



violence still continues. However, I am able to support my daughter in perusing a fair outcome and not becoming overwhelmed by the circuitous and endless process as protocols and practices which are followed within a system obviously overwhelmed by work-load pressures. I have little doubt that women without such assistance would and will continue to suffer, isolated and fearful. I therefore hope my contribution assists in the deliberations to reduce the impact of family violence, in particular for those without the resources I am able to direct towards my daughter and grandson's welfare.

My challenge is brevity and to isolate from this wealth of information gathered over the past [REDACTED] years, provide some examples where I believe there is potential to provide constructive comment.

## Submission

Initial court decisions in [REDACTED] were based upon affidavits, family and psychiatric assessments. All documents from the father displayed significant inaccuracies, probably 90% of the total and were the beginning of a pattern of manipulation and deceit. For a perpetrator of family violence who in reality has scant regard for his child(ren) but is driven by a desire for control, the court system provides them fertile ground. Early court decisions, were subjective by nature and based upon how the parties presented and responded. Over time I have collected the information that provides evidence as to the baseless nature of the father's claims and indeed would have been available to the court at the time had the process required such evidence. However failure to put the father on notice that his claims would be investigated has seen the abuser grow and develop in confidence. Indeed in some instances his success in manipulating opinions and abusing the system has been quite extraordinary; however now that my daughter has at hand evidence, collated over the years, she is able to bring an objective view to proceedings in instances where the father has involved the police, DHS and other authorities. However this evidence is not obtained under current court processes but is dependent on the resources and support available to the mother. **A competent administrator with appropriate authority to investigate parental claims made for example at court ordered assessments, would have significantly contributed to reducing the power, through deceit, the father gained by manipulating the system over the next five years and I believe would have significantly reduced the time and public resources it has taken to reach to position we are now in.**

The reports and assessments as indicated provide key information to advise the early decision making processes. They also recognise specific behaviours the consultants identified but could not assess, and which related to issues such as parenting skills, anger management and the stated intent of the father to engage in positive communication with the mother. This situation was clearly articulated by the consultants using such terms as "yet to be formally tested", "remains to be tested" and "it is not possible to say at this stage whether...". Although there was adequate time for the court to test these assumptions, this did not occur, despite the fact the opportunity to do so was enshrined within the Final Orders with directions relating to mediation. **Perhaps the objective of reaching Final Orders was premature and Interim Orders pending the "testing" of consultant's recommendations and indeed the directives within the Orders, would have been a more appropriate path.** There was a period between the Court Orders ([REDACTED]) and the commencement of unsupervised access for the father ([REDACTED]), which provided a [REDACTED] month window of opportunity where these expert opinions could have been monitored, as the father migrated from supervised access to unsupervised access.

Significant reliance was placed upon the [REDACTED] Report on the father's supervised access, yet this report qualifies itself by stating it does not make any statement as to whether future contact should occur or whether it is supervised or not. Hence Final Orders at this stage were a huge leap of faith regarding the father's ability to care for the child beyond a supervised environment. History has proven this leap of faith to have been misplaced.

Following Final Orders the father refused to partake in any of required activities stipulated within those orders, yet unsupervised access still commenced [REDACTED] months later in [REDACTED]. Perhaps this was a lost opportunity in reducing the risk of family violence to the mother and the child, family



violence which still continues to this day (■■■■ interim cases have already been heard in ■■■■, another set for ■■■■ with potentially final orders being reconsidered in ■■■■).

Subsequent to the initial Family Court Orders of ■■■■, the father breached the Court Orders in the first two unsupervised visits he had, early in ■■■■. As a result his unsupervised visits were suspended by the Court. Without the assistance of family, (as restrictions placed on the father were patently beyond the means of any mother without considerable finances to monitor), who were in a position to provide resources to hire a private investigator, these breaches would have gone undetected, undoubtably resulting in the case disappearing from Court listings. Thus two lives would have been ruined with no record of the events which led to this outcome.

The anger of the father's wounded pride in being watched by a private investigator is still audible and the failure of any mechanism to monitor issues emerging from court ordered assessments, led directly to the next round of pride dented violence from the father. **A risk based approach, rather than a leap of faith, would potentially have identified the gaps highlighted by the assessors and prescribed an appropriate methodology for monitoring and review.** By default this role was devolved to the mother exposing her to heightened anger and abuse from the father.

