Did the alleged breaches of disclosure obligations by the Informants and Victoria Police amount to procedural unfairness or contempt of court under the Magistrates' Court Act 1989 (Vic)?

- This question pertains to whether the failures to provide disclosure as requested constitute grounds for procedural unfairness in the criminal proceedings. It also considers whether these actions may be classified

as contempt of court, specifically under Section 133 of the Magistrates' Court Act 1989 (Vic), which addresses contempt in the face of the court.

3. What remedies are available to the accused due to the alleged breaches of procedural fairness arising from non-compliance with disclosure obligations by the Informants and Victoria Police?

- This question seeks to explore potential remedies available to the accused if it is determined that there were indeed breaches of procedural fairness due to non-disclosure. Remedies could include adjournment, dismissal of charges, or other appropriate measures to rectify any unfairness caused by the non-disclosure.

4. Is there a basis to argue malicious prosecution or other misconduct against Victoria Police based on the disclosed communications and actions?

- This question delves into whether the conduct alleged against Victoria Police, including intentional withholding of information and other actions related to disclosure, could support a claim of malicious prosecution or other misconduct. It considers the impact of such actions on the fairness and integrity of the criminal proceedings.

5. Are there grounds for applying the principles outlined in *AB v CD* (2018) 362 ALR 1 regarding reprehensible conduct and breaches of duty in the present case?

- This question draws upon the precedent set in *AB v CD* (2018) 362 ALR 1, which addressed breaches of duty by law enforcement and their impact on criminal prosecutions. It examines whether similar principles apply to the current allegations of non-disclosure and misconduct by the Informants and Victoria Police.

6. To what extent do the actions of the Informants and Victoria Police undermine the fundamental premises of the criminal justice system as alleged by the accused?

- This question focuses on the broader implications of the alleged actions by the Informants and Victoria Police. It seeks to assess whether these actions have compromised the integrity and foundational principles of the criminal justice system, as claimed by the accused.

These questions of law are intended to guide further investigation and consideration in the context of the accused's request for disclosure and allegations of procedural unfairness and misconduct by the prosecution authorities involved.

ATTEMPTS TO EXERCISE LEGAL RIGHTS VIA THE CRIMINAL PROCEDURE ACT

1. The following dates and times refer to emails sent by me (the accused) attempting to obtain disclosure pursuant to the Criminal Procedure Act 2009 (Vic) that were intentionally ignored by the Informants and Victoria Police. In addition, the Informants breached their duty of disclosure on the day of the Contested Hearing at the Magistrates' Court of Victoria at Heidelberg, May 27, 2024, and is submitted to be an act of *Contempt in the face of the Court* pursuant to the *Magistrates' Court Act 1989* (Vic) section 133 Contempt in face of the Court by withholding information in an attempt to pervert the natural course of Justice.

2. The following figure is the chronological representation of correspondence by the accused.

Criminal Procedural Act 2009 (Vic) from section 96 to section 127; Part 4.4—Pre-hearing disclosure of prosecution case; Division 4—Procedure for pre-trial orders and other decisions; section 143 Determination of committal proceeding where accused elects to stand trial

Ibid. section 110A; section 147;

Victoria Police Act 2013 (Vic) section 60 'Victoria Police Manual' 'Disclosure in criminal proceedings'; 'Affidavits and statutory declarations'; 'Appropriate use of information'; 'Arrests and warrants to arrest'; 'Attendance and custody modules'; 'Body worn cameras'; 'Brief preparation and management'; 'Briefs of evidence'; 'Commonwealth offence investigations'; 'Conflict of interest'; 'Court processes'; 'Crime and event reporting and recording'; 'Crime attendance and investigation'; 'Crime recording policy'; 'Family violence'; 'Family violence and child information sharing'; 'Human Rights Standards'; 'Information use handling and

storage'; 'Interviews and statements'; 'Investigation support'; 'Laying charges'; 'Local Professional Standards Committees'; 'Management of misconduct VPS Employees'); 'Obtaining information from external organisations'; 'Obtaining legal services and advice'; 'Operational duties and responsibilities'; 'Police attendance at events and incidents'; 'Police interactions with correctional facilities and prisoners'; 'Professional and Ethical Standards'; 'Protecting children'; 'Public interest disclosures'; 'Release of police records'; 'Safe management of persons in police care or custody'; 'Sentencing orders'; 'Surveillance devices'; 'Tagging of records to locate suspects or offenders'; 'Use of email'; 'Use of internet'; 'Victim support'; 'Victim-Centric Policing'; 'Visual Audio Recorded Evidence VARE'); 'Witness protection'

Criminal Procedural Act 2009 (Vic) Part 4.4—Pre-hearing disclosure of prosecution case; section 124 Leave required to cross-examine other witnesses; section 127 Committal case conference; section 132 Cross-examination of witnesses; section 153 Special mention hearing; section 185 Continuing obligation of disclosure; section 195 Order for separate trial—conspiracy; section 250 Complaints about legal practitioners

Victoria Police – Legal Services Department - Legal and Prosecutions Specialist Branch, '*Disclosure Action Plan*' Overview. Ref: VPL.0005.0284.0001 dated March 19, 2020.

Figure [RF0F_Fig001]

2023 09 12 – Heidelberg Magistrates' Court Form 31 Application for Special Hearing

2023 09 13 – at 1245 P117271001 Informant D'ANGELO v Reece Ferrara [Jacob Ferrara]

'Upon review, your request for a special mention is not accepted. Your matter is booked in for a contest mention and the issues you have outlined are issues that will need to be discussed at the contest mention between prosecution and the Magistrate. You can also have discussions with police via email in preparation for your contest mention hearing on 28/9/2023'

2023 09 13 – at 0341 To Informant D'Angelo P117271001 -

2023 09 22 – at 0835 to Informants Notice of 620 page submission tending to show acts of corruption, interference with justice, course of conduct amounting to psychological torture

2023 09 25 – at 1346 To informants I am dying, this is not spam email. This should be a public interest disclosure but it appears the legislation is rendered mute to corruption and my ongoing torture

2023 09 28 – at 0943 To informants P117271001 and P11370782

2023 10 11 – at 1150 To millpark-uni-disclosure-mgr@police.vic.gov.au P117271001 and P11370782
Accused FERRARA

2023 11 05 – at 2232 To millpark-uni-disclosure-mgr@police.vic.gov.au One woman's lies. One man dies.

2023 11 13 – at 0905 To millpark-uni-disclosure-mgr@police.vic.gov.au ATT Sgt Heath or Member of Sgt or above

2023 11 27 – at 0919 To heidelberg.pros<heidelberg.pros@police.vic.gov.au Case No P117271001 and P11370782

2023 11 27 – at 0935 To heidelberg.pros<heidelberg.pros@police.vic.gov.au Case No P117271001 and P11370782 - VOCAT1756/2017

2024 01 08 – at 0425 To heidelberg.pros<heidelberg.pros@police.vic.gov.au P117271001 P11370782 M12446367 For Contested FVO Application and Adjournment

2024 01 14 – at 0551 To Informants PUBLIC INTEREST DISCLOSURE: Victoria Police Misconduct Contempt of Court YOUR CASE = MALICIOUS PROSECUTION

'SARABORG v R [2020] VSCA 191; BC202007081

ANDELMAN v R [2013] VSCA 25

TOM KNOWLES (a PSEUDONYM)1 v R [2015] VSCA 141; BC201504842

CHHODAPHEAKEV V R [2015] VSCA 36; BC201501253

R (ON APPLICATION OF ATTORNEY-GENERAL OF STATE OF VICTORIA) V SLAVESKI [2015] VSC 400 BC201507685

MICHEL BAINI v R [2013] VSCA 157; BC201310466

JASON JOSEPH ROBERTS v R BC202011015

DIRECTOR OF PUBLIC PROSECUTIONS v DAVID MAXWELL SELWAY [2007] VSC 244 BC200705681

COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS v BRADY [2016] VSC 334BC201612274
 BARE V INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION (2015) 48 VR 129; (2015)
 326 ALR 198; [2015] VSCA 197; BC201507004
 FELICE v COUNTY COURT OF VICTORIA [2006] VSC 12 BC200600337'

2024 01 08 - VICPOL Jan 19 The day VICPOL destroyed our lives

2024 01 18 – at 0455 to Informant King IN THE MATTER OF Accused (FERRARA) v Informant (King)

2024 02 02 – at 0109 Ton Victoria Police Public Interest Disclosure: VICPOL [Balance of probabilities]
 Contempt of Court

2024 02 03 - [submission] made/sent by: Reece Ferrara [Aka Jacob Ferrara; Reece Storme] to: Victoria Police Heidelberg Prosecutions Chief Commissioner Victoria Police Shane Paton 'April 28, 2022 Victoria Police mislead the Magistrates court of Heidelberg and induced his Hon. Lennon by recruitment of proxy (Mehernaz Bowler) to make an order under jurisdictional error, vitiating the resulting warrant to remand Mr Reece Storme (aka Jacob Ferrara, Reece Storme Ferrara, incorrectly named as Jacob Farrara on court record) establishing a Contempt in the face of the court by reckless disregard for the prosecutorial duties of disclosure to a court of law.' see or refer: Mehernaz Bowler Bowler & Co <admin@bowlerco.com>; reference#. N10829749;

2024 02 03 – at 0422 To heidelberg.pros<heidelberg.pros@police.vic.gov.au> Contempt in the face of Court April 28, 2022 resulting in Unlawful imprisonment

2024 02 06 – at 0421 From mernda-admin-mgr<mernda-admin-mgr@police.vic.gov.au> RE: IN THE MATTER OF Accused (FERRARA) v Informant (King)

2024 02 15 – at 0524 To heidelberg.pros<heidelberg.pros@police.vic.gov.au> Contempt in the face of the Court, April 28 2022 Informant Alexandra Kerr

2024 02 24 – at 0836 To heidelberg.pros<heidelberg.pros@police.vic.gov.au> Affording Opportunity to self report illegal conduct or knowledge of illegal conduct

2024 03 01 – at 0416 To cbss-disclosure-mgr@police.vic.gov.au Reece Ferrara (AKA Jacob Farrara & Jacob Ferrara) - DOB: 21/07/1983

2024 03 04 – at 1349 To heidelberg.pros<heidelberg.pros@police.vic.gov.au> Criminal Trial - Right to Fair Hearing - Miscarriage of Justice - Contempt in the face of the court - Conspiracy to Pervert Natural Course of Justice

2024 03 14 – at 1120 To Victoria Police (many) Criminal Trial - Right to Fair Hearing - Miscarriage of Justice - Contempt in the face of the court - Conspiracy to Pervert Natural Course of Justice

2024 03 12 – at 1144 From noreply@police.vic.gov.au Message Undeliverable

2024 04 03 – at 1735 To Heidelberg Magistrates' Court Excessive Delay Audio Recordings

'...It is for the purposes of section 133 of the Magistrates Court Act 1989 (Vic)... Administrative Law Act 1978 (Vic)...

