

that it was a communications system used by sex offenders and paedophiles. This left me extremely shaken and I deleted all photos off my phone and computer and placed them on an external hard drive. I was so deeply shaken by this (I had photos of my young children on my phone) that I cut my phone in half with an axe to prevent any future unauthorised access to it.

Two days after doing so I was called by [REDACTED] police and advised that the woman had taken out a PSIO against me after alleging I broke into her home and stole a number of items. I hadn't seen the woman anywhere in eight months and on that occasion I passed her as I was leaving the pub and she was walking in. Following the woman's allegations the police conducted an investigation and found that there was no forced entry into her home, no fingerprints and no CCTV from neighbours homes placing either myself or my car at the scene of the "phantom" break-in. Further more according to the police investigation only two days after I was implicated in the theft of the woman's computer she "found" it and advised police.

None of the results of the investigation proving my innocence were revealed to me by Victoria Police. I had to fight for two years before finally gaining access to the Leap File, and the woman's statement (including an 8 month battle with Victoria Police through FOI). It revealed a number of elements indicating that the woman had a deluded psychological fixation on me as well as dishonest actions and fabrication of statements by Victoria Police officers.

Of course the woman making the statement now had my address as a result of Police giving it to her on documents. One day while spending time with my son I saw a car of the same make, type, colour and with the same distinctive rims outside my house. I took photos of the car and provided to Victoria police who refused to assist or investigate. Talking with neighbours over the coming days no one else had been visited by a person driving a similar car that I had described. I also note that I live at the very end of a cul-de-sac so a person just wouldn't stop randomly on their way somewhere outside my house.

The lack of support from Police and myself being accused as the perpetrator despite evidence to the contrary (photos, hotel receipts, screenshots) has left me completely disenchanted with the entire PSIO system and wondering what genuine protections it provides to those being stalked and also those subjected to false allegations.

The impact on me personally has been significant beyond belief. Within 3 weeks of being confronted by false allegations I had gone from being someone very confident and sure of themselves to becoming a virtual prisoner, afraid to leave the house. I became, and still are mostly, a recluse, I attempted to take my own life after police refused to help me press charges against the woman. They to this day refuse to assist me and have never even offered a public apology to me.

The matter completely obliterated my good reputation within the community, I was

[REDACTED]
[REDACTED] I should be able to be proud of my achievements within the community, [REDACTED]. But I feel shamed when I'm in the community because I simply don't know how far these lies have travelled.

Since that time I have closed my Facebook account permanently, I avoid providing my personal address on any forms and have changed phone numbers. I don't keep photos on my phone or my computer and all files and documents are kept on external hard drives to prevent unauthorised access. I don't go to community meetings, I'm not longer involved in any community organisations and despite my considerable skills and experience am unable to find employment in even the most basic role. My good name has been completely trashed by these lies. The allegations against me were never tested in an open court because Victoria Police never had any evidence to substantiate criminal charges. The evidence they did have actually prove that the woman was lying and the Police kept that evidence from me, grudgingly handing it over after fighting an FOI application for eight months.

Quite simply the false allegations completely destroyed my life and Victoria Police refused to assist me in obtaining justice because it will bring their own questionable practices into the courts.

So that is the history of what has occurred to me. Since that time I have made a number of recommendations to Victoria police and the Justice Department to improve processes and tighten up the PSIO Act and create an additional Act to provide genuine support protection for those who are the subject of stalking and also provide safeguards against people being falsely accused. They have steadfastly refused to act on these recommendations.

My biggest concern is that the Personal Safety Intervention Order Act fails to adequately protect actual genuine victims, nor does it provide any protection to individuals who have had false claims made against them. In reality the Personal Safety Intervention Order Act appears to be a sharp, shiny sword, but when you pick the sword up to examine it, both edges are blunt and the blade is made of styrofoam.

I have been telling everyone and anyone who would listen that the Personal Safety Intervention Order system needs to be improved, that it is structurally weak and does not adequately serve its purpose. I knew this because I had examined it through my own dealings, I had lived it and been inside it. If someone from Government had sat down with me and spoke with me about my concerns and also my proposed changes to strengthen the Act, then maybe adequate protections would have been put into place to prevent further attacks and fatalities.

The changes I propose provide additional and immediate protections for victims should

the order be breached.

I've called the act the "Protected Persons Act" and its designed to take elements both the Personal Safety Intervention order act and also the Family Violence Protection act and combine them in overarching legislation.

