



Witness statement of Melissa Brown

I, Melissa Brown,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.

Background

2. I am a mother of two, living with a physical disability. I am a survivor of domestic violence.
3. For about 10 years I was abused by my husband, Henry. He was also my sole carer.
4. I met Henry through disability sports. He is also physically disabled. We married in 2007 and have one son together, now aged 11. I also have a son from my previous marriage who is now 17 years old.
5. Henry started abusing me not long after the birth of our son. The abuse was sexual in nature and continued for many years. I tried to seek support for Henry, but he refused to accept help. I confided in one friend during this period of time as to what was going on at home.
6. Henry's behaviour got increasingly worse over the years. I confided in my psychiatrist and other mental health care workers. I was being treated for anorexia nervosa, which I have suffered on and off since I was a teenager. It also worsened as Henry's abuse escalated. He didn't see that his behaviour contributed to it.
7. My situation was further complicated by the fact that Henry was also my carer. I use a wheelchair and I relied on Henry for physical and practical support. This put me in a difficult position. I was too afraid to be on my own. I didn't think I could look after myself and my children due to my physical disabilities. Also, like everyone else, I was living in hope that he would change. So there was the emotional side of an abusive relationship, along with of course the financial. And then you compound it with the physical disability.
8. The abuse ended about a year ago when Henry was finally charged for various assaults I had sustained. He pleaded guilty to all charges and is currently serving a gaol sentence.

Events leading up to charges

9. I made one of many suicide attempts to get out of the abusive situation I was in. I thought that was the only way out. The last suicide attempt was roughly 11 months ago. When I presented at the Hospital's Emergency Department, the staff asked me why. I told them that Henry had raped me four times in one week. They asked me

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 22 July 2015.

whether I wanted to go to a shelter, but I couldn't. I didn't want to leave my children. I returned home the next day.

10. The Emergency Department was the first one to report the abuse, finally. They reported it to the Child Protection Service.
11. I would have begged them not to say anything had I known as I would have been afraid of the repercussions. In hindsight I was relieved they didn't tell me they would report it.
12. No one asked me if I wanted it reported, I found out about it when a note was left in our letterbox asking that we contact Child Protection because when they first visited our house, we were not home.

Child Protection Services

13. Child Protection came back to our house and spoke to Henry and I. They spoke to us together in the same room. They asked about the incidents that led to me telling the Emergency Department that he had raped me. They asked him bluntly. He was in such a huge amount of denial about what he was doing being a criminal offence. He was upfront with them. He said, yes, I have done that, and that he had done it before and would likely do it again. He said he had been violent, because he had to be. He tried to explain it as a couple arguing. I think Child Protection was very shocked. They were not expecting that.
14. Child Protection then talked with the children individually while they were at school. They asked about life at home. The children said they had seen Henry assault me on a couple of occasions, and that they had heard the arguing and that they were scared of him. That was a surprise to me. Even I was in denial about the impact it was having on the kids.
15. The second time they came to visit us at home, after they had spoken to the children, they again placed us in the same room together. That meeting lasted about two minutes. Henry lost his temper with them and left. It was scary. I had never seen him explode like that in front of other adults.
16. From there, Child Protection went to the Police.

Police involvement

17. When the Police became involved they firstly came and spoke to me one-on-one to discuss the options before they went any further, which I felt was good.
18. Henry and I were then called into the station together, by the Sexual Offences and Child Abuse Investigation Team (SOCIT). I was not expecting the outcome that happened that day. I did not see it coming.
19. They took Henry one way and asked me to come in the other direction. They asked me to make a statement but I wasn't ready. I was told that I would be going home on my own. They said he was being questioned in relation to what Child Protection had told them (the abuse and the rapes). They made sure I could get home safely by myself.
20. Henry was questioned. He confessed to everything because he believed it was what husbands do. He thought they would feel sorry for him. He fully believed all men did this but just didn't talk about it. He also blamed my mental health issues as an excuse for his behaviour. Not once did he realise his actions were contributing to the

deterioration of my mental health. When you are being raped every four weeks, constantly harassed every night, yelled at, hit, called all sorts of names, you end up with no self-esteem and no confidence as a person.