Bail Act 1977 (Vic)

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Crimes Act 1958 (Vic)

Criminal Procedure Act 2009 (Vic)

Evidence (Miscellaneous Provisions) Act 1958 (Vic)

Independent Broad-based Anti-corruption Commission Act 20 1 1 (Vic)

Criminal Procedure Rules 20 19

Open Courts Act 20 13 (Vic)

Oaths and Affirmations Act 20 18 (Vic)

Public Records Act 1973 (Vic)

Public Interest Disclosures Act 20 1 2 (Vic)

Public Administration Act 2004 (Vic)

Victoria Police Act 20 13 (Vic)

Victims Charter 2006 (Vic)

Australian Standard 800 1:20 2 1 Fraud and Corruption Control

AS ISO 3700 2: 2023 Whistleblowing management systems - Guidelines.

AS 1000 2: 20 2 2 Guidelines for complaint management in Organizations'

2024 04 06 – at 2135 To anthony.carbines@parliament.vic.gov.au Forward Notice of Contempt of Court and Constitutional Matter

2024 04 08 – at 1550 From Heidelberg Magistrates Court Excessive Delay in providing Audio Recordings
'Unless you update the court with further information regarding the practical use of the recordings, the court is unable to consider the release of the recordings without information as to how the recordings will be used in a practical sense.'

2024 05 16 – at 0837 To Informants Cameron and D'Angelo, P11271001; P11370782; P12154228
Informants Request for Disclosure and application for Subpoenas **Urgent**2024 04 30 - at 1211 to HMC Miscarriage of Justice

2024 05 04 - at 0710 To Ministers and OPP Vic Unlawful Prosecution Contempt's.

2024 05 05 - at 1501 To HMC VIC POL Pros P11271001 P11370782 P12154228.

2024 05 05 – at 1501 To heidelberg.pros<heidelberg.pros@police.vic.gov.au P11271001; P11370782; P12154228 Documents to file for defence

2024 05 09 – at 1126 To criminalcoordinator@courts.vic.gov.au Criminal Cases: P12154228; P11271001; P11370782 ** Urgent** Trial May 27 Unable to Obtain Disclosure

2024 05 14 - MCV FVP Rules 2018 Subpoena request.

2024 05 14 – at 0846 To heidelberg.pros<heidelberg.pros@police.vic.gov.au P11271001; P11370782; P12154228 APPLICATION FOR SUBPOENA and MISC

2024 05 14 – at 0328 To heidelberg.pros<heidelberg.pros@police.vic.gov.au Cases: P11271001; P11370782; P12154228 Inf. Cameron & Inf. D'Angelo: Default of Disclosure CPA 2009
Urgent Duress PID****

2024 03 01 - at 0416 To heidelberg.pros<heidelberg.pros@police.vic.gov.au VICPOL Disclosure Support RE Req Briefs.

2024 05 13 - at 1635 To P11271001 P11370782 P12154228 Appl Order Disclosure

2024 05 14 - at 0328 To CASES P11271001 P11370782 P12154228 Urgent Duress.

2024 05 16 – at 0837 To Informants P11271001; P11370782; P12154228 Informants Request for Disclosure and application for Subpoenas **Urgent**

(Some attempts and correspondence may have been left out)

SUMMARY OF AFFIDAVIT AFFIRMED 15 APRIL 2024 AND REFUSED TO BE FILED BY REGISTRY OF HEIDELBERG

Affiant Details:

- **Name:** Reece Storme Ferrara
- **Age:** 40
- **Background:** Former paramedic, divorced, father of a ten-year-old boy.

Introduction:

- **Experience:** Ferrara asserts that his spoken and written words are often devalued based on his social and cultural identity. He suggests a hypothetical scenario where content is evaluated without identifying the author, highlighting potential biases.

Mental Health Stigma in Legal Context:

- Ferrara expresses concern over the ease with which complaints can be dismissed by suggesting the complainant has a mental illness, undermining the validity of their grievances.

Reasoning Process:

- Ferrara emphasizes the importance of explicitly outlining his reasoning, recognizing the stigma associated with mental health and the challenges faced by self-represented individuals.

Legal Basis:

- **Charter of Human Rights and Responsibilities Act 2006 (Vic):** Ferrara invokes sections 8 and 25, which pertain to recognition and equality before the law and rights in criminal proceedings.
- **Mental Health and Wellbeing Act 2022 (Vic):** Ferrara references the Act's provisions to ensure emergency responses to mental health crises are led by health professionals, not police, and outlines principles against discrimination based on mental health and other factors.

Focus of Affidavit:

- **Bail Application:** Ferrara's affidavit centers on his experience with the legal concept of bail in Victoria, alleging unlawful use by Victoria Police, potentially amounting to contempt of court.

Legal References:

- Ferrara cites multiple legal resources, including the Victorian Law Reform Commission's "Review of the Bail Act" and publications by the Judicial College of Victoria, to support his arguments.

Public Office Conduct:

- Ferrara includes a special report by former Victorian Ombudsman Norman Geschke, highlighting concerns about government and departmental practices influencing legislation and policy without proper analysis or consideration.

Personal Context and Health:

- **Affected Family Member:** Ferrara clarifies he holds no malice toward Jannina Ferrara, the Affected Family Member, emphasizing his focus on the well-being of his children.
- **Neurodivergence and Mental Health Diagnoses:** Ferrara details his diagnoses of PTSD, ADHD, and potential neurodivergence (ASD/ADD), noting the conflicting assessments by different health professionals and the stigma associated with certain mental health conditions.
- **Forensic Assessments:** Ferrara references independent medico-legal assessments that contradict earlier diagnoses by Austin Health and Forensicare, stressing the importance of accurate and unbiased mental health evaluations.

1. **Background** Reece Ferrara presents a detailed account of events leading up to his remand hearing on April 28, 2022. He discusses interactions with Dr. Emma Butler, legal challenges with AHPRA, and incidents involving Victoria Police and his ex-partner, referred to as AFM.
2. **Interaction with Dr. Emma Butler** On April 27, 2022, Reece Ferrara had a distressing phone consultation with Dr. Emma Butler, who expressed concerns about his mental state following his registration suspension by AHPRA. Dr. Butler's report underscores Ferrara's psychological distress.
3. **Legal Challenges with AHPRA and VCAT** Ferrara contests AHPRA's suspension of his paramedic registration, citing conflicts of interest and procedural irregularities. He accuses AHPRA of unjustly targeting him, leading to severe psychological distress exacerbated by interactions with Victoria Police.

4. **Incident at Greensborough Police Premises** On April 27, 2022, Ferrara, in a heightened state of distress, vandalized a police vehicle at Greensborough Police Premises, prompting his detention and transfer to Heidelberg Police Premises for questioning.
5. **Health Assessments and Police Interaction** Ferrara's mental state was evaluated by psychiatric professionals at Austin Health and NEAMHS Crisis Assessment Team, reflecting concerns about his deteriorating condition and suicidal ideation.
6. **Legal and Personal Challenges** Ferrara discusses challenges obtaining legal records from Slades and Parsons, which he believes are critical to understanding his situation. He highlights ongoing legal battles and interactions with Victoria Police, accusing them of biased treatment and harassment.
7. **Conclusion** Ferrara asserts that his actions were driven by extreme psychological distress exacerbated by legal and personal challenges, including perceived injustices by AHPRA and Victoria Police. His account emphasizes the impact of these events on his mental health and legal standing.

Ferrara's affidavit details alleged misconduct by Victoria Police in handling her case, particularly focusing on her treatment during the bail application process. Her claims suggest systemic issues within the police force impacting her rights and procedural fairness.

Ferrara asserts that Victoria Police, through Sergeant White VP37411, made critical errors and misrepresentations in her bail application. She contends that despite her vulnerable mental state, indicated by her history and a current diagnosis of PTSD, police failed to classify her as a 'vulnerable adult' under section 3AAAA of the Bail Act. This decision, she argues, disregarded her mental health challenges and contributed to her unjustified remand.

Furthermore, Ferrara highlights discrepancies in the preliminary brief and disclosure provided by Informant Alexandra Kerr VP47046. She alleges that the documentation contained false information about her employment status, living arrangements, and relationship with her son, which influenced the bail decision against her favourably.

His affidavit underscores the broader issue of police accountability and the safeguarding of procedural rights in the judicial process. Ferrara invokes legal and procedural standards, citing the Victorian Legislation and the Bail Act, to substantiate her claims of mishandling and potential bias in the decision-making process by Victoria Police.

This summary encapsulates the main legal implications and claims presented in Ferrara's affidavit, focusing on the alleged mishandling of her case by Victoria Police during the bail application process.

