

2019 Submission - Royal Commission into Victoria's Mental Health System

SUB. 0002.0007.0049

What are your suggestions to improve the Victorian community's understanding of mental illness and reduce stigma and discrimination?

there are lots of things one can do. The justice system needs to be better informed about mental illness and the judiciary should take more account of a person's mental status when sentencing.

What is already working well and what can be done better to prevent mental illness and to support people to get early treatment and support?

not much is working well. More public awareness of mental illness is working well.

What is already working well and what can be done better to prevent suicide?

suicide is a multi-faceted entity. Local councils are becoming more involved in the mental health field.

What makes it hard for people to experience good mental health and what can be done to improve this? This may include how people find, access and experience mental health treatment and support and how services link with each other.

jobs jobs jobs and public housing. increases in newstart and welfare.

What are the drivers behind some communities in Victoria experiencing poorer mental health outcomes and what needs to be done to address this?

poverty lack of any social support hyperindividualistic society where no one cares except themselves.

What are the needs of family members and carers and what can be done better to support them?

plenty .family members are the ideal people to help reduce mental illness. they should be more involved in preparing mental health plans for their relatives/

What can be done to attract, retain and better support the mental health workforce, including peer support workers?

less qualified people should be employed as peer support workers .people who have experienced mental illness themselves.

What are the opportunities in the Victorian community for people living with mental illness to improve their social and economic participation, and what needs to be done to realise these opportunities?

none

Thinking about what Victorias mental health system should ideally look like, tell us what areas and reform ideas you would like the Royal Commission to prioritise for change?

become more supportive .less involvement of police more compassion shown to people who are mentlaly ill.

What can be done now to prepare for changes to Victorias mental health system and support improvements to last?

plenty can be done. Victorias mental health system is extremely rudimentary. It is solely designed to protect the safety of the community and the patient. That is all it is concerned with. It is very basic. It is certainly not a deluxe service with bells and whistles.

Is there anything else you would like to share with the Royal Commission?

N/A

To the Royal commission into mental health 22/may/2019

Victoria 3000.

First I want to congratulate the State of Victoria and the current government for setting up this inquiry. It is a very courageous to do and is to be commended.

The state of Victoria followed this up by appointing a very talented and impressive set of commissioners most of which are well known through the media and are outstanding people of high integrity.

The Inquiry I suspect will unearth a very wide range of issues relating to mental health in Victoria some sad some some contentious and some unjust.

I intend to make 3 three separate submissions although I am a little hesitant to do all three.

The three concerned are 1 The tramways .2 The Australian Public service.

3. The [REDACTED] [REDACTED] [REDACTED] hospital and its superintendent Dr [REDACTED] [REDACTED]

[REDACTED] Although I am a little reluctant to do so at this point of time but will see.

4. My first submission relates however to the tramways.

5. I obtained a position as a tram conductor in 1979 located at the tramways depot in Mount alexander road ascot-vale.

6. I was employed there for 9 years and 4 months and left on or about the 11th April 1988. It was quite a long time.

7. In the first six years or so of my job as a tram conductor under the leadership of then Depot [REDACTED] [REDACTED] [REDACTED] things went reasonably well.

8. In my early days I was subject to a complaint by a woman who claimed that the conductor went gaga when she presented a \$ 50 note to the conductor.

9. It was however definitively ascertained that that was not me . I had witnesses the tram driver who quite categorically stated that he did not hear anything. To this day I do not know how the lady was mistaken.

10. During my 9.4 years as a tram conductor I also incurred a 2nd complaint by three women who complained about being abrupt to them. This was as a result of me handing the wrong ticket to the women.They wanted a daily ticket whereas I handed them a 2 hour ticket. This was because the 2 hour ticket and the daily ticket were of the same colour. And the daily ticket was in fact made out of a very flimsy cardboard. This complaint would have been around 1983 or thereabouts. Therefore during a span of 9 years and 4 months I incurred only 1 Complaint from passengers. Only 1.