These are the basics of the proposal as follows:-

- Criminal act (summary offence)
- Allows police to charge someone with breaching the act should they commit behaviours from PSIO act and FVIO act
- Protected person must swear a statement
- Accused is interviewed and provided with copy of interview (criminal process)
- Accused is provided with charge sheet stating details of offences
- Accused charged is bailed with a set of conditions (similar to Intervention Order Standard Conditions Protected person is named within these conditions)
- Should the offender breach bail conditions they are arrested and remanded in custody, they then have to actually apply for bail.
- Court date is set
- Standard summary offence criminal court processes and rules apply
- Person may plead guilty in advance (Magistrates discretion altered* conditions imposed must not include criminal conviction and be set for a period of 12 months exactly)
- *should there be other criminal acts ie: physical assault or stalking those full custodial sentences can still be imposed and convictions recorded for those.
- Magistrate may decide to:-
- Dismiss case
- Find not guilty
- Find guilty and impose a monetary fine (either paid to Victim of Crime Funding pool or into court fund)
- Find guilty and Place accused on good behaviour bond for minimum 12 months (conditions similar to an Intervention order) and not record a conviction
- Find guilty and Place accused on good behaviour bond for minimum 12 months (conditions similar to an Intervention order) and record a conviction
- Should the offender breach good behaviour bond conditions they are arrested and remanded in custody, they then have to actually apply for bail
- Place accused in a custodial sentence at Magistrates discretion upto a maximum 2 years. Should the Magistrate select a custodial sentence less than 12 months the parole conditions (similar to IVO conditions) must remain in force for 12 months from the date of sentence.
- Breach of bail conditions are to be treated in the standard sentencing protocols by the Magistrate
- Breach of Good Behaviour Bond conditions are to be treated in the standard sentencing protocols by the Magistrate.
- Police applicants are to be removed from PSIO act and FVIO act. (This removes the differing standards between police and non police applicants and the Human rights charter concerns about those differing standards)
- Family violence safety notice becomes precursor to Protected person charges.
- Charges can be laid against the accused by police

In this proposal the protection of victims is instant should a breach occur. There are many instances each year were the respondent actually breaches intervention order conditions, in the proposal I've outlined once a breach has occurred the respondent is instantly remanded in custody as they have already breached bail. Under the current system a breach of an Intervention Order results in a separate charge and a future court appearance (who knows when?) if no physical violence has occurred the accused could be out within

hours. This offers no genuine protection to a victim.

In modern times the use of computers and electronic communications to contact and ascertain information about a person can be done at a keystroke. Police powers to search and collect evidence under criminal investigations may have allowed them to seize computers and phones used to contact and follow a protected person, those devices can then be forensically examined to ascertain if the respondent poses a very real and dangerous threat to a person's safety and the level of "obsession" which a respondent has with the protected person. All of this information can then be collated to paint a picture of the significant threat to a person's safety and a decision made to remand the accused. Under the current civil legislation the powers to seize items (such as computers) doesn't exist. The proposal I have put forward could be drafted to allow Police to seize and put IT equipment under surveillance to protect against ongoing cyber-stalking.

The above information around the Protected Persons Act really are just the bare bones and are provided as suggestions, there are no doubt areas I've missed and protections that can be incorporated further. The proposed Act obviously overlaps with other Acts and there would need to be a suite of amendments to those Acts. Regarding the FVIO and the PSIO Acts they would become purely "civil law" acts and be dealt with exclusively by in-person court applications by private individuals. So those Acts would remain but have a vastly reduced scope.

The proposed Protected Persons Act wouldn't need an immediate application to the court as it would be a police charge, bail for the accused and then court date(s) for plea or contested hearing etc.

In short the proposed act nullifies concerns I have with the current legislative anomalies, gives some genuine teeth to police powers to protect citizens and streamlines the process from both a Police and Court perspective. Most importantly it will actually have the desired result of protecting people and saving lives.

I wrote to the Department of Justice [REDACTED] [REDACTED] [REDACTED] September, 2020 with my concerns and providing recommendations stating the following:-

"My primary motivation for providing this information is this, I understand there is a significant amount of domestic violence that occurs within [REDACTED], I was on the board of the [REDACTED] organisation that oversaw the men's behavioural change program and the numbers were frightening, absolutely terrifying. I don't want some perpetrator of domestic violence getting a smart-alec city lawyer and having an Intervention Order overturned at a higher court because of one of the reasons I've noted above, then for that person to kill the affected family member after getting off.

I haven't devoted years of my life to the service of others for that to occur to me. I've been through enough already and I couldn't live with that, knowing I could have stopped a

person being harmed if I'd spoken out."

If the Attorney General is serious about saving lives and improving the system she will move to adopt my recommendations in full.

Indeed if the Police and the Department of Justice had bothered to listen to me acted on my initial recommendations instead of completely dismissing me there is a very good chance that some deceased persons may still be alive today.

If you have any questions, require any information or wish to obtain documentary evidence supporting this statement please ask and I am happy to provide it. I can provide evidence for every single claim I have made and I'm prepared to do so if you see fit. I am happy for this submission to be made public and I am also happy to appear in any public hearings and submit to questions under oath if required.

I wish you all the best in making genuine and long lasting changes to protect victims of this awful and life-altering crime of stalking. The position I have been in, having been subjected to stalking only to then be subsequently accused of it is somewhat unique and has compounded to become a doubly horrific experience. Something good has to come of this absolute torment I have experienced and I hope that your commission has the fortitude to see it occur.

Should you have any queries please contact me on [REDACTED]

Kind Regards,

[REDACTED]

[REDACTED]
[REDACTED] one thing I do believe is important to say is that if the Commission decides to recommend a "Protected Persons Act" or a new "Act" based on submissions I would like it to be referred to as "Celeste's Law" or something similar in tribute to Ms Manno. I understand that this cant form part of the public submission at this time but I would like the commissioner to please keep this front of mind when drafting their recommendations.

Thank you for your response and I genuinely wish you all the best.

Kind Regards,

[REDACTED]

