

Statement of Gary Smith

I, Gary Smith, of 47 Wensleydale Avenue, Greenacre, aged 41, unemployed, state:

1. Elizabeth Smith ("Elizabeth") and I have been married for 4 years.
2. Elizabeth and I have an eighteen-month old daughter, named Dakota Smith.
3. Elizabeth and I resided at 12/100 Victoria Road, Double Bay until recently, when I moved out.
4. From 1 January 2010 until 2 August 2010, I was employed as a Sales Manager for Coles New World Supermarkets ("Coles").
5. In August 2010 I was made redundant. I have not been able to find any work since my employment with Coles finished.
6. On 3 November 2010, Elizabeth and I were at home. Our daughter was sleeping in her room. Elizabeth and I were discussing our current financial position and how we were spending more money than we were making.
7. Elizabeth and I had a conversation in words to the effect of:

I said: "You have got to stop spending so much money. We can't afford to live like this anymore."

She said: "Why shouldn't I spend it? I earn it. You don't make any money. I make it all, so I should get to spend it all."

I said: "That's unfair. You know I can't find any work."

She said, "That's because you're lazy and never get off your bum and go out to look for jobs."

8. At this stage Elizabeth picked up a newspaper and pushed it into my face, shouting words to the effect of, "Look at all these jobs you could be applying for. The problem is that you are just too picky, you lazy pig."
9. I soon left our home and drove to my brother's house in Greenacre.
10. The next day I returned home at 10.00am in the morning and packed a bag. I picked up our laptop as well, and ran out of the house as quickly as I could.
11. The day after, I received a text message from Elizabeth. It said words to the effect, "You took the laptop and I want it back. I want you to courier it back to me. Don't bring it yourself. If you come back here you'll regret it." I deleted the message.
12. Elizabeth and I have argued a lot in the past and she is often yelling at me and putting me down. I have never hurt her.
13. Since moving out I haven't seen my daughter. I want to be able to see my daughter but I can't because she is named on the AVO.
14. I don't know if Elizabeth and I will reconcile in the future or if we will be getting a divorce.

This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.

Signed: *G. Smith*

Witnessed: *B. Kolik*

Dated: 17 December 2010

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