11. It is important that the Commission bear this in mind. Plus the fact that 1 complaint was rather trifle in nature and on a scale of seriousness on the very low end of the scale. Certainly it would not be considered as a Sackable offence.

12. However by that the time the newly formed labour government had installed a new manager had be installed at the [REDACTED] Tramways Depot in mount Alexander road Ascot-Vale.

13 His name was Mr [REDACTED] [REDACTED] By that time I had accumulated approximately 6 years of service. Upon hearing of the report Mr [REDACTED] threatened to sack me .

14. He spoke in Broken English to me and told me he would sack me if this happened again. In the afternoon on the same day of my shift he put an undercover police woman on my tram who engaged me in conversation and then reported the whole conversation to Mr [REDACTED]. In the fact for the next 3 years of my remaining employment with the trams Mr [REDACTED] had put me under very close surveillance and I suspect had on numerous times put undercover police to watch me on the Trams. I call them undercover police but in Tramways speak they were known as spotters.

15. Mr [REDACTED] [REDACTED] was totally incompetent had/held extreme racial views and yet had been put in charge of preponderantly what could be defined as a Migrant workforce. By his own admission I have it under the Freedom of Information Act Mr [REDACTED] [REDACTED] had me under close surveillance for the remaining time I was there. Which would approximately amount to 3 years.

16. In the meantime during those three ensuing years while remaining to work as a tram conductor a lot happened to me which would eventually lead me to suffer from mental depression and ultimately charged with three criminal offences. Unjust unfair and over top I think. The Victorian Justice system intent on penalizing a hard working individual .Who gave himself freely so as to serve the Victorian community as a public service to the public transport needs of his fellow Victorian citizens. I did not gain much from that job. Very little except troubles galore.

17. Let me now describe as to what happened in the ensuing three years of my conductorship under the authority of the Depot Manager Mr [REDACTED]

[REDACTED]

18. In the latter part of the 1980's while waiting at the tram stop in

[REDACTED] street [REDACTED] Melbourne . I found myself being threatened by the criminal [REDACTED] [REDACTED]

19. At that tram stop Mr [REDACTED] [REDACTED] told me and repeated several times that he had lot lots and lots of guns at home and he was going to kill me with them. This incident happened on a Tuesday.

20. On the same week but on late afternoon while I was collecting fares on a W Class tram with Mr [REDACTED] [REDACTED] facing to my behind. He told me that he would put a .32 Colt automatic through my back. And punch me in the mouth.

21. But wait there is more. Later about 1 to 2 years after the [REDACTED] [REDACTED] incident I went for a short stroll behind the depot in Mt Alexander Road Ascot -vale. While heading back to the depot I noticed a car beside me with an open window on the passenger side.

22. The Driver then called out "I will put a shotgun through your head" aggressively and maliciously. He claimed I had dropped a paper in the gutter near his house.

23. But wait. There is more violence to come. On a Saturday afternoon while returning from [REDACTED] street [REDACTED] Melbourne in a private car with my tram driver driving the car . We were followed by a cab chassis or a small truck with Victorian government licence plates.

24. Upon returning to the depot the driver of the truck entered the car park of the tramways depot parked his truck in the depot car park. And then came

rushing to the entrance of the tramways building with his two fists drawn wanting to punch me. Who knows I could have been the victim of a one punch attack.

25. On another occasion at the back of the depot an elderly resident at the back of the depot rushed to me wanting to punch me and calling me a robber.

26. As the violence or the extreme violence escalated including the close and incessant supervision of me by Mr [REDACTED] [REDACTED] I became depressed and anxious. According to the tramways panel comprised of three senior officers of the tramways I was suffering from mental depression.

27. I became so frightful of Mr [REDACTED] [REDACTED] that he might kill me when he in fact does get on the tram again that in the end I ended up carrying a small baton. A silly and stupid thing to do . For that I was fined \$100. Which is fare or fair enough.