21. At that point I was told the Police were seeking a family violence intervention order against him because I was not capable of protecting myself. They said words to the effect that, 'If you won't do it, we will.' It was not what I wanted at the time, but in hindsight, I'm grateful. I wish someone had done it years ago when I first spoke about it. I wish someone had stepped in like that a long time ago.

Intervention order

22. I was required to attend the first court hearing for the order. I felt supported because my Police contact, who stayed my point of contact throughout the whole ordeal, was there but I was also very nervous and anxious about having to be in the same room as Henry. I didn't want to see him. The matter ended up being adjourned because Henry didn't turn up. An interim order was made at this time.
23. Henry continued to breach that order by contacting me via social media and through text messages from his parents' mobiles. I reported it to the Police and they then took proceedings against Henry for breach of the order.
24. Henry's justification was, 'She can't survive without me.' To be honest, I didn't think I could either. That's the nature of family violence. It took me a while to understand how much control he had over my emotions and my ability to cope on my own.
25. Henry pleaded guilty which was a huge relief for me because it meant that I didn't have to attend the hearing and see him. He received a \$400 fine and was required to undertake a 12 month behaviour change program for breaching the intervention order.
26. I refused to make a statement in the hope he would go to the behavioural change program and would change. I was hoping we could see it as a positive thing and that he would realise all the things I have been telling him all these years were true, and that his actions were wrong and had to stop. Finally, I thought someone else would back up what I had been telling him. All I ever wanted was for him to get help and to stop.
27. He was referred to the men's behavioural change program at Kildonan. He went twice. He was also asked to see a forensic psychologist.
28. The day he told Kildonan where to stick their program, he called me to abuse me, and that was the day I made a statement to the Police. A few days after the statement, he was arrested and charged and released on bail. It was a condition of his bail that he was not to make contact with me and yet he was still able to fight the intervention order and he had legal aid which supported him to continue to fight this losing battle.
29. I didn't hear from him for a couple of weeks until we had to go to the Children's Court because the Department of Human Services (DHS) sought a supervision order for the kids (which I discuss separately below).
30. After seeing him at the Children's Court Henry started making contact with me again through social media.

31. Eventually I contacted the Police to let them know he was breaching the order again, and his bail. He was arrested and remanded into custody and has been there ever since.
32. The Police took further breach proceedings for a persistent contravention of an intervention order. I again had to attend court for the hearing. The court was going to transfer him so he could attend but the hearing was again adjourned and because of this I didn't have to see him. After that, the Police told me not to come to the next hearing where his intervention order was ultimately extended by two years.

Children's Court

33. My eldest son and I had to attend the hearing for the supervision order. My youngest son was still under 10 so fortunately did not need to attend. We had to sit waiting in the same area as Henry and try not to look at him. It was very hard being in the same corridor waiting to be heard.
34. I didn't have a lawyer so Henry's lawyer spoke to me. I said I didn't want to hear what he had to say.
35. In the early stages, we attended a mediation as agreement couldn't be reached around supervision orders. DHS was there to represent themselves and Henry had his Legal Aid lawyer. No one was there to support me.
36. The support provided by the Salvation Army at the court was the only support I received.
37. When it went to a hearing, I was still required to turn up even though I was not contesting the orders. I wasn't allowed Legal Aid because of this. I was expected to sit at the same table as the lawyers and address the court. This was very intimidating for me.
38. Prior to hearing, I had to request that I did not see him on video link to the prison. I was assured by the court staff that my request would be granted, but it wasn't. I had to sit up the front with all the other lawyers and with Henry's image projected on the screen, all of which was very intimidating.
39. I wasn't given an opportunity to speak until close to the end of the hearing. When I finally did, I let the Judge know that I had requested he not be able to see me and had been assured of this. The Judge looked through the intervention order and apologised—he said he would take full responsibility for the mistake. Unfortunately at the Courts they can't keep you separate from the perpetrator.
40. Henry's lawyers were also very abrupt and very rude to me. They treated me as if I was an idiot. His Legal Aid lawyer said, 'Henry wants you to know he really loves you' and because I had been in hospital, referred to me being so used to being institutionalised. Henry wanted me to retract my statement. He even asked the kids that in his supervised access. I was dumbfounded. I was amazed at the ways in which 'no contact' can be broken. I told the Police.