Legal Summary

Case Overview: Jacob Ferrara presents a detailed affidavit challenging Victoria Police's compliance with statutory procedures in his interactions with them, primarily stemming from events in January 2022. He alleges unlawful interception of communications, failure to disclose pertinent information, and improper handling of documentation, among other grievances.

Key Issues Raised:

1. **Unlawful Interception of Communications:** Ferrara asserts that Victoria Police intercepted his mobile phone communications on January 11, 2022, without legal authority or proper disclosure, which he claims violates his privacy rights under relevant statutes.
2. **Non-disclosure of Information:** Despite multiple requests under various sections of the Criminal Procedure Act 2009 (Vic), Ferrara contends that Victoria Police failed to disclose essential details,

including the warrant for interception or the justification for locating him on a specific date.

3. **Mismanagement of Legal Documentation:** Ferrara highlights discrepancies in the completion and disclosure of legal forms (e.g., VP Form 1372), noting missing pages and lack of page numbering, which he argues could suggest tampering or negligence in compliance.
4. **Conflict of Interest:** He discusses the conflict of interest inherent when Victoria Police, acting as both a statutory authority and a victim in his case, influences decisions that impact his liberty, potentially compromising impartiality and due process.
5. **Allegations of Cruel Intent:** Ferrara accuses Victoria Police of either accidentally or intentionally failing to comply with legal obligations, suggesting intentional malice in their actions, particularly in handling his personal and legal affairs.

Legal Principles and Authorities Cited:

- **Criminal Procedure Act 2009 (Vic):** Sections 32, 43, 44, 147, 276(1)(b), 276(1)(c), 387H govern procedural requirements and disclosure obligations.
- **Evidence (Miscellaneous Provisions) Act 1958 (Vic):** Section 12 addresses the production of prisoners before the court.
- **Public Interest Disclosure Act 2012 (Vic):** Provides protection for whistleblowers making disclosures about improper conduct.
- **Victoria Police Manual (VPM):** Guidelines on conflicts of interest, document management, and procedural fairness.

The document provided appears to be an affidavit or legal submission detailing an individual's attempts to obtain and review the Victoria Police Manual (VPM), their interactions with Victoria Police regarding bail decisions, and subsequent legal analysis. Here is a summarized legal assessment:

1. **Access to Victoria Police Manual (VPM):** The individual attempted to access the Victoria Police Manual in 2023 but found limited public access online. The manual was available on compact disc at the Victorian State Library for on-site use only. As of March 14, 2024, they discovered a website where the manual could be freely downloaded.
2. **Content and Application of VPM:** The affidavit outlines specific chapters of interest within the VPM related to police procedures, bail decisions, and criminal justice processes. It cites sections emphasizing compliance with the manual under the authority of the Chief Commissioner of Police.
3. **Bail Decision and Legal Arguments:** The document extensively discusses the bail decision made by Victoria Police concerning the individual. It critiques the decision-making process, alleging it was unlawful and motivated by retribution rather than legal grounds. Specific legal points include:
 - Allegations of failure to provide adequate information about bail rights.
 - Challenges to the lawfulness of the decision under the Bail Act, including failure to consider vulnerability status and exceptional circumstances.
 - Claims of intentional concealment of relevant information and misrepresentation of personal circumstances.
4. **Legal Standards and References:** Reference is made to legal standards such as the Bail Act and Human Rights Charter (particularly section 8 on equality before the law). The individual argues that their rights under these laws were violated by Victoria Police.

5. **Procedural Issues:** The document raises procedural concerns regarding the conduct of the interview, disclosure of medical assessments, and the impact of remand on personal and family circumstances.
6. **Conclusion:** The conclusion drawn is that the decision to remand the individual was unlawful and unjustified, alleging procedural and substantive deficiencies in Victoria Police's actions.

Overview

The document outlines Jake/Reece's experiences and concerns regarding his treatment during a legal process involving Austin Health and the Victorian legal system. The key issues revolve around the uncertainty and potential mishandling of medical records, lack of proper assessment procedures, and alleged mistreatment during his time in custody.

Issues Raised

1. Fitness for Interview Assessment

- The document discusses an email exchange where questions were raised about whether Jake/Reece was assessed for 'fitness for interview' before or after the interview with the police. There are discrepancies and concerns about the timing and nature of this assessment, which may impact the validity of subsequent legal proceedings.

2. Medical Assessment and Treatment

- There are allegations that the medical assessments conducted by Austin Health, particularly related to mental health assessments, were not properly conducted or documented. Jake/Reece raises concerns about falsification of medical records and discrepancies between different health professionals' assessments.

3. Legal Rights Violations

- Jake/Reece claims that he was not adequately informed of his legal rights during his time in police custody and subsequent court proceedings. Allegations include denial of access to legal advice, failure to provide documentation related to bail, and procedural irregularities during court appearances.

4. Conditions of Confinement

- Concerns are raised about the conditions of confinement during Jake/Reece's time in custody, including solitary confinement, denial of medication, and general mistreatment, which may have exacerbated his mental health condition.

5. Procedural Irregularities

- There are allegations of procedural irregularities during court appearances, including lack of instructions and clarity during hearings conducted via video link, potentially affecting the fairness of legal proceedings.

Legal Implications

- **Medical Records Integrity:** The integrity of medical records is crucial for ensuring fair legal proceedings and proper medical treatment. Allegations of falsification or mishandling of medical records could lead to serious legal consequences for the involved parties.

- **Right to Legal Counsel:** Denial of access to legal counsel and failure to inform the accused of their legal rights can constitute violations of procedural fairness and human rights, impacting the validity of legal proceedings.
- **Conditions of Confinement:** Conditions of confinement that jeopardize an individual's health or safety raise concerns about compliance with legal standards and could influence bail decisions and other legal outcomes.

Summary of Facts:

- The audio transcript pertains to a remand hearing held on April 28, 2022, at the Heidelberg Magistrates Court, involving Jacob Ferrara and initiated by Informant Alexandra Barbara Kerr.
- Jacob Ferrara faced charges related to intentional property damage and was remanded to appear on May 25, 2022.
- The hearing was conducted via audio visual link, with the court addressing procedural matters and the defendant's health concerns.

Issues Raised:

1. **Obstruction of Access to Documents:** The defendant alleges significant delays and obstruction by the Heidelberg Registry in providing essential court documents, affecting his ability to prepare adequately for hearings.
2. **Failure of Disclosure:** The defendant claims that critical health records, including assessments related to PTSD and drug dependency issues, were not disclosed to the court by Victoria Police or other relevant authorities. This omission allegedly misled the court about the defendant's health status during proceedings.
3. **Misrepresentation and Contempt of Court:** Allegations include misleading the court about the defendant's health condition, which influenced decisions regarding custody and medical attention during remand hearings.
4. **Procedural Errors:** Concerns about procedural fairness, including lack of access to legal counsel and inadequate explanation of bail rights, potentially leading to unjustified remand decisions.

Legal Conclusions:

- **Contempt in Face of the Court:** There are allegations that certain parties, including registry staff and law enforcement, may have engaged in conduct amounting to contempt under Section 133 of the Court Act by misleading the court through omissions and misrepresentations.
- **Due Process Violations:** The defendant argues that procedural errors, such as inadequate disclosure of health records and failure to provide timely legal advice, violated his rights to a fair hearing and due process.
- **Magistrate's Role:** The magistrate, while potentially misled by incomplete information, is not directly accused of misconduct. However, decisions made based on incomplete or misleading information are challenged as being induced into error.

Recommendations:

- **Investigation and Remediation:** Recommend investigating claims of obstructed access to documents and failure to disclose health information to ensure procedural fairness and compliance with legal standards.

- **Legal Counsel Access:** Ensure defendants are informed of their rights to legal representation and adequately briefed on procedural matters such as bail.
- **Court Record Accuracy:** Emphasize the importance of accurate court records reflecting all material facts relevant to hearings, including health assessments and procedural decisions.

This case revolves around allegations of misrepresentation and inadequate legal representation during a court proceeding involving Reece Storme Ferrara ("Ferrara"). Key points of the case are summarized as follows:

1. Background of Allegations:

- Ferrara asserts that Ms Mehernaz Bowler, identified as a private lawyer doing legal aid work, was falsely recorded as his legal representative during a court hearing.
- He claims that despite the court record indicating representation by Ms Bowler, he never had any prior communication or engagement with her.

2. Communication and Evidence:

- Ferrara contacted Ms Bowler on January 9, 2024, and discussed the discrepancy. Ms Bowler allegedly clarified that while she assisted on the day of the hearing at the request of Legal Aid, she was not formally retained as his solicitor, did not open a file for him, and had no material or records related to his case.
- Exhibits include an audio recording and transcript of their phone conversation, emails exchanged, and a document from the Legal Aid office listing Ms Bowler's contact details.

3. Legal Aid Involvement:

- The document from Legal Aid confirms Ms Bowler's presence on their referral list, suggesting she was available to assist in legal aid matters.
- Ms Bowler reiterated her role was limited to temporary assistance and did not involve ongoing legal representation or case management.

4. Court Proceedings and Obstruction Allegations:

- Ferrara alleges obstruction by court registries in accessing documents related to his case, contributing to the confusion regarding Ms Bowler's involvement.
- He claims the court's record, indicating Ms Bowler's representation, is inaccurate and potentially prejudicial to his legal rights and proceedings.

5. Subsequent Actions:

- Ferrara sought clarification through emails and phone calls with Ms Bowler, aiming to rectify the misrepresentation in court records and address the implications of such misrepresentation on his legal proceedings and rights.
- Discussions between Ferrara and Ms Bowler revealed discrepancies regarding their interaction during the court proceedings, with Ms Bowler denying any formal representation or legal engagement with Ferrara.

Summary: Reece Storme Ferrara submitted a complaint to the Magistrates Court Victoria on January 18, 2024, regarding obstruction in obtaining documents related to a remand hearing order. In subsequent discussions with Mehernaz Bowler from Bowler and Co, several key legal issues and concerns were raised:

1. Obstruction of Access to Documents:

- Reece alleges that the court registry obstructed his access to documents, including a notice of order critical to his defense. This obstruction potentially violates his rights to access legal documents necessary for his defense, constituting a procedural irregularity.