28. Nevertheless I carried on with my work as a tram conductor serving the community with diligence care and gave my full commitment to the Job.

29. However in 1988 April as the Tram was about to go back to the depot a man boarded the tram . Paid his fare and I gave him his ticket. As we the driver and me were in a rush to go back to the depot as the run had eaten into our meal time I inadvertently did not punch 2 holes in the ticket. It was a

2 hour ticket that the man bought and I needed to punch 2 holes one for the date the other for the time. As it happens the man concerned complained to tramway management that the conductor had not punched his ticket.

30. The manager Mr [REDACTED] [REDACTED] informed me of this complained and of course told me off in no uncertain terms. This happened be on the Friday.

31. However this incident gave Mr [REDACTED] [REDACTED] a great opportunity to have me sacked. As it is and was an essential element of my job that I punch 2 holes in every ticket I sold. And he pounced. He grabbed the opportunity with both hands.

32. On the Sunday of the same week I was again on shift for the special Zoo tram as there was the coming of the Pandas in Melbourne. He arranged with a member of his staff known as revenue clerk handed me a ticket outfit without the punch . The aim being that I would fail to punch tickets on the tram and as a consequence this being a dereliction of duty a fundamental duty which would give Mr [REDACTED] [REDACTED] ample justification to have me sacked.

33. There is ample evidence that Mr [REDACTED] [REDACTED] did this acting in concert with his revenue clerk not to put in the punch in my conductor's bag on purpose. Because the revenue clerk kept asking me as whether I wanted the ticket punch several times. I was never asked such a question during the 9.4

years working as a tram conductor. As it was automatically taken for granted that the ticket punch is part and parcel of the conductors ticket bag. Part of the conductors outfit and therefore no need to ask a conductor whether he wants the ticket punch to be deposited in his or her bag. But on the Sunday the revenue clerk kept on asking me as whether I wanted a ticket punch in my bag .it was a repeated question of his questioning.

34. Thus when I boarded the Special Zoo Tram on that fateful day on April 10th 1988 expecting to have a ticket punch contained in my conductors bag there was no punch.

35. this was catastrophic to me .On the Friday Mr [REDACTED] [REDACTED] had told me off about not punching a ticket and here I was with a bag full of tickets with no ticket punch. Mr [REDACTED] [REDACTED] had got me . He had been unable to do so or find fault in my duties as a tram conductor . By this time however he had finally got me.

36. As we proceeded towards the Elizabeth Street Terminus the driver of the tram at the terminus got off to have a coffee or buy a coffee. We were already late but no the driver stopped and had a coffee instead of proceeding towards Royal park station as we were instructed to do.

37. In the meantime I tried to ring the tramway authorities at what was then known as Radio Control to inform them of this that I had no punch and therefore could not punch the tickets. There was a tramways telephone box at the Elizabeth street terminus of which I had the key. I thought that by informing the radio control I would be on safe ground as I could explain to them as to why I could not punch tickets as per the requirements of the Job.

38. But alas . The Phone did not work. You can therefore imagine how gaga I was . Yes Mr ██████████ had really got me this time.

39. In any case we then proceeded along towards our destination. The tram by then was fully packed it had over 100 people on it .All going to see the pandas.

40. Sure enough A passenger on the tram politely asked me for a ticket. I stated to him that I couldn't do that now. Because I had no ticket punch in my conductors outfit. He suggested that I put a pencil mark instead .one for the date .the other for the time. As previously explained I needed to punch 2 holes in that ticket. Me and the passenger were politely talking with each other .When suddenly an elderly British lady who happened to hear my conversation with the polite passenger the fact that I could not punch tickets turned round and send me in no uncertain times in a very heavy British accent Then What are you Doing here?

41. Well I could say I am working my guts out to help passengers such as yourself .Giving up my Sundays to work hard providing an important and essential service to the public.The Tramway work at the time was very low pay and very long hours. I was really performing a community service to the public rather than having a Job. That benefited me in any way. Long hours threats low pay inept and racist management. I was community minded and wanted to be involved in the community assisting the community hence my willingness to work as a tram conductor. There was very little in it for me.

