

I am submitting this as I wish to have documented on record conduct that I consider contemptuous of a court order. I think that contempt laws should be revisited to address this type of conduct as it could have consequences that impact rulings and furthermore damage the parties at the core of the matter (a parent and a carer) whose needs and duties may be at risk if an application is improperly sustained.

I am giving a description of a VCAT process in which an application was made to remove me as the POA and carer of my parent. This application by siblings was undertaken with the guidance of their solicitor, and at the time, their combined efforts and conduct, in my view, reflect a contempt of the court and its processes.

My perspective is that contempt of court could include breach of proper processes by an adversarial party's solicitor according to an order, and I would like to think that future parties to a dispute are bound by clear penalties if they should act in a way that undermines an application for a matter to be heard or a consequent judicial order.

The elements of the actions I view as contemptuous are as follows:

1. The wilfully inaccurate listing of my residential suburb when providing an address in initial completion and registration of the application at VCAT premises. This effectively disabled me from receiving a copy of the application to advise me of its contents, even though I did receive a hearing notice of the scheduled date from VCAT. This indicates that also VCAT did not check on their file of this matter that two different addresses were given for me, however, culpability as such rests with the applicants and the solicitor representing them. The parties and their solicitor were informed of my residential address for almost twenty years and indeed this solicitor had communicated thereto to me directly, against the expressed instruction by my parent's solicitor not to do so.

2. The untruthful contents in the application that wrongfully claimed, (a) there was no POA appointed for the parent, and (b) no person was a primary carer or contact for the residential facility where our parent was located. The actual POA document had been provided to the parties and their solicitor's office in total on three occasions over several years. This was furthermore on electronic records as part of communication with the party's solicitor in the time prior to the application. Nonetheless the application falsely alleged I had not done so.
3. With an order put in place for myself to provide recent records of the financial holdings of our parent to the party's solicitor, to which I complied according to the ruling it be done by registered post to both this solicitor and VCAT, the following conduct by the party's solicitor occurred:
 - (a) Collection of the records from a local post office without a signature to verify collection as required by registered mail, and according to the explicit direction of the sitting VCAT member at the hearing.
 - (b) Avoidance of receiving or returning phone calls by Australia Post who sought to clarify that the registered mail was in fact in the possession of the solicitor's office. This was blatant obstruction for the purpose of maligning my role as carer with intention of removal as such.
 - (c) Prevarication when an Australia Post officer attended the solicitor's office to collect a signature for receipt of this registered mail as required by attempting to avoid contact with the said officer.
 - (d) In the course of this investigation by Australia Post, the issuing to my correct residential address by this solicitor, rather than my parent's solicitor, correspondence that alleged I had not complied with the order, even though it was collected and held at the office of the party's solicitor at this exact time.

Legislative updates for contempt of court proceedings should address such conduct of a party and their legal representation.

Whilst it was difficult personally for me to endure such a process that slighted my capacities as administrator, it was far more distressing to contemplate the very real risk to my parent's wellbeing had a decision come about that removed me as carer. This was a genuine prospect given the conduct of the applicant party and their solicitor throughout the process.

It is my view that the conduct of these parties at best, if pursued by me, would have been deemed as obfuscation, to which they would have pleaded it as a misunderstanding and thus a minor impropriety.

From my perspective, the care and wellbeing of an aged parent was at risk and there should be penalties for any who pose, through disingenuous means, to fabricate noncompliance of a court order, and according to their own conduct reflecting noncompliance.

It is reprehensible that there is no precise follow up process for an investigation of such conduct and I would like to be confident that our legal system will adopt measures that clearly address misconduct that shows a complete disrespect for an order and the processes involved in substantiating a complaint.