



Royal Commission
into Family Violence

Witness statement of Lyndal Ryan

I, Lyndal Ryan,¹ say as follows:

1. I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.

Introduction

2. I am 42 years old and have a Masters degree. I have spent most of my career with the Federal Government in Canberra but now live in Melbourne.
3. I have lived in very high-risk countries and experienced situations there where I was fearful for my safety. Nothing prepared me, however, for the fear of domestic violence. It's entirely different being frightened of someone you love, yet who is so unpredictable; someone who knows where you live, what your patterns are, what your vulnerabilities are; someone who knows how to manipulate you; and someone who is specifically targeting you.

Background

4. I have two children to my first husband, and met my violent ex-partner ('X') a year later. After a year with X we had a child together. During the pregnancy in 2012 I experienced escalating controlling, abusive and bullying behaviour, particularly towards my children (who were 8 and 5 at the time). For example, he would threaten to beat my son, deliberately run over the children's toys with his car and throw their belongings in the bin. My son in particular was terrified of X and would walk around the house with his head down avoiding any eye contact so he would not get into trouble.
5. Our home became a place of fear and intimidation. As I became desensitised to his behaviour throughout 2012 and 2013—and he convinced me what he was doing was OK—I became confused about my parenting and judgement of values and safety. As a result of his anti-social behaviour, I became increasingly socially isolated, which further removed me from benchmarks of acceptable behaviour.

Application for intervention order

6. In 2013 as part of their wellbeing curriculum at school, my children were asked how they resolved conflict at home. My son disclosed what was happening at home, and the Deputy Principal, who was also the student wellbeing coordinator, contacted me.
7. The way the school dealt with the situation was excellent. They didn't undermine me or make me feel like a bad parent. At that stage, I didn't realise what was happening to us was domestic violence. I needed someone else to say that what X was doing was not OK.

¹ The name and other details of the witness (and others) referred to in this statement have been changed to protect her identity and to comply with the Royal Commission into Family Violence Restricted Publication Order dated 23 July 2015.

8. The school suggested that Child First become involved. X refused to engage with Child First, and when I provided them with a detailed list of things X had done, they organised a consultation meeting with a representative from Child Protection and a second meeting with a representative from the NGO Safe Futures and a police member from the local domestic violence unit.
9. When the police heard about the kinds of behaviour X had engaged in, I was told that on a scale of one to 10, what we were experiencing was eight out of 10. I was advised that the nature of the abuse required an intervention order (IVO) and either I would need to take that out, or the police would. I applied for the IVO in January 2014 listing the three children as protected people, which was granted for a year.
10. I didn't list myself as a protected person on the IVO application form because I thought that if I controlled the IVO process I could at least help X and keep him from getting more angry.
11. I have since learnt that we cannot help perpetrators of violence—as Rosie Batty clearly said when Luke died. Back then I believed I could, but when it became apparent I couldn't after two months of a dramatic escalation in threatening and abusive behaviour, the police subsequently took out a second IVO in March 2014 for one year listing me as a protected person.
12. Safe Futures were invaluable in providing me with advice, linking me with resources, and supporting me in person—particularly in navigating the court system, which was so daunting. They paid to have the locks changed on my house and installed switch lights. In addition, my mother flew over from London to live with me for four months because I was too frightened to live on my own in the house; and when she left I often had friends spend the night. This support, along with that of a psychologist, are what I attribute to me making it through the most terrifying and confusing year of my life.

X's conduct after the first IVO

13. Over the next nine months from the start of the IVO (January–September 2014), I supported X to attend a behaviour change program, which he commenced in February 2014 (but dropped out of) and organised ongoing visitation in public places with our daughter. I did this because I was advised by a private family lawyer that X would be granted access to her anyway through the Family Court. At this stage, I understood that X had a 'right' to see our daughter and didn't feel in a position to refuse access. I wrote a Parenting Plan with legal advice that set up the framework for these visits.
14. X's behaviour escalated and increasingly targeted me. He was incredibly abusive, would come to the house regularly in breach of the IVO and destroy property, he managed to fiddle the locks and enter the house, he turned the power off one night while I was inside, he smashed a window trying to break into the house, he would follow me around in his car trying to run me off the road—and indeed tried forcing me into his car on one occasion, he took our daughter from daycare also in breach of the IVO and Parenting Plan, and used his visitation access with her as opportunities to abuse me in front of her, often ignoring her entirely.
15. He would email me constantly and would phone me incessantly, sometimes using different numbers so I wouldn't recognise it was him. There were numerous terrifying incidents—and our daughter was present during almost all of them. X timed his visits to the house (in breach of the IVO) when my older children were with their father, so I was somehow able to protect them from what was occurring and maintain a level of normalcy for them.