42. Besides what are you doing here? The British stole the land we are standing on . Took all the Gold out of Ballarat Victoria back to England hence the ballarat railway line was constructed for the express purpose of taking back the Gold from the Colonies back to England. So one could also ask what are the British doing here.? They are still here. The Queen is still the head of State of Australia. Such remarks would convince anyone that the time for an Australian republic is well overdue.

43. The Statement then what are you doing here has strong overtones of racism colonialism meanness .It is malicious and intended to arouse anger and retaliation.

44. By this time the other passengers on the tram seemed to have gained the impression that I was harassing an old lady. They intervened .This was not

the case however. I no time did I swear at the lady or unlawfully assaulted her. I certainly could not have unlawfully assaulted her physically as I had both hands in the conductors bag with my hands on the tickets. Yes both hands were firmly planted in my conductors bag.

45. As for being in fear of me .How could this be? I made no threats to her nor did I swear at her. I say to you categorically that I did not assault [REDACTED] [REDACTED] on the special zoo tram on april 10 1988. In fact the Tramway panel comprised of 3 senior members of the tramways staff who deal with tram incidents everyday of their working lives highly experienced people categorically stated that I DDID NOT ASSAULT ANYONE ON SPECIAL ZOO TRAM .

46.It was their categorical view and they have written notes on it .If you care to inspect the tramways archives.

47. Moving on .After a few trips up and down to the Zoo. On the final trip when I arrived at the zoo I noticed a police divisional wagon at the terminus at royal park zoo.Obviously the tramway authorities had called the police. That is Victoria police.

48. However as it later eventuated this was not the case . The Victoria police members were patrolling the surrounding area at the time and they had been flagged down by tram inspectors [REDACTED] and [REDACTED]

49. [REDACTED] was in fact a senior rank inspector known as a [REDACTED] [REDACTED]. In tramway parlance A DI. A few weeks before this incident I noticed [REDACTED] raise his arm and say 'sack them all' in reference to sacking all conductors. As the talk at the time was that the Government intended to sack or retrench all conductors. My incident provided [REDACTED] with a Golden opportunity to effect his wish to sack conductors. The Government's aim was to show that conductors were not good .Were lazy did not collect fares and in general were not performing well in their overall duties. These contentions were being used by the Government to justify as to why they wanted to get rid of conductors. Enter [REDACTED] he wanted to show to the Government or the state of Victoria that he was assisting the Government in getting rid of conductors . As per the wishes of the government. In the end he got wish of 'sack them all'. Because when the Kennett Government privatized the tram and rail network. They actually sacked almost all of the tramway inspectors. Which meant that [REDACTED] was sacked. As per is wish to 'sack them all' his wish for the tram conductors.

50. In fact initially at first the inspectors had contacted members of the TRANSIT PATROL whom were I believe in the employ of my then employer the Metropolitan Transit Authority. However the focus of the transit patrol was mainly in patrolling the Train network and not the tramway network.

51. I was aware of the transit patrol in the sense that I knew they were employees of the Railways. Little did I know at the time that these people who were in the employ of the railways had the same power as the Victoria police. In the sense that they could arrest you and question in similar fashion as members of the Victoria police.

52, In retrospect I found this to be quite concerning . because the State of Victoria should not have 2 police forces in tow. There should only be one organization excercising the coercive powers of the state.

53. In fact this was eventually the view of the state government . As when the incoming liberal Government came in they abolished these railway investigator officers as their official title was then known..

54. When the tram stopped at the Terminus a single member of the Victoria police stepped on the tram. At that point DI Inspector [REDACTED] had been told by some passengers that I had a baton in my possession and that I had hidden the baton in the Tram Driveer's cabin. Upon entering DI inspector

████████ rushed or run to the cabin retrieved the baton and handed it to the Victorian policeman. In the meantime I tried to escape I was caught by the Victorian policeman who again asked me to accompany him to the police station. I agreed to do that. I said OK.