I understand the court's position. It has an overriding objective of inclusiveness regards the parents' rights and one can see the rationale behind why the court worked towards unsupervised access for the father after reading the reports/assessments. Conversely, the same reports reviewed by those with a different focus, e.g. CASA or a Child Psychologist express a totally opposing view despite the fact the protection of the child is a shared objective. Hence where the court may focus on that part of a report which describes the father's attention to his son's welfare at the ■■■■ Contact Centre, CASA or a child psychologist may focus on the comments made by the father to his son at the ■■■■ Contact Centre that he dislikes the mother, and that his son is 'half mine half mummy's' and expresses to the ■■■■ supervisor that the mother has sociopathic tendencies, likening her to Martin Bryant in her 'relentless pursuit to bring him down'.

Each report and assessment is made in isolation, there is no plenary forum where the assumptions of one author may be discussed and debated by others, where inconsistencies in the father's accounts may be identified and a robust and informed expert debate is undertaken. Indeed, in this case the family assessor in ■■■■, based on a 60 minute interview with the father, advises the Child Protection Report written by the case manager who had been involved with the child since the birth, was now redundant and based solely on the father's presentation. However, that presentation can now be demonstrated as having no basis of truth at all. Hence, the court is faced with making decisions based upon disparate reports/assessments without the benefit of the consensus view of experts presenting an executive summary supported by the reports. Also without any of the claims made by parents being verified and also without the concerns of the consultants being tested. These observations I would offer as a basic tenet to effective risk management, indeed management per se, and I believe would provide a more robust decision making framework.

At this early stage the report from ■■■■ was a major influence in decision making, yet my observations of ■■■■ procedures caused me concern. There was very poor governance around record keeping. The father's absences were not recorded. Private conversations staff had with me were not recorded or reported. Concerns/worries expressed to staff officially were not recorded. The lack of rigour in the report would suggest a lack of report writing skills by the author. Even though such a report should provide objectivity, much of it read like a novel and as such comments relating to a child 'gazing into the father's eyes' are a reflection of the environment the child is being raised in and not some inherent parenting skill in the father. I believe the processes within ■■■■ have changed significantly over the past few years. **Perhaps, there is a place for discussion to consider how policy within ■■■■ (and similar organisations) is reflected in outcomes and how through internal instructions and training the structure is logical and cohesive and indeed does it meet emerging needs identified through the Commission?**



Each court appearance presumably has the intent to step forward in the process of change. As this case progressed the father was provided more opportunities; yet it falls to the mother to challenge his behaviour and claims, and therefore drives his need to maintain greater control through fear. Ironically had the court investigated the veracity of the father's claims from the outset, it may have assisted the father to focus upon his son and not focus all his energies on achieving his goals through the path of lies, deceit and aggression which the court had been advised typified his upbringing. Highlighting his behaviour in a court may have been the only opportunity to demonstrate whether the father could be rehabilitated. **But in a system which relies heavily on tick box commitments from the father rather than any serious rehabilitation, patience on the part of the father almost guarantees him success, hence commitment to programs such as a parenting orders programs should have a far higher priority.** The attendance at 10 hour anger management, post separation programs and the like undoubtedly have their place in some situations, however a 'one size fits all' approach is manifestly inadequate, particularly when the father's history is known to all and comprehensively fails the mother who is looking to the court for protection and indeed also comprehensively fails the father, who has never been exposed to alternative behaviours. In this case, in the father's mind he was achieving 'success', discrediting the mother, causing her stress, maintaining control, using the court as a 'soap box' to express his desires to be the father he never had. All this further encouraged his behaviour, whilst at the same time destroying the mother's trust in the court system and at the same time placing her at further risk.

As stated, following the breach of Court Orders, unsupervised contact was suspended ( ) and the father was required to undertake a Parenting Orders Program before unsupervised contact was reinstated. Due to a court administrative error this became a post separation parenting course, a 10 hour non-assessed program and a course the father had previously been required to undertake in . **Not an insignificant error.** However the father chose not to undertake the course and, instead, pursued a path of abusing the mother.