County Court

41. By contrast, the County Court process was less stressful on me. Henry pleaded guilty so I didn't have to go through the trial.
42. I also received assistance from the witness assistance program. They helped me with a victim impact statement and sat with me through the hearings. They came to my

house and made sure my statement was what I wanted to say. I found this process helpful.

43. During the hearing, I was kept in a remote witness room so I wouldn't have to see Henry. They also had a covered camera so I couldn't be seen. When the defence team started to try to blame me for Henry's conduct the Judge quickly shut them down.
44. I also attended sentencing via remote access in 2015. I heard the Judge handing down the sentence. Henry received several years with no parole period, further time on community corrections and intense therapy with community service. The prison sentence doesn't justify what he did to me. He pleaded guilty because he wanted a lighter sentence. I was disappointed that the courts could take that into account in favour of a lighter sentence. He showed no signs of remorse.

Gaps and downfalls

Legal support for victims

45. Amazingly, through the whole process the justice system allowed Henry to fight the supervision order. He was allowed to contest the intervention order even though he was charged and on bail. He was also allowed to contest the supervision orders with DHS. They gave him supervised access after he made suicide threats. He didn't understand that you couldn't make threats about your own life, and then a few days later apologise. It showed a pattern of instability. One second he'd be angry, then when there were repercussions he'd be sorry. He was still allowed to contest supervised access, even though there was no chance of him winning. I felt it was crazy. I wasted so many hours in court. Lawyers' time, court resources, legal aid resources were all ridiculously wasted during these processes.
46. Victims also need to be represented in the court process. I had no legal representation whatsoever throughout all processes. The intervention order was made by the Police. In the criminal matter, I was represented by the Police. In the Children's Court there was no representation for me because I wasn't contesting what DHS was asking for.
47. Henry on the other hand was given Legal Aid to contest the different orders, including the family violence order and the child supervision order. That made things very hard for me. It meant that every small court date, I had to attend. It also meant I had to liaise directly with Henry's lawyers in person, not knowing what I was doing. I also had to liaise directly with the lawyers my children were given through Legal Aid.

Magistrates' and Children's Court

48. There was no formal support services at the court. Emotional support would have been better than nothing. Being able to access someone with some advocacy skills would have also assisted me.
49. Fathers, mothers and children should all be kept separate from each other. My oldest son had to attend court because he was over 10 years old. At the very least, he should have been in a separate area to his dad.
50. Videolink services should also be available for people like myself not just prisoners. I had to attend most court dates in person.
51. I found the victim assistance program in the County Court really helpful. I wish I had received the same sort of support in the other courts.

Disability assistance

52. When Henry was removed from the house it took eight weeks to get someone to come in and do something as basic as give me a shower. They removed my carer but didn't put anything in place to back that up. For eight weeks, all I wanted was for Henry to come home. I was struggling to look after my kids. If I didn't have my oldest son, it would have been a lot worse. But it's not my son's job to give me a shower. I didn't want him to do that.
53. When he was removed, they should have asked me what my physical needs were. The Disability and Family Violence fund through DHS took eight weeks to be initiated. It should have happened straight away.
54. When I first met with SOCIT I talked to them about my dependence on him and that he was effectively my carer and they reiterated he can't return to home. I wished the Police had made that referral back then.
55. Child Protection eventually made the referral after I kept complaining. I then received 12 weeks of funding.
56. It has taken 12 months but I now have a disability worker through DHS.