55. Of course DI ██████████ could have acted differently .he could clearly see that I was mentally unwell at the time. He could have simply put me in his car and taken me back to the Depot and asked me to go home.Or even driven home in his tramway car himself back to my home address.

56. To any objective observer one could see that I was not well. A little compassion at the time would have gone a long way. I know I was wrong in carrying the baton. But I did not assault ██████████ ██████████

57. And as I outlined above Mr ██████████ ██████████ had deliberately removed the ticket punch in concert with his revenue clerk so that he could sack me.

58. He created the very circumstances and the context within which the incident occurred.

59. I say this to Mr ██████████ ██████████ if at the time when the three ladies complained about being issued the wrong ticket and my rather little abrupt encounter with those three ladies warranted the sack or my dismissal from

the tramways. He should have sacked me then and there by making an adverse report about me to tramways head office.

60 .although not an excuse the three ladies were rude themselves .they jumped out of their seats like a bat out of hell . As if to say HA HA we got you. We caught you out. You made a mistake.

61. It was not fair for Mr [REDACTED] [REDACTED] to keep me there at the tramways and effect a regime of close surveillance and harassment so as to find something or some justification to sack me. Its almost a type of unlawful imprisonment to keep me there .If he didn't want me then he should have sacked me.

62. I was summoned to the tramway panel in the city and interviewed by 3 senior members of the tramways.

63. They concluded that all three of them that I DID NOT ASSAULT ANYONE on the tram. Definitely.However then they removed me from tram conducting duties offering a job in the foundry at Preston Tramways workshop.

64. When I asked the Secretary of the Tramways union then known as the Australian Tramways omnibus and employees association .Then Secretary of the Tramways union point blank refused. Citing the fact that I was mentally ill. And therefore I should be let go off as soon as possible.

65. Surely a union to whom I had paid thousands of dollars to one would expect would look after its mentally ill members. In particular the Tramways panel stated that I WAS SUFFERING FROM MENTAL DEPRESSION.

66. In fact that was true. I was suffering from mental depression.

67. As advised by then secretary of the [REDACTED] [REDACTED] [REDACTED] I received a summons to attend court on 3 charges . One related to the unlawful assault of a [REDACTED] [REDACTED] . An elderly British lady who was trying to show British superiority over a non anglo Australian. Presumably she thought she was still in her British Colony.

68 Which in part Australia is partly a british colony.

69 Enter the magistrate on February 8 or 9 February 1989. Here all compassion all relevant factors and the surrounding circumstances of the case were thrown out.

70 I incurred a massive fine of a total of \$800 and a criminal conviction to boot.

71. Seldom are offenders given the maximum penalty for offences .And yet here I was I received the maximum penalty. She fined \$800 which was the maximum penalty prescribed by law for all the charges. And convicted me and gave me a criminal record. Out of the three charges I was in effect only

guilty of one charge . Carrying a baton. The rest I was not guilty of. I certainly was not guilty of unlawfully assaulting [REDACTED] [REDACTED] Senior management of the tramways 3 of them stated so after conducting a thorough investigation of the incident. These 3 senior managers are extremely experienced in all matters relating to any incidents on the tramways. They deal with such matters everyday of their working lives. This material and their conclusions as to what happened during the incident should have been provided as evidence to the magistrate. But they were not. Clearly the Victorian justice system works only with Black Letter Law. It does not consider the context and relevant circumstances of each individual case. But applies black letter law blindly. Also the courts have little concept of how Mental illness affects offending. They have little idea of mental illness. And take no notice of how such can affect the circumstances of the offending.

The key circumstance being here that Mr [REDACTED] [REDACTED] deliberately removed the ticket punch from my conductors bag. Also the three senior managers of the Tramways who investigated the case and had the FULL BRIEF of the police case at their disposal stated that not only did I NOT ASSAULT ANYONE but also that I was suffering from "MENTAL DEPRESSION". Which was correct 100 per cent. Remember as I stated above that I had received three serious threats to kill during my time working as a tram conductor in Melbourne.

