

Violent Restraining Order against Margaret Teresa Cunniffe

In a hearing on 9 October 2009 which MTC did not attend a restraining order was granted against MTC in favour of Steve Vermeulen ("WSV").

In his evidence WSV explained that he had given MTC a key to the house to work from home as she needed a place to work from. WSV gave her a key so she could come and go however one day he came home and found she had moved into the house as she had been evicted from her sister house. He felt sorry for her and told her she could stay until she got onto her feet. He stated that MTC collapsed and passed out at least once or twice a week and after sobering up would accuse WSV of assaulting her and would threaten to get a restraining order out against him.

It is obvious throughout the reading of the transcript that WSV is frightened. He tells the Judge that he had fled the house out of fear as had the boarder Sujin.

He describes the rages MTC would go into, she would demand that "he get out of her house" despite the fact he was the one paying the rent. He said MTC did not pay a cent to him.

While he was out, MTC grabbed the jackhammer that WSV had in his shed and jackhammered his bedroom door open. The boarder who was in the house witnessed this and was terrified. WSV also stated that his business was sabotaged by MTC.

The judge made the restraining order, and stated that he would give permission for MTC to attend the property for the reason of removing her personal property and that police had to be in attendance for this.

WSV had text messages and a witness who would testify, if required, the judge did not need this.

This contradicts what MTC wrote in her report for ITSA where she made out to be the victim and WSV to be the one in the wrong.

This statement was signed in 2010. The first hearing occurred in 2009. It was in the 2009 hearing that she was given permission to get her personal possessions at that point. There is no reason why her personal property would still be at WSV house in April 2010 as she had 5 months from the order being given until her appeal in which to organise with the police to get her property.

On the 9th March 2010, MTC emailed Lucy Terracall of Clayton Utz to ask for a lawyer to request an adjournment for her VRO. Clayton Utz was one of Rhodium Australia's lawyers.

She tells Lucy that she needs to get a VRO on him as the one he had taken out on her was vindictive and full of lies.

MTC then goes on to give her websites www.aboutmargaret.com which describes her charity work and www.wibforum.com is her forum. MTC goes on to explain how the VRO is damaging to her charity work in particular her domestic violence ones and that her friends, family and colleagues were all outraged. JMC was not at all surprised as she had seen how MTC was when she was drunk and did not trust MTC at all.

In the hearing on 11 March 2010 MTC had a lawyer attend on her behalf. There had been a hearing on the 17th December 2009 the details as to what occurred during that hearing is sketchy.

The transcript of the 17th December

JDS attended the hearing in December 2009 with MTC. He recalls that MTC was pretty poor in court and at one point she was so bad that he made a comment from the back, to try and prompt her what to say, which JDS had to apologise for.

During the hearing on 11th March 2010 the lawyer attended to ask that the matter be adjourned due to the fact the MTC was in Melbourne and was too ill to fly back to Perth to attend in person.

WSV tells the judge that MTC is always ill at opportune times and it was expected. The judge asks him if it had happened before and WSV mentions that although it had not happened in his own personal dealings however he had seen MTC fend off her creditors using this method. WSV goes on to say that he would be happy for the VRO to be removed however he was fearful that if it was dropped that MTC would start suing him.

WSV had with him his witnesses who had missed exams in order to attend court.

Further on in the hearing WSV tells the judge that an associate of MTC had been harassing him and his witnesses and advises the judge that the associate had taken separate action against him.

The judge makes the order final. JDS ordered the transcript, however he did not know that she would lie to him about the contents of the transcripts.

MTC wrote an AD to support setting aside the VRO

MAGISTRATES COURT OF
WESTERN AUSTRALIA
HELD AT JOONDALUP

No. JO 1057 of 2009

BETWEEN

WALTER STEVEN VERMEULLEN

and

MARGARETT CUNNIFFE

AFFIDAVIT OF MARGARETT CUNNIFFE SWORN IN SUPPORT OF APPLICATION TO SET ASIDE
DECISION OF MAGISTRATES COURT ON 11 MARCH, 2010
SWORN THE DAY OF 2010

3. I met Steven Vermeullen, the Complainant ("the Complainant) in May 2009. I run a business ("the business") called Synergise which undertakes fundraising for charities. Part of the work I perform involves attending Corporate, Council, and private business functions and Cultural events. I met the Complainant at one such function.

MTC states she finished with SYN in 2009 in an AD filed in the Perth Magistrates court and according to her linkedin page, however, here in 2010 she admits to running a business called SYN where she purports to raise money for various charities. There is never any mention of what money has been raised for charity.