In the years since Final Orders were handed down and with the mother providing unlimited access to the father, he only managed to see his son times, and only once in the past months. Thus the father's confidence in the fact that his claims would not be the subject of scrutiny led him to embark on a course of systems abuse. These included;

- In , he applied for Legal Aid and through the Legal Aid Lawyer acted fraudulently in submitting a false document claiming to have completed the Parenting Course, the father then demanded reinstatement of the original Court Orders.
- Subsequently over the following months he caused the police to attend the mother's house on numerous occasions to conduct safety checks, even arriving under 'lights and sirens'
- He caused DHS to conduct investigations having reported the mother on more than one occasion for child abuse, drug use, and mental instability.
- He caused another lawyer to support his production of yet a further false document claiming compliance with Court Orders and demanding reinstatement of unsupervised access, threatening court action to seek sole parental responsibility for his son
- He caused the mother to undertake assessments for a mediation process at both and the which he subsequently cancelled, possibly due to concerns that his false documents would come to light. Mediation was transferred to another provider who subsequently issued a section 60I on the basis of family violence.

Why did the mother not return the case to court? Lack of confidence in the system, plus her own significant health issues bought on by the father, plus wishing to give the father further opportunity for abuse hoping it would reach a stage the court would have to make a decision.

Ironically it was the father who bought the case back to court in and this has led to another round of family and psychiatric assessments. It has also led to the father being put on notice that he has to pull up his socks, being slapped over the wrist for failing to attend drug screens as required

within the interim orders, failing to apply in a reasonable time-frame for supervised access through [REDACTED] etc.

The irony of the situation outlined in the dot points above was the mother was technically breaching the orders, albeit she had strong grounds for doing so. She was proceeding on the assumption the father was providing false documents to support his claims, but there is no mechanism to determine whether the certificates provided by the father were in fact genuine. Privacy within the system preventing such information as to whether the father had even attended the centre being paramount to preventing her checking these assumptions and therefore supporting the father's system abuse. On a private level [REDACTED] expressed their concerns over the child's safety after having conducted an intake assessment of the father. However it is my understanding based on information from [REDACTED] and my daughter's solicitor that these notes cannot be subpoenaed, protecting the father from his catalogue of lies he took to his assessment.

These actions by the father over a period of [REDACTED] months in [REDACTED], interspersed with threatening emails and texts, left the mother traumatised and in an unenviable position. She could either let the father continue threats and bullying in the hope it would illustrate to the court the extent of the father's abusive behaviour, or due to the stress and the impact this had on her and her son, seek an end to the abuse by overcoming her fear of the father and calling his bluff. In this instance the mother endured this abuse throughout [REDACTED] before calling for further evidence regarding the 'course certificate'. It was only at this stage when forced into a corner did the father attend the 10 hour course, over [REDACTED] years after he could have completed it and resumed unsupervised contact.

The father then loudly and aggressively continued his demands for the reinstatement of unsupervised access. At this stage the mother was receiving support from her GP on a fortnightly basis, support from a psychologist to assist her in focusing on parenting issues and support from a child psychologist to assist in mitigating damage to her son who inevitably is impacted on a daily basis by the father's behaviour. At this stage, over [REDACTED] years since the first intervention order was served on the father on the grounds of family violence, and over [REDACTED] years since the Final Court Orders were breached, the father's behaviour has become so brazen, that ironically the need for evidence was even more necessary as listeners seemed blinded by such unashamed system abuse. As the previous magistrate wrote in his summary ([REDACTED]) "... the mother has protective concerns that are amply justified not only by the historical material to which I have referred but by the father's extraordinary behaviour in [REDACTED] (breaching the orders). It is plain he treats orders of this court with contempt".

I look through the information I have before me. It is voluminous, fragmented, disjointed, complex, some formal, much informal through social media, much deliberately misleading, much contradictory (particularly in assessments) and as the case proceeds through the system with a different magistrate at each hearing and a revolving door of father's lawyers, some issues are lost in the mists of time. For example; in [REDACTED] DHS withdrew their outreach program to my residence where the mother lived as it was considered an unsafe workplace due the father's behaviour towards the DHS case officer. Their input was crucial to the mother's welfare and rehabilitation at that time. To reverse that decision, I was required to develop a safety strategy. A comprehensive surveillance system was installed both internally and externally; a gate was erected in the fence line between my property and my neighbour's with access to their house and a direct contact to a security company in [REDACTED]. Again without resources the mother and child would have been deprived an essential link in seeking the outcome that the system should deliver. Many such examples exist in the mountain of information. However, it would be within the capacity of competent office administrator, to collect and collate the same information that I have. This case does not suffer from lack of information. **In my experience as an advisor on governance structures, rarely is the system broken, it may need some adjustment; however it is the lack of management within the system that invariably inhibits the system in delivering accurate, timely, auditable and credible outcomes.**



Fundamentally, managing risk in any situation is about early intervention, premised upon accurate, relevant, credible and timely information presented in a logical and readable format, affording the decision maker(s) access to summary information that is supported by increased levels of detail from expert observations and recommendations. It is an unenviable position for a magistrate with no previous contact with a case, confronted with files of increasing volume and complexity over the years, with no process to aid in the analysis and interpretation of that information. I have no doubt magistrates are adept at identifying key information and making informed decisions, however without a formal structure for information management the ability to audit the decision making process, create a learning environment and a continuous improvement culture are lost.