2. Integrity of Proceedings:

- Reece expresses concerns about the integrity of the remand hearing and Victoria Police's conduct. He alleges that Victoria Police misled the court and possibly withheld critical information, leading to doubts about the fairness of the legal proceedings.

3. Legal and Procedural Missteps:

- There are references to potential jurisdictional errors, unlawful imprisonment, and improper conduct by court registrars and Victoria Police. These allegations include claims of falsifying documents (citing the Borg vs. State of Victoria case) and procedural irregularities affecting the course of justice.

4. Health and Personal Issues:

- Reece also raises personal health issues, including a significant decline in health and emotional distress. These issues intersect with his legal matters, highlighting the broader impact of the legal proceedings on his well-being.

Legal Implications:

- **Procedural Fairness:** Reece's allegations suggest a potential breach of procedural fairness and access to justice rights due to the obstruction of document access.
- **Conduct of Victoria Police:** Allegations of misconduct and improper conduct by Victoria Police raise concerns about the fairness and integrity of the criminal proceedings.
- **Personal Welfare:** Reece's health issues underscore the severe personal impact of the legal proceedings, potentially affecting his ability to participate effectively in his defense.

Recommendations:

- **Investigation:** Conduct an investigation into the alleged obstruction of access to documents and the conduct of Victoria Police.
- **Legal Representation:** Reece should seek legal representation to address the procedural irregularities and alleged misconduct effectively.
- **Health and Well-being:** Consider the broader implications of Reece's health on his ability to participate in legal proceedings and ensure appropriate support is provided.

Legal Summary

1. **Communication and Documentation:** On January 29, 2024, at 5:18 p.m., Mr. Reece Storme Ferrara sent an email to Ms. Mehernaz Bowler, via her email address at Bowler & Co (admin@bowlerco.com). The email contained an update regarding the submission of a complaint response to MCVic and included attachments referencing Mr. Hayden Brodie's involvement as an agent of Bowler & Co in a court matter.

2. **Court Audio Recording Request:** On January 30, 2024, Mr. Ferrara submitted an email and application to the Heidelberg registry to obtain the audio recording of a court hearing related to the 'straight remand application'. After intervention from Alyson Neilson from Magistrates' Courts Victoria, the application was approved on January 31, 2024.
3. **Phone Call with Hayden Brodie:** On February 1, 2024, at 8:33 a.m., Mr. Ferrara received a return call from Hayden Brodie, an agent of Bowler & Co, regarding a previous message left for him.
4. **Phone Call with Ms. Bowler:** On the same day, February 1, 2024, at 8:29 p.m., Mr. Ferrara called Ms. Bowler to update her on recent developments, including his conversation with Hayden Brodie earlier that day. The call involved discussion about the obtained court audio recording and related matters.
5. **Transcript of Conversation:** A transcript of the February 1, 2024, conversation between Mr. Ferrara and Ms. Bowler was obtained and is included as Exhibit [RF0A1AL]. The conversation touched upon Mr. Ferrara's actions and Ms. Bowler's concerns about her perceived involvement in the matter.
6. **Legal Concerns:** Ms. Bowler expressed discomfort over Mr. Ferrara's actions and communications, particularly in relation to his interactions with Hayden Brodie and assertions regarding the court proceedings involving Victoria Police. She emphasized that she was not Mr. Ferrara's legal representative and voiced concerns about potential threats to her professional reputation and personal safety.
7. **Affidavit Exhibits:** Exhibits [RF0A1AM] and [RF0A1AN] include copies of relevant emails, applications, and transcripts referenced in Mr. Ferrara's affidavit to substantiate his claims and communications with Ms. Bowler and other parties involved.

Overview

The matter at hand involves an application for a Personal Safety Intervention Order ("PSIO") initiated by Ms. Mehernaz Bowler against Reece Ferrara. Ms. Bowler, represented by Bowler & Co, alleged persistent and escalating behaviour by Mr. Ferrara, which she perceives as threatening and potentially harmful to her safety. The application centers on Mr. Ferrara's alleged unwanted communications, demands for statements against authorities, and threatening conduct.

Chronology of Events

1. **Application for PSIO:** On February 22, 2024, Ms. Bowler applied for a PSIO citing a series of incidents dating back to January 9, 2024, where Mr. Ferrara allegedly began contacting her frequently, demanding her cooperation in making statements against police and a magistrate. She described Mr. Ferrara as agitated, aggressive, and obsessive during their interactions, escalating to threats during their final phone call on February 2, 2024.
2. **Exhibit RF0A1AS:** Attached to Ms. Bowler's affidavit is a copy of the PSIO application dated February 22, 2024, referencing Mr. Ferrara as the respondent.
3. **Response and Affidavit by Mr. Ferrara:** Mr. Ferrara submitted an affidavit contesting the allegations. He disputed specific details of the events described by Ms. Bowler, including the nature of their interactions and the characterization of his behaviour. He also referenced previous legal proceedings and complaints he had filed regarding alleged misconduct by Victoria Police and court officials.
4. **Heidelberg Registry Obstructions:** Mr. Ferrara detailed previous grievances with the Heidelberg Magistrates' Court, alleging systematic obstruction and misconduct by court staff, particularly under

the direction of Operations Manager Benjamin Luker. These grievances included claims of falsifying documents and obstructing access to court records.

5. **Public Interest Disclosure:** Mr. Ferrara highlighted his efforts to raise concerns through public interest disclosures, particularly regarding perceived injustices and misconduct within the legal and court systems.
6. **Communications and Correspondence:** Exhibits [RF0A1AV], [RF0A1AW], and [RF0A1AX] include correspondence and complaints submitted by Mr. Ferrara to various authorities, including the Independent Broad-based Anti-Corruption Commission (IBAC) and the Magistrates' Courts Victoria (MCV), alleging misconduct and seeking redress.

Legal Issues

- **Safety Concerns:** Ms. Bowler's application for a PSIO raises concerns over Mr. Ferrara's conduct, alleging harassment, threats, and a perceived escalation in behaviour that she views as threatening her safety.
- **Court Grievances:** Mr. Ferrara's submissions highlight longstanding grievances with the Heidelberg Magistrates' Court, alleging misconduct, obstruction of justice, and violations of procedural norms.
- **Public Interest and Rights:** The case involves broader implications regarding public interest disclosures, the accountability of court systems, and the rights of individuals to challenge perceived injustices and misconduct.

1. Communication with Magistrates Court Victoria (MCV):

- On March 14, 2024, the affiant emailed MCV seeking an official position on the conduct of registry staff regarding reference material. The response from MCV on March 15, 2024, confirmed the official position but failed to address allegations related to registry staff conduct.

2. Allegations and Requests:

- The affiant's correspondence referenced allegations of perverting justice and contempt of court concerning a remand hearing dated April 28, 2022, implicating MCV's registry staff conduct. Additional materials, including Australian standards (AS 8000:2021, ISO 10002/2018), were provided for clarity and decision-making.

3. Royal Commission Submission:

- On April 1, 2024, the affiant submitted a document to the Royal Commission into Police Informants (created March 19, 2020), contrasting intended practices with forced actions, possibly related to personal experiences.

4. Personal Experience and Affidavit Preparation:

- The affiant described personal experiences involving power imbalances and marginalization in dealings with government entities and societal elites, highlighting abuses of power and isolation. References to Hannah Arendt's works underscored feelings of loneliness and loss of self amidst perceived injustice.

5. Legal and Administrative Actions:

- Detailed preparations for legal actions included the submission of affidavits, emails to relevant authorities (IBAC, Ministers), and engagements with legal entities (barrister lists) for support in

facing potential criminal charges and securing legal materials (audio recordings from Heidelberg Magistrates' Court).

6. Documentation and Exhibits:

- The affidavit included exhibits such as chronological summaries, jurisprudence references, and detailed correspondence logs to support claims of mistreatment and systemic injustices over a prolonged period (January 19, 2016, to present).

7. Public Interest Disclosure:

- The affiant characterized their application under section 133 of the Magistrates' Court Act 1989 (Vic) as a universal declaration of public interest disclosure, citing concerns over improper conduct and reprisals, potentially falling under the Public Interest Disclosure Act 2012 (Vic).

8. Conclusion and Affiant's Perspective:

- The affidavit concluded with reflections on the weight of personal research and correspondence, emphasizing the values guiding decisions amidst adversity, and expressed a sense of alienation and powerlessness despite efforts to seek justice and fairness.

The response filed on behalf of the respondent, Reece Storme, addresses an application to revoke a Personal Safety Intervention Order (PSIO) and seeks specific orders from the Court.

Below is a legal summary of the key points raised in the response:

Nature of Relationship and Disputed Facts:

The respondent argues that there exists a professional agency relationship between them and the applicant, who is a registered Australian legal practitioner. This relationship is governed by the Legal Profession Uniform Law Application Act 2014 and associated rules.

False or Misleading Representations:

The respondent contends that the applicant has made false or misleading representations in the application for the PSIO and in subsequent submissions. These misrepresentations are alleged to include contradictions and omissions intended to mislead the Court.

Misrepresentation of Threats and Fear:

It is asserted that the applicant misrepresented threats made during a phone call, misattributing them to the respondent's alleged aggression. The respondent claims that the threats discussed were related to legal matters and professional obligations, not personal safety.

Intentions and Concerns:

The respondent expresses a willingness to resolve disputes through peaceful means but raises concerns about the potential exploitation of their affidavit and its implications in professional matters involving the applicant.

Legal Framework and Orders Sought:

The response cites provisions of the Legal Profession Uniform Law and seeks orders to strike out or dismiss the interim orders related to the PSIO. Additionally, an injunction is sought to restrain the applicant from initiating vexatious legal processes.