Mandatory reporting

57. For me, unfortunately, there was no mandatory reporting. Because I am not under the age of 18, sexual assaults did not have to be reported. My psychiatrist and other mental health workers I sought assistance from knew about the abuse, but they did not have to report it nor did they ask me if I wanted it reported. I was not in a state where I would have been ready to report it to the Police.
58. I think mandatory reporting, no matter the person's age, should be implemented, across the healthcare field. They should have a duty of care to the patient and be compelled to report it. If that had of happened, this would have stopped 3, 4, or 5 years ago.
59. The reason behind mental health professionals not reporting it is because my actions were not impacting on anyone, so it was not their job to take action. Because it was Henry raping me, no one was under any obligation to help me. Nobody did anything.
60. When I was an inpatient in hospital, we had family therapy with Henry. Just the two of us. The issue of the rapes came out. When the therapist didn't agree with what Henry was saying, Henry got aggressive and the session was shut down and he was asked to leave. I was offered help to leave my marriage. But it was the same thing, I couldn't leave my children. Where would I go? What money would I go with? How do I tell my family? So, of course, I said no. If it had of been reported, that's two years I would have saved living with this. It shouldn't have taken a suicide attempt for someone to finally step in and stop it. The only way I would have stopped it is by me killing myself or him killing me. You start to believe the things that you are told—that you are stupid, that you are incapable of looking after yourself and that you need that person to survive. You hear it often enough, you are petrified to leave. I believed it. I didn't think I could look after myself.

Child support services

61. Whilst my sons received assistance from Legal Aid lawyers, they could have benefited from a carer or worker to help explain what their lawyers were saying to them. My eldest son has a language delay and I felt his lawyer was not well skilled in dealing with children with learning disabilities.

62. It would have also been helpful for the kids to have emergency counselling. One moment they had a Dad, the next he was gone. It was very hard on them. My youngest blames himself because he spoke to Child Protection. He thought he got his Dad into trouble. To this day he wants his Dad to come home. Dealing with my own issues, while hearing my child cry, 'I want Daddy to come home' is hard. My 10 year old is having extreme mood swings and has been diagnosed with severe depression. The life he knew was all of a sudden gone.
63. Because of the nature of the offences, Henry is not allowed any visitors under 18 years of age. The prison won't allow it. For the children, it is like their Dad has died. It is like he is dead. They are grieving for the loss of the family; they are grieving for the loss of their Dad. They don't know how to tell their friends that their Dad is in prison. They needed and still do need counselling. They should have had it in the beginning when they were brought home by Child Protection.
64. Berry Street has a six month waitlist for kids counselling. After nine months, he has finally been referred to counselling. I was able to get counselling through CASA, but they do not have kids counselling. CASA has gone well over their sixteen week support. Their support has been amazing.
65. And for my 17 year old, there is nothing. He has been referred to Headspace, but there is a waitlist.
66. We have had good workers at Child Protection. I was worried about my mental health issues causing trouble, but they have been very supportive. Even with a hospital admission for my anorexia, they have been supportive. We now have monthly Care Team meetings which include Child Protection, DHS, a disability support worker, the Principal from the kids' school, myself and one of my outreach workers.

Other matters

67. Maybe if there were better disability services while we were together, rather than the responsibility being on my partner to be a carer, I would have felt more confident to leave earlier. I was regularly told, 'We can't provide that, your husband can do it.' That puts a lot of pressure on any relationship. Our relationship became one of invalid and carer.
68. There's a lot of stigma involved with the kind of violence that was happening, especially with the sexual assault. No one wants to talk about that. Not many people understand it. A friend asked whether it was sex games gone wrong. Others blamed me for Henry's actions: 'You've been in hospital. You've got a mental health problem'. Or, 'You pushed him to do this'. It's almost like it was OK because I suffer with mental illness. It made his actions understandable. Justifiable.
69. The fact we were both disabled also presented issues. Henry was constantly put on an 'inspiration pedestal'. There was pressure to live up to that in people's eyes.
70. I have had very little privacy. Everything about my life, everyone knows. It is placed in reports. But because Henry is in prison, his privacy is fully protected.
71. I found the book *Real Rape, Real Pain* very helpful. It explains the hurdles and the way society justifies it. I am not the only one who has come up against these same things. I recommend it to the Commission. (*Real Rape, Real Pain: Help for Women Sexually Assaulted by Male Partners* by Patricia Easteal and Louise McOrmond-Plummer, published by Hybrid Publishers, Melbourne, 2006.)

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