6. On the 4th June 2009 the Complainant suggested that I move into (178 Twickenham Drive , I agreed; at the time I was still boarding with my sister and I thought moving to 178 Twickenham Drive would be a more suitable arrangement. I discussed the matter with the Complainant and we agreed that I could set up my business equipment in the houses front room so that I could run the business from the house. We also agreed that I would contribute to the household shores, expenses and the rent. My share of the rent was \$175.00 per week.
7. Accordingly, I collected some of my personal belongings and business items and moved into 178 Twickenham Drive a few days later. On arrival I moved into a bedroom at the rear of the house. The Complainant had the master bedroom. These sleeping arrangements did not change during the time I was at 178 Twickenham Drive. I installed a computer, desk and printer was and that set up my business computer a work desk and a filing cabinet in the front room so that I could run the business.
8. Once I established myself I began to run the business from 178 Twickenham Road. I remained at the house most of the day, working and doing domestic chores. The Complainant worked full time in Malaga and returned home in the evening.
9. The Complainant and I was not the only people who lived at 178 Twickenham Drive during the time I lived there. Also present was a lodger named Kristine ("Kristine") who was present when I arrived and left a few weeks later, two backpackers ,who lived in the house for a few weeks in June 2009, and a Korean student named Ju Jin, who arrived shortly after Kristine left. I considered myself a lodger like Kristine: my relationship with the Complainant was a social one only.

WSV admitted in court that the relationship between himself and MTC had begun as a social one and had become a romantic one. MTC is denying this is the case in her AD. In section 7 it is stated that MTC moved some of her personal belongings into the house. She does not advise when the rest of the stuff was moved in. She goes to great pains to explain that the sleeping arrangements do not change. On the face of it she had 5 items in the house that she had admitting to moving in and admits to moving in some personal items.

Another thing that is interesting is that paragraph 6, she refers to having to pay rent of \$175 and in paragraph 9 she writes she refers to herself as a boarder. There is a difference between paying rent and paying board, paying rent implies greater responsibility within the house, and a boarder is just someone who uses a room.

10. In or about October 2009 I was contacted by the estate agent who managed the house. He informed me that the Complainant was in arrears in his rent and I default notice would be issuing shortly. He asked if I wanted to assume the lease in place of the Complainant, however, I was not particularly interested. Over the next few weeks the agent contacted me on a number of occasions, informing me that there would be a default notice issuing shortly and asking me if I would like to take over the lease from the Complainant. He also told me that the Complainant would be soon be vacating 178 Twickenham drive.
11. A few weeks later the agent issued a default notice which was sent to the house. A few days after it was received I returned to 178 Twickenham drive and found that the Complainant was not home. He had removed his computer and some of his personal belongings. I did not see the Complainant again until about 5 or 6 days later, when he returned to collect some of his belongings. He arrived in his car, removed a few items and left without speaking to me.

The first question that arises reading this section is why does the real estate agent make contact with her? The lease was with WSV and the agent had no right to make contact with the people in his house. Likewise the agent had not right to communicate the financial difficultites between WSV and themselves unless MTC was in a relationship with Steve and that had been disclosed to the agent.

MTC had opportunity to remove her property from the house

12. Subsequent to this, and prior to the issue|of the VRO I saw the Complainant on one further occasion. I had been out and when I returned to 1178 Twickenham drive I found that the door to the room in which I stored some of my belongings was locked. I assumed that the door had accidentally become locked and I texted a message to the Complainant asking his advice. I received no response so I decided to open the door myself. I found a hammer and hit the door handle a number of times, freeing the lock.

In Court, WSV stated that he had locked his bedroom door and that MTC had broken the lock. MTC admits to breaking open the door. MTC admits she had belongings in this room. The phrase some implies that not all of her belongings were in that room. The 5 items already

admitted formed part of her office area. If there were 2 backpackers, Kristine, Jui Jui, Margaret and Steve that would require a 5/6 bedroom house for each of them to have their own room. It makes the most sense that MTC and WSV were sharing the master bedroom. That would explain her anger at the door being locked. Or it means that they were not sharing the bedroom and Steve locked his stuff for protection so she broke in and stole the items that were not hers.

15. I attended the mention hearing and informed the Court that I intended to defend the matter. Neither I nor the Complainant was not represented by a solicitor. The Magistrate suggested that the matter could be resolved by the parties entering into a written agreement. One was prepared and I signed it, however, the Complainant refused to sign unless he was paid his "costs". The matter was adjourned to the 12th March 2010.

This paragraph made no sense, as she says

"Neither I nor the complainant was not represented by a solicitor."

MTCs writing style is not the best and makes the reader confused. There are many more examples of this.

20. I was informed later that day that the adjournment had not been granted. I subsequently received Dr Stewart's report, which is dated 11 March 2010. annexed hereto and marked with the latter "A" is a copy of that report
21. I respectfully request this Honourable Court to allow me to defend the VRO. I believe that I have a good defence to the allegations made against me. I have not behaved in a violent or intimidating manner towards the Complainant, nor have I been abuse towards him. I do not want to have a VRO against me as the nature of my business requires that I maintain a wholesome, honourable and trustworthy image and I am gravely concerned that the VRO if allowed to remain will severely detract from these

This is all about image.

Not once in the AD had MTC shown any reason why the VRO should be listed. Just merely saying that someone has a good defence does not mean that they have one. The entire AD is about her image. As she admits that it is all about maintaining a certain image so she can keep up appearances at her functions.

How pathetic.

Joanne Cochrane