Transparency and Disclosure:

The respondent affirms full disclosure of material information to the Court and commits to promptly providing any additional relevant information that may impact the proceedings.

This summary highlights the respondent's legal arguments challenging the PSIO and addressing alleged misrepresentations and concerns about the applicant's conduct and intentions. The response is structured to support the revocation of the PSIO based on legal and factual grounds surrounding the professional relationship and alleged misrepresentations by the applicant.

QUESTIONS OF LAW**Misrepresentation and Legal Professional Conduct:**

Whether the applicant's alleged misrepresentations in the PSIO application and subsequent submissions violate any provisions of the Legal Profession Uniform Law or related rules regarding ethical standards and professional conduct?

Abuse of Process and Vexatious Litigation:

Whether the applicant's initiation of legal processes, as alleged by the respondent, constitutes an abuse of process under the law? Specifically, does it frustrate, hinder, or obstruct lawful actions or proceedings before the Court, thereby warranting an injunction?

Characterization of Threats and Personal Safety:

Whether the respondent's communications, as described in the response, constitute actual threats to the applicant's personal safety or are properly characterized as part of professional disagreements or concerns about legal practice matters?

Agency Relationship and Fiduciary Duties:

What are the implications under the Legal Profession Uniform Law regarding the professional agency relationship between the applicant and respondent? Do fiduciary duties apply in this context, and if so, how do they affect the legal rights and obligations of both parties?

Transparency and Disclosure Obligations:

Whether the applicant provides the required information relating to disclosure and transparency and if they align with the legal requirements of the proceedings, particularly under the rules governing court disclosures and procedural fairness?

Predetermined Strategy and Legal Implications:

Whether the respondent's concern about the applicant's alleged predetermined strategy in using the legal process aligns with any legal principles regarding fairness, ethics, or professional responsibility in legal practice?

These questions are designed to probe specific legal issues arising from the respondent's allegations and assertions in the response. They seek clarity on the application of relevant legal standards and principles to the facts presented, aiming to guide the Court in resolving the matter fairly and in accordance with the law

SUMMARY OF THE CRIMINAL PROCEDURE AS PER THE ACT

The Criminal Procedure Bill 2008 aims to reform and streamline criminal procedure across Magistrates' Court, County Court, and Supreme Court settings in Victoria. Here is a simplified summary of its key provisions:

Purpose:

Clarify, simplify, and consolidate criminal procedure laws.

Introduce a notice to appear procedure in the Magistrates' Court.

Enhance pre-trial disclosure requirements for the prosecution.

Establish a 6-month time limit for filing charges in the Children's Court for summary offences.

Transfer summary offences related to indictable offences to higher courts.

Eliminate grand jury indictment procedures.

Allow interlocutory appeals in criminal cases.

Clarify Court of Appeal appeal determination tests.

Allow sentences to be stayed during appeals.

Amend the Sentencing Act 1991 to specify maximum fines for indictable offences heard summarily.

Amend multiple related Acts and repeal the Crimes (Criminal Trials) Act 1999.

Commencement:

Chapter 1 takes effect immediately upon Royal Assent.

Some provisions commence on 1 July 2010, including the repeal of sentence indication procedures.

Remaining provisions commence on dates to be proclaimed or by 1 January 2011, aligning with the Evidence Act 2008.

Definitions:

"Accused" refers to someone charged with an offence or directed to stand trial for perjury, aligning with human rights principles.

"Appeal period" specifies the timeframe for filing appeals.

"In detention" defines legal custody statuses under various Acts.

"Interlocutory appeal" and "interlocutory decision" clarify appeals and decisions during trial stages.

"Legal practitioner" includes Crown and public authority lawyers engaging in legal practice.

"Sexual offence" includes diverse offences under the Crimes Act 1958.

Commencing a Criminal Proceeding:

Proceedings can start by filing a charge-sheet, issuing a direct indictment, or directing trial for perjury.

Charge-sheets must comply with Schedule 1 requirements.

Time limits apply: 12 months for summary offences unless consented otherwise, no limit for indictable offences.

Magistrates' Court can amend charge-sheets unless it causes injustice or introduces new offences after limitation periods.

Notifying Accused of Court Appearance:

Summons or warrants compel accused attendance; includes notice of charges.

Notice to appear can be issued by police or public officials for summary or certain indictable offences.

Procedures differ for summary and indictable offences regarding service and consequences of non-appearance.

Clause 1: Sets out the purposes of the Bill, which are:

Clarify, simplify, and consolidate laws regarding criminal procedure in the Magistrates' Court, County Court, and Supreme Court.

Introduce a new procedure allowing the service of a notice to appear in the Magistrates' Court.

Impose new pre-trial disclosure requirements for prosecutors.

Establish a 6-month time limit for filing charges for summary offences in the Children's Court.

Transfer summary offences related to an indictable offence to the County Court or Supreme Court.

Abolish the grand jury indictment procedure.

Allow interlocutory appeals in criminal proceedings in County Court and Supreme Court.

Clarify criteria for Court of Appeal determinations on appeals.

Enable sentence stays during appeal.

Amend the Sentencing Act 1991 to set maximum fines for indictable offences heard summarily.

Amend several Acts including Crimes Act 1958, Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, Magistrates' Court Act 1989, Children, Youth and Families Act 2005, and Appeal Costs Act 1998.

Repeal the Crimes (Criminal Trials) Act 1999.

Make consequential and other amendments.

Clause 2:

Provides for the commencement of the Bill. Chapter 1 takes effect the day after receiving Royal Assent.

Clause 384 commences on July 1, 2010, and other provisions commence on a date or dates to be proclaimed or January 1, 2011, if not proclaimed. Aligns commencement with the Evidence Act 2008 where possible.

Clause 3:

Defines key terms used in the Bill. Notably defines "accused" in line with international human rights standards. Provides clarity on terms like "appeal period," "direct indictment," "full brief," and others used throughout the legislation.

Clause 4:

Ensures references to parts of the Bill are clear, avoiding ambiguity about which part is referenced.

Chapter 2 - Commencing a Criminal Proceeding

Part 2.1 - Ways in Which a Criminal Proceeding is Commenced

Clause 5:

Outlines three methods to commence criminal proceedings: filing or signing a charge-sheet, filing a direct indictment, or directing a person be tried for perjury.

Part 2.2 - Charge-Sheet and Listing of Matter

Clause 6:

Describes how criminal proceedings start in the Magistrates' Court: filing a charge-sheet with a registrar, bail justice, or upon issuance of a summons by police or public official. Introduces the option to request committal proceedings for indictable offences.

Clause 7:

Sets time limits for filing charge-sheets: 12 months for summary offences, indefinite for indictable offences unless specified otherwise.

Clause 8:

Grants Magistrates' Court discretion to amend charge-sheets, ensuring amendments don't unfairly harm the accused.

Clause 9:

Specifies that certain errors in charge-sheets do not invalidate them.

Clause 10:

Governs listing of matters for mention or filing hearings in Magistrates' Court based on whether the offence is summary or indictable.

Clause 11:

Determines venue for hearings in Magistrates' Court, prioritizing proximity to where the offence occurred or where the accused resides.

Part 2.3 - Notifying Accused of Court Appearance

Division 1 - Summons or Warrant to Arrest

Clause 12:

Authorizes Magistrates' Court to issue summons or arrest warrant upon filing charge-sheet.

Clause 13:

Requires copy of charge-sheet and notice be served with summons or warrant.

Clause 14:

Empowers police or officials to commence proceedings by issuing a summons within 7 days of signing a charge-sheet.

Clause 15:

Specifies content required in a summons for answering charges.

Clause 16:

Mandates personal service of summons at least 14 days before the return date, ensuring the accused has adequate notice.

Clause 17:

Allows for ordinary service of summons for summary offences under certain conditions.

Clause 18:

Requires informant to nominate a service address for documents related to charges.

Clause 19:

Allows extension or adjournment of return date for summons.

Clause 20:

Allows accused to apply for adjournment of proceedings.

Clause 21:

Allows police or officials to serve notice to appear for minor offences, requiring filing of charge-sheet within 14 days.

Clause 22:

Specifies lapsing of notice to appear if charge-sheet is not filed within 14 days.

Clause 23:

Notice after lapsing of a notice to appear Purpose: To ensure that both the individual and the Magistrates' Court are notified if no charge-sheet is filed within 14 days of a notice to appear lapsing.

Clause 24:

Preliminary brief for filed charge-sheet Purpose: Requires the informant to serve a preliminary brief on the accused within 7 days after filing a charge-sheet, providing initial details of the case against the accused.

Clause 25:

Procedure after non-appearance on a notice to appear Purpose: Specifies actions for summary and indictable offences where the accused fails to appear, including issuing a warrant for arrest for indictable offences.

Clause 26:

Commencement of criminal proceedings Purpose: Clarifies that service of a notice to appear does not initiate a formal criminal proceeding.

Clause 27:

Hearing of summary offences Purpose: Mandates that charges for summary offences must be heard and decided summarily as per specified procedures.

Clause 28:

Summary determination of indictable offences Purpose: Allows certain indictable offences to be heard and determined summarily by the Magistrates' Court based on specified criteria.

Clause 29:

Consent for summary hearing of indictable offences Purpose: Permits an indictable offence to be heard summarily if the accused consents and the court deems it appropriate, considering factors like offence seriousness and sentencing adequacy.

Clause 30:

Procedure for summary hearing of indictable offences Purpose: Outlines the process for offering or applying for a summary hearing before a trial commitment decision, ensuring procedural fairness and evidence disclosure.

Clause 31:

Change of hearing place Purpose: Empowers the Magistrates' Court to change the hearing venue for fairness or practical reasons, without re-enacting previous notice requirements.

Clause 32:

Provision of charge-sheet and particulars Purpose: Ensures the accused receives a free copy of the charge-sheet and relevant particulars from the informant.