16. During this time I largely locked myself in my home, too afraid to walk down my local street, go to my local shops, sit outside in my garden, or drive normal routes to and from school pickups. I was frightened to go to sleep, or even have a shower. I would drive around the block before going home, looking for his parked car or signs that he was at or near the house. At one point I lived out of my car, staying with friends that would have us because I was too frightened to return home. And when I did return home, I arranged for a friend to stay. I felt like a 'sitting duck' just waiting for him to come, helpless—with my only course of action to call 000 if X came. It was terrifying and my anxiety was severe, I slept with one hand on my mobile phone and one on the home phone. But yet I only reported a small fraction of these breaches because I was frightened of the repercussions from him and Child Protection. X was charged with some of the breaches, and served two weeks in prison in April 2014. Child Protection contacted me twice during this period, but did not open a case file as I was able to demonstrate I was acting protectively of my children. X started a second behaviour change program at my insistence following his release from prison.
17. As X continued to breach the IVO following his release from prison, I was advised I may need to relocate to a refuge. But this was a last resort for me as the upheaval would be dire with the three children, and I was fearful my ex-husband would seek full custody of my two eldest children. Staying safe in my own home was my priority.
18. During the most serious incident in September 2014, X tried to smash his way into the house. As I ran for the phone to call 000 he went to the front of the house and cut the phone line. Thankfully my mobile was charged and I managed to get to my mobile phone and dial 000. As I went through the (lengthy) questioning in this horrific ordeal, X attempted to climb in, cutting himself severely in the process. Glass was flying everywhere. I kept begging 000 to 'please just send the police' instead of questioning me—which I do understand is required, but when you feel you are about to be murdered, seems superfluous. Eventually X cut himself so badly he fled. The police arrived 10 minutes later. X was on the run for a week and eventually handed himself in to police. He served a second prison sentence of five weeks with a two month suspended sentence.
19. I was advised by X's behaviour change program that, during this incident, I was in a position where I could have been killed. They advised me that X was not out of control, but was choosing to behave in a violent and controlling way with no regard for his impact on us, and that I should cut all contact with X. I found the ongoing contact with X's behaviour change program facilitators invaluable. He helped me realize that X wasn't going to change and that I could, and should, stop all contact with X immediately, including stopping him from seeing our daughter.
20. I was contacted again by Child Protection who agreed that I should not allow X to see our daughter and that he would have to apply for court orders to arrange access. For the first time I felt I was in a position where I would be fully supported to draw a line with him—where I could keep my children and not allow him to see our daughter (and thus me). It was only with this complete cessation of all contact that I felt safer to report all breaches of the IVO. I wrote a letter to X while he was in prison in October 2014 advising him that I would no longer allow him to see our daughter and that I would now report every breach of the IVO.
21. At this time Safe Futures included me in a trial program of the SafeTCard. I made sure (via a friend) X knew I had the card and that he would be recorded if I pressed the alert button during a breach, and thus would not be able to counter my testimony. After receiving the card, and following his release from prison, X did not physically breach the IVO, although he continued to send me text messages, emails, and

attempted to call me from unknown numbers. The card gave me increasing confidence to go out again, to feel safe in my own home, and indeed to sleep again at night.

22. Using the alert button on the SafeTCard can be done subtly so as not to alert and inflame the perpetrator, as well as circumventing the lengthy questioning required of the 000 process. These were significant issues the night X broke in to my house. While I do see benefits of a GPS ankle bracelet for the perpetrator, the SafeTCard provided me with an essential sense of safety and immediate (and discrete) access to help.
23. In January this year the children's IVO was extended by the police for another year, and I applied for mine to be extended in March, which it was, indefinitely. I plan to apply for an indefinite extension to the children's IVO in January 2016 as well. X has now been charged with the email, phone, and text message breaches to the IVO and will go to court in September 2015. I hope X will not be granted access to his daughter should he apply, as she will not be safe with him physically or psychologically, and he will use her to get access to me.
24. In May this year I was interviewed by SBS and ABC on my experience. As I wrapped up the ABC interview detailing the incidents, a parcel of presents arrived from X along with a letter begging me to reconsider our relationship and the IVO. It perfectly illustrated the emotional and psychological complexity of domestic violence and how perpetrators are able to keep convincing their partners to forgive them and give them another chance. Without full system support and a complete feeling of safety, it is an incredibly difficult situation to extract oneself from.
25. I have since learnt X has a long history of family violence. X fits perfectly with the description of a sociopath; and thankfully the early intervention alerted me to the pattern of escalation that inevitably ensued.
26. I gave back my SafeTCard in January 2015 after I heard that X had left the country. I have since got it back because I learnt that X never left the country, and am feeling frightened again knowing he has been charged for further breaches of the IVO and may act violently in desperation prior to his court hearing in September.