There are so many other areas of concern; for example breaches of intervention orders, where police will only intervene when a physical assault has occurred. **Why issue intervention conditions that authorities are unwilling to monitor? Again, more power to the abuser.**

Normally I would conclude a report with a summary and recommendations, but feel these would need to be supported by a more structured, focused and comprehensive approach. However, I would welcome any further opportunity to provide in more detail any areas the Commission feels would assist in their deliberations, whether in person or in writing.

### **Personal Summary**

My grandson turned ■ last month. The father's behaviour is becoming more bizarre as he probably realises his control is being eroded. That in itself causes my daughter further concern. I am more confident the father's behaviour will assist the court in reaching a resolution soon. What is concerning even at this late stage is how easy it would have been for the father to 'do the right thing' and thus be able to continue in his quest of violence. However the path this case has taken with regard to my daughter and her son is probably only available to a fortunate few. The cost in dollar terms is hard to measure, probably in excess of \$■■■■. That does not include the necessity of my early retirement and the suspension of my consulting business. My daughter and grandson have yet to experience a stress free life, with the mother's mental health having been severely tested and ironically used by the father in court to demonstrate her failings as a mother. My health is immaterial; I just have to make it to a successful outcome for them. I have little doubt of the outcome had I not been here.

This case would certainly have come to a halt when Final Orders of ■■■■ imposed conditions on the father that could not be monitored unless one had the resources to engage a Private Investigator.

### **Summary**

What has this cost the public purse and how could the process have been shortened? As a risk advocate my approach is to table every idea prior to evaluation irrespective of how unrealistic they may first appear;

1. Ideally the case would be heard by the same magistrate. This case has been back to court a dozen times each time before a different magistrate. If you likened each family case to a project, which seems a not unrealistic comparison, one thing you would avoid, particularly in a long and complex 'project,' is to continuously change the decision maker.
2. Projects are invariably assisted by a project manager. Why not a case manager? This would not be a decision making or advisory role, but could verify claims made in affidavits and assessments upon which key decisions will be made, provide 'executive summaries' for magistrates, in particular at interim hearings, record and present information and convene and chair meetings of experts to develop consolidated reports for court supported by the individual reports
3. The retiree 'market' is valuable source of intelligence, with suitable 'case managers' possessing the necessary skills. I believe this would significantly reduce the time frame of

cases such as this, provide magistrates with information in a concise and focused format and assist in providing accurate information to assist decision making.