Clause 33:

Representation and legal advice for accused Purpose: Requires the court to inquire if an unrepresented accused charged with imprisonment-eligible offences has sought legal advice, offering adjournment if needed.

Clause 34:

Return of property taken from the accused Purpose: Grants the court authority to order the return of seized property to the accused or a designated person if consistent with justice and safety.

Clause 35:

Service of preliminary brief Purpose: Specifies when and how the preliminary brief outlining the case against the accused must be served by the informant.

Clause 36:

Method of service of preliminary brief Purpose: Provides guidelines for choosing the appropriate method (ordinary or personal) to serve the preliminary brief based on case circumstances.

Clause 37:

Contents of preliminary brief Purpose: Defines the mandatory contents of the preliminary brief, including the charge-sheet, criminal record of the accused, and evidence supporting the charge.

Clause 38:

Acknowledgement of informant's statement Purpose: Describes how the accused can acknowledge the informant's statement in the preliminary brief, subject to penalties for false statements.

Clause 39:

Request and service of full brief Purpose: Allows the accused to request and receive a comprehensive full brief detailing the prosecution's case, ensuring informed preparation before the trial.

Clause 40:

Service of full brief Purpose: Guides the informant on methods to appropriately serve the full brief to the accused based on case circumstances.

Clause 41:

Contents of full brief Purpose: Specifies the comprehensive contents of the full brief, replacing previous disclosure processes for clarity and comprehensive case presentation.

Clause 42:

Ongoing duty of disclosure by informant Purpose: Establishes the continuous obligation of the informant to disclose new information or evidence as it becomes available after initial brief service.

Clause 43:

Accused's requests for disclosure Purpose: Allows the accused to request specific information, statements, or particulars from the informant to prepare their defence.

Clause 44:

Informant's compliance with disclosure requests Purpose: Requires the informant to comply with the accused's requests for disclosure within specified timelines, or provide reasons for refusal under clause 45.

Clause 45:

Grounds for refusal of disclosure Purpose: Lists valid reasons for the informant to refuse disclosure, such as protecting investigation integrity or witness safety, with detailed notice requirements to the accused.

Clause 46:

Court's power to order disclosure Purpose: Empowers the Magistrates' Court to order disclosure if the informant refuses or fails to disclose information as requested by the accused.

Clause 47:

Acknowledgement of statements in full brief Purpose: Specifies the requirements and penalties for acknowledging statements in the full brief, ensuring integrity and accuracy.

Clause 48:

Non-disclosure of witness contact details Purpose: Limits disclosure of witness addresses or phone numbers unless permitted by the court, balancing privacy rights against the accused's preparation needs.

Clause 49:

Electronic disclosure of material Purpose: Authorizes informants to electronically place case material on a secure database for accessible disclosure to the accused's legal representative.

Clause 50:

Expert witness statements Purpose: Mandates the accused to provide expert witness statements early in proceedings, detailing qualifications and evidence to be presented.

Clause 51:

Notice of alibi Purpose: Requires the accused to notify the prosecution in advance if relying on an alibi defence, promoting fair trial preparation and witness tracing.

Clause 52:

Offence relating to communication with alibi witnesses Purpose: Criminalizes unauthorized communication by prosecution with witnesses listed in the accused's alibi notice, ensuring fairness and trial integrity.

Clause 52:

Offence of unauthorized communication with alibi witnesses

Summary: It's an offence for prosecution or police to discuss case details with alibi witnesses named by the accused, without the accused's lawyer (or the accused if unrepresented) present and consenting. This includes a maximum penalty of 1 year imprisonment.

Purpose: To protect the integrity of alibi evidence and ensure fair trial rights by controlling who can communicate with potential witnesses.

Clause 53:

Mention hearing and contest mention hearing

Summary: Defines actions the Magistrates' Court can take during a mention hearing, including setting a date for a summary hearing, contest mention hearing, or proceeding directly to determine a charge.

Purpose: Streamlines pre-trial procedures and case management in summary hearings to ensure efficient court scheduling and procedural clarity.

Clause 54:

Summary case conference

Summary: Mandates a summary case conference after service of notice to appear and filing of charge-sheet. It facilitates early discussion between prosecution and accused, aiming to disclose case materials and

potentially resolve issues.

Purpose: Promotes early case resolution, mutual disclosure of evidence, and procedural fairness by setting guidelines for pre-trial conferences.

Clause 55:

Contest mention system

Summary: Establishes procedures for contest mention hearings in the Magistrates' Court, allowing the court to manage and prepare cases before summary hearings.

Purpose: Provides a structured approach for case preparation, including witness availability and evidence disclosure, to ensure readiness for trial.

Clause 56:

Joint or separate hearing of charges

Summary: Requires charges on the same charge-sheet to be heard together, unless the court orders otherwise.

Purpose: Ensures efficient trial proceedings and consistent treatment of related charges while allowing flexibility for separate hearings in justified cases.

Clause 57:

Trial of charges together

Summary: Grants discretion to the Magistrates' Court to order multiple charges on separate charge-sheets to be tried together.

Purpose: Facilitates efficient case management and judicial discretion in deciding whether related charges should be tried concurrently.

Clause 58:

Separate hearing

Summary: Provides discretion to the court to order separate hearings for charges or accused persons on the same charge-sheet.

Purpose: Protects fair trial rights by allowing separate hearings when joint proceedings might prejudice the accused or hinder a fair hearing.

Clause 59: Diversion program

Summary: Allows for adjournment of proceedings for an accused to participate in a diversion program before entering a plea.

Purpose: Encourages rehabilitation and offers an alternative to traditional sentencing for eligible offences, promoting early intervention and reducing reoffending.

Clause 60:

Sentence indication

Summary: Permits the court to give an indication of the likely sentence if the accused pleads guilty.

Purpose: Encourages early resolution of cases by informing accused of potential sentencing outcomes, promoting efficiency in court proceedings.

Clause 61:

Binding nature of sentence indication

Summary: Binds the court to the indicated sentence type if the accused pleads guilty promptly after receiving a sentence indication.

Purpose: Provides certainty to accused and prosecution on sentencing outcomes, facilitating timely guilty pleas and reducing court time.

Clause 62:

Entering a plea

Summary: Requires the court to inform the accused of the charge before entering a plea.

Purpose: Ensures accused understand the charges against them before entering a plea, supporting fair trial principles and informed decision-making.

Clause 63:

Legal practitioner may enter plea

Summary: Allows legal representatives to enter a plea on behalf of the accused.

Purpose: Provides procedural flexibility and ensures efficient court proceedings, particularly when the accused is represented.

Clause 64:

Not guilty plea by default

Summary: Permits the court to enter a plea of not guilty if the accused does not respond directly to the charge.

Purpose: Prevents delays in proceedings and ensures cases move forward even if the accused does not verbally plead.

Division 5—Opening address

Clause 65:

Summary: This clause establishes the procedure for an opening address in a summary hearing in the Magistrates' Court. It allows the prosecution and the accused to give opening addresses with the court's permission.

Purpose: To clarify and formalize the procedure for opening addresses in summary hearings, respecting the accused's right to remain silent.

Division 6—Case for the accused

Clause 66:

Summary: Defines the options available to the accused after the prosecution presents its case, including making a submission of no case to answer, giving evidence, calling witnesses, or remaining silent.

Purpose: To outline the permissible responses of the accused after the prosecution's case, ensuring procedural clarity.

Clause 67:

Summary: Allows the Magistrates' Court to question the accused's legal representative to ascertain which response option under clause 66 the accused intends to take.

Purpose: To facilitate clarity on the accused's chosen response and to guide further proceedings accordingly.

Clause 68:

Summary: Details the procedure for an accused without legal representation to decide whether to give evidence, remain silent, or call witnesses after the prosecution's case.

Purpose: To ensure unrepresented accused understand their options clearly and are informed of their rights.

Clause 69:

Summary: Governs the process for joint hearings where a submission of no case to answer has been made, involving multiple accused.

Purpose: To establish procedures for joint hearings with multiple accused, ensuring fair treatment and efficient proceedings.

Clause 70:

Summary: Requires the accused to provide the names and order of witnesses they intend to call, subject to court approval for any changes.

Purpose: To organize the presentation of evidence by the accused and maintain procedural orderliness.

Clause 71:

Summary: Allows the accused to make an opening address before presenting evidence or calling witnesses, subject to court approval.

Purpose: To facilitate the accused in presenting their case effectively, while maintaining court oversight.

Clause 72:

Summary: Specifies that the accused must present evidence suggesting exceptions or qualifications to charges; shifts the burden to the prosecution to disprove these if the accused provides evidence.

Purpose: To balance the burden of proof between the accused and the prosecution in criminal proceedings.

Division 7—Closing address

Clause 73:

Summary: Grants discretion to the Magistrates' Court to allow the prosecutor to summarize evidence after all evidence has been presented but before the accused's closing address.

Purpose: To enable prosecutors to summarize evidence effectively, aiding the court in understanding the case.

Clause 74:

Summary: Grants discretion to the Magistrates' Court to allow the accused to summarize evidence after all evidence has been presented, including a closing address by the prosecutor.

Purpose: To allow the accused to effectively summarize their case and address any points raised by the prosecution.

Clause 75:

Summary: Allows for a supplementary prosecution closing address in limited circumstances where the accused asserts unsupported facts in their closing address.

Purpose: To provide a fair opportunity for the prosecution to respond to assertions made by the accused that lack supporting evidence.

Division 8—Determination of charge

Clause 76:

Summary: Provides discretion to find an accused guilty of attempting to commit the charged offence if not guilty of the charge itself, for indictable offences heard summarily.

Purpose: To allow courts flexibility in determining appropriate charges based on the evidence presented.

Division 9—Criminal record

Clause 77:

Summary: Specifies the information required in a criminal record related to previous convictions and the conditions under which it can be admitted as evidence.

Purpose: To ensure accuracy and completeness of criminal records admitted as evidence in legal proceedings.