Reporting breaches of the intervention order

27. I am often asked why I did not report all of X's breaches of the IVO. I probably only reported about 10 of over 50 breaches. On occasions other people reported his breaches. The reasons I didn't were because:
 - 27.1. I had to see him in order to arrange for him to see our daughter (which a family lawyer had told me he would have rights to do under family law). If I reported all his breaches I was fearful of antagonising him further and placing me and our daughter at increased risk.
 - 27.2. I felt sorry for him—during the remorseful phases of domestic violence his pleas of love and desire for personal change were compelling.
 - 27.3. The police had on occasions told X it was me that reported him, which I felt compromised my safety.
 - 27.4. I was frightened that if Child Protection knew how frequently X was breaching the IVO they would determine I could not protect my children and I would lose custody. In my first meeting with Child Protection, they told me explicitly that

they were not interested in me or my circumstances, their only concern was whether my children were protected by me or not. This made me feel highly anxious.

- 27.5. X would often counter my breach reports with statements that I had agreed for him to be at the house.

What I felt ‘worked’ in my situation

28. The things that I felt worked for me were:
- 28.1. Early intervention by the school and domestic violence unit of the police that informed yet didn’t undermine me.
- 28.2. Support from Safe Futures. I felt initially that I was on my own and that the only people completely on my side were Safe Futures. They supported me to manage the risk that X posed to me and my children. They understood the complexity of domestic violence and the complexity of my situation where I was trying desperately to keep X non-violent while protecting myself and my children at the same time. I felt judged by almost everyone else—the police, Child Protection, and even friends and family.
- 28.3. Engagement by the behaviour change program staff that worked with X. Both programs engaged with me regularly (and are in fact still in contact) and their insightful and informed advice was invaluable. As with Safe Futures, they genuinely understood the complex situation I was in.
- 28.4. The SafeTCARD intervention. This changed my life dramatically. I felt I had the confidence to go out again and it made me feel safer in my own home.
- 28.5. The close proximity of the police to my home. They were able to respond quickly and became familiar with me and my situation (and thus became less judgemental over time).
- 28.6. The dedicated domestic violence unit of the police and staff that I became familiar with. I particularly appreciated their ‘home visit’ on one occasion.
- 28.7. Courts taking IVOs increasingly seriously.

What I felt could be improved

29. The matters which I feel could be improved are:
- 29.1. Family law allowing access by the perpetrator to their children. This placed me at ongoing and severely increased risk, as well as risk to our daughter. I would say that this was the primary cause of my protracted experience with fear and violence. This is a rights vs responsibilities debate; but why does X have a right to see his daughter when he is such a threat to her and me, and takes no responsibility for his role as a safe father. She is not safe with him, either physically or psychologically due to his sociopathic character. He used access to her as an opportunity to get to me.
- 29.2. The role and approach of Child Protection. I felt they actually worked against me initially by demanding to know how I was protecting my children. I understand this is their role, but I was desperately doing everything I could to protect them, and I felt threatened I could lose them. If I had felt supported earlier on by Child Protection, I would have reported X’s breaches much more

readily. I welcomed the moment they told me I could stop X from seeing our daughter, and if he went to court I could subpoena their files showing their advice to cease contact. I wish I had received this support from Child Protection earlier.

- 29.3. Police awareness of how what they say or do may place the victim at increased risk. Our protection needs to be paramount and they need to be careful what they reveal to the perpetrator.
 - 29.4. There needs to be some consideration as to the type of incarceration. When X went to jail he rallied with his fellow inmates about how they were OK and the system worked against them; they justified themselves as the victims. X's prison sentences were too short to result in behaviour change, it did not deter him from breaching the IVO. Perhaps some sort of secure rehabilitation centre with compulsory behaviour change program and community service might be an alternative.
30. My experience of domestic violence is not the sort that has been making headlines. I may not have had black eyes, but I did experience domestic violence that left me terrified and at times fearful for my life. Also, X's controlling and abusive behaviour was not fuelled by alcohol or drugs. The words of the behaviour change staff ring through here—men perpetrate domestic violence a) because they choose to; and b) because they can.
 31. I do agree the roots of domestic violence lie in stereotypical attitudes towards women. We need to seriously address these issues, particularly how women are portrayed in our society. How are we raising our girls to value themselves, and how are we raising our boys to value girls? However, it is due to tertiary intervention that I am here today.

Accepted into evidence at the Royal Commission into Family Violence public hearing on
Thursday, 23 July 2015.