4. Where the court seeks the guidance of experts such as Family Consultants and Psychologists, and where they qualify their observations with statements such as “yet to be formally tested” “time will tell” etc, the court issues interim orders whilst these observations are tested rather than moving straight towards final orders in a ‘leap of faith’, which in this instance has probably prolonged the case significantly. .
5. Final Orders made requirements for mediation, for the use of a communications book, and other relevant activities to improve communication between parents as the situation moved towards unsupervised access. As in the previous paragraph, why place requirements if there are no checking mechanism and the abuser can ignore final orders and still move forward to gain access to the child? It isolates the mother, The abuser already emboldened by there being no checks and balances at any stage, is being invited to breach the orders with impunity further isolating the mother.
6. Where final orders place restrictions on a parent and when there is no possibility the other parent can monitor unless they can fund a private investigator, seems to lack insight. Perhaps where private investigators are used and the parent is found to have breached orders, that parent is required to fund the PI. That type of approach may well work where a parent is genuine, but in the case of an abuser, as demonstrated in this case, it is an invitation to hold the court in contempt.
7. Currently intervention orders do little to protect the victim from family violence. Where you have evidence the order has been breached, the police state they will not act on it unless physical violence is present with visible injuries. The police became the arbitrators on whether the event constituted family violence. Again, this isolates the mother, losing faith in a system there to protect her, and empowers the abuser.
8. Check facts: when for example, unsupervised access is given on the strength of the father’s work ethic, the fact that despite an appalling upbringing he had managed to complete an apprenticeship, the fact he owned a \$[REDACTED] house, and showed exceptional resilience by working through the period he was abusing drugs – facts which persuaded the family consultant to recommend unsupervised contact, all these claims were false and relatively easy to disprove by one with the authority to do so.
9. Files from organisations such as [REDACTED] and the Family Relationship Centre should be available through the subpoena process. In this case the father’s system abuse was rife through every agency or department he could manipulate. There is no disincentive; he can continue his family violence using the public purse to do so.
10. Where staff at organisations such as [REDACTED] and The Family Relationship centre issue a Section 60I when they consider it is not possible to proceed with mediation between the parties, the reason as to why mediation did not proceed should be clearly articulated on the certificate.
11. Reports such as those from an organisation like [REDACTED] Contact Centre should be reviewed by an expert panel. The court viewed it favourably regards the father, however, the same report viewed by other experts, not required by the court at this time, had very different opinions regards to their own field of expertise.
12. On a fortnightly basis my daughter sees an eminent child psychologist, to try and mitigate the damage to the child as witness to family violence. A very interesting and surprising learning arising from the child psychologists input, was to understand the ease with which a mother having been exposed to long term family violence, but now removed from the environment, can unwittingly, but very easily raise a son in the mould of the father, through her reaction to the child’s behaviour. When looking at the ‘cycle’ of family violence, consideration should be given as to how such vital information can be made available to those without resources to access a child psychologist, as indeed it is this type of approach, that of identifying the root causes of the cycle which need to be addressed, if it is truly to be interrupted. .
13. Many of the requirements placed on the father are ‘tick box’ exercises. 10/12 hour, non-assessed courses. These may be entirely appropriate in some circumstance, but in others they are totally inadequate. For a person who has been exposed since birth to violence and abuse

and believes that they are justified in hitting a woman if she annoys them, such courses fail everyone. Comprehensive parenting orders should be an early intervention in these cases. The demands should be onerous, it should require a parent to demonstrate over a long period of time they have their child's interest at heart. Comprehensive early intervention is cost effective. I believe expertise residing in organisations such as the Family Relationship Centre would be a valuable source of information as to the efficacy of these courses, a combination of their records and their expertise, supported by a researcher would probably provide data to support such an approach.

14. Consideration should be given as to access to information residing in organisations such as [REDACTED] and the Family Relationship Centre. In this case the mother was unable to ascertain whether the father was providing false documents. It seems extraordinary that this information is not available. Furthermore, information relating to intakes and assessments at these centres should be readily available to the court as are the family and psychiatric assessments. I can see no benefits in privacy behind which an abuser can hide.
15. In this case the trust invested in the initial family report was ill founded. However, the current system does not provide a learning opportunity by providing feedback to the family assessor and indeed the court. Point 8 above relates to checking facts at an early stage to determine the validity of parent's claims. Perhaps this could be considered along with the proposal for a case manager in complex cases and provide that continuous improvement loop for the family consultant.

I am aware of the ease with which one can criticise a system that one does not work within, and my experience relates to just one case. However, I am sure many elements are not unique. This case is in its [REDACTED] year. It was [REDACTED] when a magistrate recorded these comments; "this man shows contempt for the court" "by his own admission the father refuses to partake in a family parenting program" and yet [REDACTED] years later, the abuse and threats to the mother escalate, the father refuses to take drug screens, tens of thousands of dollars of public money is wasted in systems abuse, and at the latest interim hearing the mother is back to another family and psychiatric assessment, the father given access through [REDACTED], drug tests etc.

There is no doubt all the elements present are required and I understand there are protocols and a process to be followed, but managing the information collated over the years is significant and beyond the expectation of any reasonable person that a Magistrate at an interim hearing can do little else than push the case back into the system as the wheels grind on. Much of the damning information is on social media, texts and emails and for an isolated, stressed and fearful mother, probably beyond her ability to save, collate and present. I do not have an answer. I see there is now an 'app' whereby intervention orders can be sourced through a mobile phone, maybe there exists the potential for an electronic solution, as valuable evidence can be easily lost in the electronic form.

And the child? In this instance the mother has involved a child psychologist to assist her in preventing damage to the child. His intervention and guidance has been invaluable. He does not see the child but advises the mother as to her strategies for parenting. I think this is worth noting. Even if the court process was streamlined the potential for damaging the child would still exist. Perhaps in the strategic vision of protecting the child from family violence, this aspect could be a valuable tool in mitigating damage to children and in particular eliminate the irony of an abused woman inadvertently continuing the cycle of family violence.

Yours Sincerely

[REDACTED]