Clause 78:

Summary: Allows the prosecution to present an accused's criminal record to the court if found guilty in a summary hearing, and outlines procedures for admitting or disputing previous convictions.

Purpose: To facilitate sentencing by ensuring relevant criminal history is presented and acknowledged appropriately.

Division 10—Non-appearance of a party

Clause 79:

Summary: Allows the Magistrates' Court to dismiss a charge or adjourn proceedings if the informant (typically the prosecution) does not appear on the scheduled hearing date.

Purpose: To address situations where the prosecution fails to appear, ensuring procedural fairness and efficient court management.

Clause 80:

Summary: Details actions the Magistrates' Court may take if an accused fails to appear for a summons related to a summary offence, including personal service, issuing an arrest warrant, proceeding in absentia, or adjourning proceedings.

Purpose: To manage cases where the accused does not appear, maintaining court efficiency while respecting the accused's rights.

Clause 81:

Summary: Limits the court's action to issuing an arrest warrant if the accused fails to appear for a summons related to an indictable offence, reflecting current practice not to proceed with trial in absence of a natural person accused.

Purpose: To ensure the accused is present for serious charges, maintaining procedural integrity and protecting the accused's rights.

Clause 82:

Summary: Allows the Magistrates' Court to proceed with determining an indictable offence charge in absence of a corporate accused if satisfied that the charge and hearing notice were appropriately served.

Purpose: To facilitate efficient proceedings in cases involving corporate entities, where procedural fairness is maintained through adequate notice.

Clause 83:

Summary: Specifies conditions under which statements and exhibits from a full brief are admissible as evidence in a summary hearing held in the absence of the accused.

Purpose: To ensure procedural fairness by outlining admissibility criteria for evidence when the accused is absent.

Clause 84:

Summary: Allows admissibility of informant's statements and exhibits from a preliminary brief if served on the accused sufficiently in advance, with court discretion to require additional evidence if needed.

Purpose: To streamline evidence admissibility in summary hearings, ensuring clarity and fairness in absentia proceedings.

Clause 85:

Summary: Applies to lodgeable infringement offences, allowing the court to proceed in absence of the accused based on prescribed information, if the accused fails to appear.

Purpose: To handle minor offences efficiently under specified legal frameworks, ensuring cases progress despite non-appearance.

Clause 86:

Summary: Allows the accused to be served with their criminal record if they are charged with a summary offence and previous convictions are alleged; record admissible for sentencing purposes only.

Purpose: To inform sentencing decisions with relevant criminal history while ensuring fairness and procedural compliance.

Clause 87:

Summary: Limits sentencing options if the court proceeds with a charge in absence of the accused, including fines and restitution orders, with provisions for adjournment and right to apply for rehearing.

Purpose: To restrict sentencing powers in absentia cases, ensuring proportionate consequences and preserving the accused's rights.

PART 3.4—REHEARING

Clause 88:

Summary: Allows a person or the informant to apply for a rehearing if sentenced in absence; outlines procedures for filing notice of intention to apply for rehearing.

Purpose: To provide a mechanism for review and potential rehearing of cases where sentences are imposed in absence of the accused.

Clause 89:

Summary: Requires a notice of intention to apply for rehearing to be filed, stating reasons for non-appearance; specifies service requirements.

Purpose: To formalize the process for initiating a rehearing request, ensuring procedural clarity and compliance.

Clause 90:

Summary: Details service requirements for the notice of intention to apply for rehearing, depending on whether the applicant is the sentenced person or the informant.

Purpose: To ensure proper notification of rehearing intentions to all relevant parties, maintaining procedural fairness.

Clause 91:

Summary: Stays the sentence upon filing a notice of intention to apply for rehearing, outlines provisions for staying driver license-related orders pending rehearing.

Purpose: To temporarily suspend the effect of the sentence until a rehearing application is resolved, protecting the rights of the accused.

Clause 92:

Summary: Allows the Magistrates' Court to set aside previous findings and orders upon rehearing application, with discretion to impose new terms and conditions.

Purpose: To facilitate the rehearing process with flexibility to correct earlier decisions as necessary.

Clause 93:

Summary: States consequences if an applicant fails to appear for a rehearing application; requires court permission to reapply.

Purpose: To manage reapplication after a failed attempt to appear for rehearing, ensuring procedural order.

Clause 94:

Summary: Provides grounds for setting aside earlier findings and orders if the accused was not properly notified before the hearing.

Purpose: To rectify cases where lack of proper notice affected earlier decisions, maintaining fairness and due process.

Research on Male Victims of Domestic Abuse

There is a range of leading academics, publications and research on male victims of domestic abuse (remember to go to the [statistics](#) page for the latest). These are highlighted below and if you know of any more please email chairman@mankind.org.uk

Key Publications

[Research Summary Presented at ManKind Initiative Annual Conference 2021](#) by Dr Elizabeth Bates

[Media Coverage of Male Victims of Domestic Abuse \(2007 to 06 June 2024\)](#)

[Intimate Partner Violence: New Perspectives in Research and Practice](#) (Elizabeth A. Bates, Julie C. Taylor)

[Break the Silence: a support guide for male victims of domestic abuse](#) (Lee Marks)

Springer Hub: [Partner Abuse \(Journal/Directory\)](#) and [Overview](#) plus [Partner Abuse Summary of 70+ Studies \(male victims\)](#) (latter link being reviewed)

[Help-seeking by male victims of domestic violence and abuse \(DVA\): a systematic review and qualitative evidence synthesis.](#)

The Domestic Abuse Training Needs of Local Magistrates ([Executive Summary](#) and [Full Report](#)) – *shows the difference in how local magistrates assess risk and harm of domestic abuse on men and women – in the*

same scenarios.

Key UK Academics

(1) [Dr Elizabeth Bates](#), Principal Lecturer in Psychology and Psychological Therapies, University of Cumbria.

- [Walking on Eggshells](#)
- [Domestic Homicide Reviews](#) – Analysis of 22 Domestic Homicide Reviews ([press release](#))
- [Hidden Victims](#) and [20 Voices](#) video
- [“No one would ever believe me”: an exploration of the impact of intimate partner violence victimization on men. Psychology of Men and Masculinity](#)
- [Men’s experience of domestic abuse in Scotland: An Update](#)
- [Gendered Stereotypes and intimate violence](#)
- [Testing Predictions](#) (research on younger people’s views including showing younger women more likely to commit DA than younger men – [see slide show](#))

(see [website](#) for more information and publications)

(2) [Professor Nicola Graham-Kevan](#), Professor of Criminal Justice Psychology, University of Central Lancashire

- [Male Victims of Coercive Control](#) (Professor Nicola Graham-Kevan, Deborah Powney and ManKind Initiative) – and a two page summary ([Male Victims of Coercive Control 2021 \(Summary\)](#))
- [List of Publications](#)

(3) [Dr Ben Hine](#), Senior Lecturer in Psychology, University of West London

- [“I Have Guys Call Me and Say ‘I Can’t Be the Victim of Domestic Abuse’”](#): Exploring the Experiences of Telephone Support Providers for Male Victims of Domestic Violence and Abuse (Ben Hine, Elizabeth Bates, Sarah Wallace)
- [Invisible Men](#)
- Hine, Ben, Noku, Ledja, Bates, Elizabeth and Jayes, Kealey (2020) *But, who is the victim here? Exploring judgments towards hypothetical bidirectional domestic violence scenarios*. Journal of Interpersonal Violence. ISSN 0886-2605 (In Press): <https://repository.uwl.ac.uk/id/eprint/6816/>

(see [website](#) for more information and publications)

(4) [Dr Siobhan Weare](#), Lecturer, Lancaster University

- [Forced to Penetrate](#)

(5) Dr Mohammad Mazher “Maz” Idriss

- [Men, Masculinities and Honour-Based Abuse](#)
- [The forgotten male victims of honour-based violence](#)

(5) Natalie Quinn-Walker

- [Domestic Abuse is a Public Health Concern](#)

- [Are male victims of domestic abuse heard?](#)
 - [Male victims and sleep deprivation](#)
-

Other UK Research

- (2021) [Map of Gaps for LGBT+ victims](#), Galop and DA Commissioner
 - (2021) Nicole Westmarland, Stephen Burrell, Alishya Dhir, Kirsten Hall, Ecem Hasan, Kelly Henderson '[Living a life by permission](#)' – The experiences of male victims of domestic abuse during Covid-19
 - Mike Brogden and Saranjit K Nijhar: [Abuse of Adult Males in Intimate Partner Relationships in Northern Ireland](#)
 - Alyson L Huntley, Lucy Potter, Emma Williamson, Alice Malpass, Eszter Szilassy, Gene Feder: [Help-seeking by male victims of domestic violence and abuse \(DVA\): a systematic review and qualitative evidence synthesis](#)
 - Dr Brian Dempsey (Abused Men in Scotland): [Men's Experience of Domestic Abuse in Scotland](#)
 - Parity UK: Domestic abuse in London: [Numbers of male victims and services available](#)
 - Daryll Sweet (Men's Advisory Project Northern Ireland – MAPNI): [Towards Gender Equality](#)
 - Dr Sarah Wallace: [Men who experience domestic abuse: A service perspective](#)
 - Dr Jesscia McCarrick: New Voices: [The 'Minority' Man?](#)
 - William Collins: [Domestic Abuse and the Family Courts](#)
 - Safe Lives: <http://www.safelives.org.uk/policy-evidence/policy-and-research-library>
 - Dewar 4 Research: <http://www.dewar4research.org/>
-