72. When I Told my lawyer of Slater and Gordon ██████████ ██████████ of Slater and Gordon a senior and experienced lawyer who represented me in the case and now also President Of the Bulldogs Footscray Football Club that the penalty handed to me by the magistrate was a little harsh. He jumped from his chair and said Harsh? It was more than that. It was VERY HARSH'. When a senior and experienced lawyer whose main brief is to serve the Court in terms of his 1st responsibility .Then it is certainly time to take Notice. Because I think he was right. It is not only me who believes that the penalty was harsh. Many members of the Public has also commented that the Penalty was harsh. In fact a senior officer of the then Commonwealth employment service also commented that to him the charges appeared to be wishy washy.

73. I have had a look at the Brief Biography of the magistrate who convicted me and clearly this is a person who was born into privilege. Say no more.

74. I now begin to sum up.The Victorian Justice failed me and was found wanting and quite inefficient at dealing with persons who at the time suffered from some form of mental illness. The union tramways failed me ██████████ its secretary ██████████ who said I was mentally Ill and therefore because of that he would not help me. I was charged by the TRANSIT PATROL an obscure and unknown entity to me whom I thought were concerned with investigating Railway offences but as it turned out had the same powers of

the Victorian Police. This entity was subsequently abolished by Allan Brown the minister for transport in the Kennett Government . There are strong constitutional issues to consider here. Did we at the time have 2 police forces in Victoria? It seems so in retrospect. I was removed from the tram and taken to the Flinders Street Station offices of the Transit Patrol. I was interviewed as if I was at a police station. This was a clear breach of the Federal Award of the Tramway employees. That award stated that my employment started and ended at the Tramway Depot that I was assigned to. Which in my case was the Essendon Tramways Depot at MT Alexander Road ASCOT VALE. Not at the offices of the Railways at Flinders street station. Finally I was discriminated against by [REDACTED] the Tram Inspector. [REDACTED] could clearly see that I was not feeling well that day. He could have packed me in the tramways car and taken me home. Instead he pursued a course of his own so as to show to the Government that he was helping them remove conductors. I was discriminated against by my union the [REDACTED] . Surely unions should help ALL employees .Particularly those employees who have or are suffering from Mental illness. Unions take note . You failed in your duty to protect me and or assist me.

75. I had the Ticket Punch deliberately removed by The Manager [REDACTED]

[REDACTED]

76. At this point it is time to close this submission. However it is also an opportune time to mention some other incidents that made me mentally depressed. Or suffering mental depression.

77. There was a revenue clerk of [REDACTED] Background. At one point My conductor BOX was broken . This was a Plastic BOX which contained all of my tickets and yes ticket Punch. This revenue clerk of German descent claimed that I had deliberately Broken my Conductors Box due to my mental illness or perceived mental illness. However this was not the case. The Box had been broken accidentally . I had not broken it deliberately. But this revenue clerk kept haranguing me about it constantly citing the fact that in his view I was suffering from Mental illness. After having left the trams I bumped into him in William Street in the city. He again made fun of me because of my mental illness or his perception of me as being mentally ill.

78. Then was the tram driver his surname starts with [REDACTED] and finishes with [REDACTED] he put his hands around my throat trying to choke me.

79 End result of all the above suffered from mental depression . Fined convicted and given a criminal record. For something I did not do. Which is unlawfully assault [REDACTED] [REDACTED]

80. Finally let me thank you for giving me the opportunity to put forth my narrative with the tramways. I hold the Commissioners in very high regard and have every confidence in them that they will perform in the best interests of all parties.

81. It is this confidence which has impelled me to give my narrative and my time at the tramways to the commissioners.

My name is [REDACTED]

My email is [REDACTED]

Once again thank you.