Key International Research

(1) [Dr Denise Hines](#), Research Associate Professor, Clark University

- [Relative Influence of Various Forms of Partner Violence on the Health of Male Victims: Study of a Helpseeking Sample](#)
- [Parental Alienating Behaviors: An Unacknowledged Form of Family Violence](#) (Jennifer J. Harman, Edward Kruk Denise A. Hines)
- [Overlooked Victims of Domestic Violence: Men](#)
- [Influence of Intimate Terrorism, Situational Couple Violence, and Mutual Violent Control on Male Victims](#) (Hines DA, Douglas EM)
- Children's Exposure to Partner Violence in Homes Where Men Seek Help for Partner Violence Victimization ([Hines DA](#), [Douglas EM](#))

(see [website](#) for more information and publications)

Other (you may need an [EBSCO](#) account to access)

AustraliaMale Victims of Domestic Violence (Donald G. Dutton, Katherine R. White)CanadaHelp seeking experiences of survivors of intimate partner violence in Canada: The role of gender, violence severity, and social belonging. (Barrett, B. J., Peirone, A., & Cheung, C. H)NorwayMen's Experiences of Violence in Intimate Relationships (Lien, Marianne Inéz, Lorentzen, Jørgen)USAAssociations Between Intimate Partner Violence Victimization and Employment Outcomes Among Male and Female Post-9/11 Veterans (Rachel M. Maskin, VA Boston Healthcare System, Katherine M. Iverson, Dawne Vogt, and Brian N. Smith)I'm Strong for Her' versus 'I Rely on Him': male and female victims' reasons for staying reflect sex-gender confluences (Jessica J. Eckstein)Perceptions of harm, criminality, and law enforcement response: Comparing violence by men against women and violence by women against men. (Allen, E., & Bradley, M. S)Women as active agents: Female perpetrators of sexual harassment and domestic abuse (Douglass, M. D., D'Aguanno, S., & Jones, S)**Dissertations and Posters***The charity is not responsible for the content of these dissertations and they are the views of the authors.*Grace Gudgeon: Are Male Victims Forgotten About in a System Originally Designed for Women?Adrian Wilk: Male victims of domestic abuse seeking helpToni Holt: A Critical Exploration of Why Men Are Failing to Report Domestic AbuseNatasha Summers: Poster 1Abby James: Examining Issues Surrounding Public Attitudes and Awareness in Relation to Domestic Violence Against MalesMichelle Wells: It's deemed unmanly': men's experiences of intimate partner violence (IPV)Marie Hunter: Female Perpetrated Domestic AbuseLaura Geall: The Underrepresentation of male victimsKhawaja Akbar: Law and the Male Victim of Domestic Violence (Khawaja Akbar)Lydia Stoneman: The Current Social Issue of Stigmatisation towards Male Victims of Intimate PartnerZoe Garratt: Domestic Violence Against Men – Is it a Forgotten Crime?Dr Simon Josolyne: Men's experiences of violence and abuse from a female intimate partner:Katie Lambert: Broken Men Break The Silence

Christopher Stephenson: [Fathers' Experiences of Domestic Violence](#)

Suzanne Baines: [Criminal Justice Response to Male Victims](#)

Mark Brooks: [The Seven Challenges Male Victims Face](#)

Gavin, Helen, and Theresa Porter. **Female Aggression**, John Wiley & Sons, Incorporated, 2014. ProQuest Ebook Central,

<http://ebookcentral.proquest.com/lib/deakin/detail.action?docID=1813815>

'Aggression is defined as intra-species behaviour carried out with the intent to cause pain or harm (Tremblay, Hartup, & Archer, 2005). This definition covers the forms of aggression identified as aggression between nations or states, adopted by the United Nations General Assembly in 1974, but it also= applies to the interpersonal violence that affects our everyday lives. The behaviour can be physical, mental or verbal, and should not be confused with assertiveness or anger. Aggression can also be classified as hostile (usually regarded as having an emotional or retaliatory context) or instrumental (predatory or goal oriented)...

...Everyone 'knows' that IPV is perpetrated by men against women and women only engage in IPV for self-defence. How do we 'know' this? Because that is the oversimplified factoid that the mass media has reported for many years, despite the reality that IPV is a highly nuanced area of research. In western society, we have constructed the image of an IPV perpetrator as male, with the passive female as his polar opposite. This construction not only ignores that women are responsible and rational agents capable of choosing their behaviour, it also ignores that sometimes women choose to be violent... Unfortunately, some of these researchers have put more emphasis on the agenda of promoting their background theory rather than on objectively reporting all results. An example of this includes suppression of evidence of women's IPV, such as when the Kentucky Commission on the Status of Women obtained IPV perpetration data for both males and females but then only published the data on male perpetration, implying that women were only victims and never perpetrator (Schulman, cited in Straus, 2007)... Some in the field have argued that women's use of IPV can only be understood within a contextualized, gendered discourse and to conduct research in any other way would be inappropriate (Renzetti, 1999). This is correct; women's violence occurs within a society with a significant double standard about violence. In our current culture, women's violence is seen as funny or

*of little consequence or simply not seen at all (Bowen, 2008)... For example, in 2006, the American television show *Primetime* secretly filmed a staged scenario where a man was publicly abused and assaulted by a woman, watching to see if anyone intervened. Over two days, 163 witnesses passed by, but only one group of four adults intervened. When asked afterwards why they did not intervene, many witnesses denigrated the victim and stated their assumptions that he was deserving of the 'punishment' he was receiving or stated that they felt the assault by a woman wasn't 'harmful' (Taylor, 2006).*

...Based on multiple large-scale IPV studies, we know that women engage in high rates of IPV, often use weapons, often injure their victims and engage in IPV in both cohabitating/ married relationships and dating relationships. For example, McLeod's 1984 study of over 6,200 spousal assaults in Detroit, USA, showed that most victims were male, most of the serious injuries were experienced by males and mostly due to weapon use by women, using either a cutting object (55%), a gun

(18.1%) or a club (12.1%). This weapon use by women was substantiated with Mechem, Shofer, Reinhard, Hornig and Datner's (1999) study of male victims in emergency rooms; 37% of the male victims of IPV reported having a weapon used against them. Additionally, the American National Violence Against Women Survey (2000) studied 16,000 men and women, and found that women committed approximately a third of domestic assaults overall and an even higher rate (39%) when the data is broken down into past-year rates (Straus, 2004, cited in Richardson et al., 2005). A meta-analysis (Archer, 2002) of 82 studies of IPV found that, when specific acts of violence are measured, women are significantly more likely to have engaged in physical violence towards a partner.

...Similar results have been found in large-scale surveys in Britain (Carrado, George, Loxam, Jones, & Templar, 1996). George (1999) surveyed 1,455 British adults and found that 50% of all men who reported a history of being assaulted had been assaulted by a woman partner or ex-partner. In Canada, Larouche (2005) surveyed over 25,000 Canadians and extrapolated the results. Larouche found that 17 men per 1,000 were victims of their current partners' violence within the last twelve months, and 40 men per 1,000 were victims of severe violent acts by their female partner in the last five years; this extrapolates to 319,000 Canadian men who were victimized by their female partners. Comparable findings were made by Brinkerhoff and Lupri (1988), Bland and Orn (1986) and Fergusson, Horwood, and Ridder (2005).

Victims of IPV committed by women may be burned (Duminy & Hudson, 1993; Krob, Johnson, & Jordan, 1986), have their genitals attacked (Balakrishnan, Imel, Bandy, & Prasad, 1995), or suffer broken bones and teeth (Cascardi, Langhinrichsen, & Vivian, 1992). Women often use weapons against their victims as a way of minimizing the size/strength differences with male victims (McLeod, 1984) and are more likely to throw objects and threaten a partner with a weapon (McDonald, Jouriles, Ramisetty-Mikler, Caetano, & Green, 2006)... Control, as well as anger, is a strong motivator for domestically violent women. Follingstad et al. (1991) found that more women than men in their study reported engaging in IPV as a way to gain control over a partner or feel powerful. Similarly, women responders to the National Violence Against Women Survey were as motivated as men to control their partners (Felson & Outlaw, 2007). Dasgupta (2002) established that both genders use violence to control a partner, with women focusing more on immediate situations. When Graham-Kevan and Archer (2005) investigated explanations of women's IPV violence, they found a strong positive association between both control and retaliation and the use of physical violence. Finally, women's IPV may not be due to single motivations but, rather, to multiple, complex motivations. Olson and Lloyd (2005) demonstrated that women in their study gave on average three reasons for an act of violence. Humans experience multiple motivations for any given behaviour, suggesting that the dichotomy of violence (by either gender) as either instrumental or expressive is artificial (Bushman & Anderson, 2001).

*****It is expected that, wherever relevant the following Australian Standards apply, or a comparable method meets these standards: 8000:2021 Fraud and Corruption Control; AS 10002:2022 Guidelines for complaint management in organizations and AS ISO 37002:2023 Whistleblowing management systems - Guidelines*****



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ADDRESSING MENTAL HEALTH STIGMA HEAD ON

Mental Health and Wellbeing Act 2022 (Vic)

(2) A person is not to be considered to have mental illness by reason only of any one or more of the following—

- (a) that the person expresses or refuses or fails to express a particular political opinion or belief;
- (b) that the person expresses or refuses or fails to express a particular religious opinion or belief;
- (c) that the person expresses or refuses or fails to express a particular philosophy;
- (d) that the person expresses or refuses or fails to express a particular sexual preference, gender identity or sexual orientation;
- (e) that the person engages in or refuses or fails to engage in a particular political activity;
- (f) that the person engages in or refuses or fails to engage in a particular religious activity;
- (g) that the person has engaged in a certain pattern of sexual behaviour;
- (h) that the person engages in conduct that is contrary to community standards of acceptable conduct;
- (i) that the person engages in illegal conduct;
- (j) that the person engages in antisocial behaviour;
- (k) that the person is intellectually disabled;
- (l) that the person uses drugs or alcohol;
- (m) that the person has a particular economic or social status or is a member of a particular cultural or racial group;
- (n) that the person is or has previously been involved in family conflict;
- (o) that the person is experiencing or has experienced distress;
- (p) that the person has previously been diagnosed with, or treated for, mental illness.

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