

INJUSTICE

I title this document 'injustice' because its taking me [redacted] years to really come to terms with the fact that I have horribly been let down by the justice system in Victoria and Australia. This is the only time in [redacted] years I have been able to really express what I've been through and have a voice.

In [redacted] I was [redacted] years old when I married an [redacted] from [redacted]. In the marriage I suffered assault, abuse, intimidation, power and control. I tried to leave in the first 12 months, but my ex would always try to convince me to come back. He would say he would change, but never did and it just got worse and worse. I decided to have children as I wanted to be a mother and I thought it would settle him down.

In [redacted] [redacted] was born, in [redacted] [redacted] was born, [redacted] [redacted] was born. Things did not get better as I thought they may, they actually got worse. But I did not leave because I was of in fear of him and I had no support financially or emotionally.

I had [redacted] children under [redacted] and no money as my ex controlled that and everything else. I shut up and put up with the abuse due to fear of him and walked on egg shells every day. Every day I thought, how can I get out of this violent marriage.

In [redacted] my home with all its belongings, was burnt down. My ex didn't pay the contents insurance as I thought he had, as it was in our budget. We lost everything and had to start from scratch with [redacted] children to care for.

[redacted]

While I was in the hospital with [redacted] they made an appointment for us to visit a high profile child psychologist. I started to open up to him about what was happening at home with my ex. For my own sake and my children he advised me to leave immediately. He also tried to have him attend a session – he did visit once. The psychologist said to him. If you assaulted my wife or children you would be charged, so what gives you the right to assault your own wife and children? My ex got up in anger and said "this is my wife and my children, and I will do what I want". He then grabbed my arm and the kids and dragged us out of the office. I knew I was in big trouble now!

When I got home I was belted for telling the Psychologist what was happening at home. I knew I had to get out. I saw the psychologist secretly without my ex knowing, and I finally got the strength to leave and have my husband removed from the house [redacted]

In that year I was the custodial parent, my mother came to stay with me regularly. In that year of [redacted] my ex stalked me consistently, cut the electricity off in the house, kicked me in the head in the street which I got concussion from. He rang me and abused my mother and I every day, and hardly picked up the children on his days of access. [redacted]

[redacted] So much went on a daily basis, it was a nightmare. I was granted a life time intervention order, which he constantly breached. I also had a family court intervention order, which he also consistently breached. In his mind he was above the law.

When I took him to court for breaching orders, he would just break them again. He would just be fined for breaching – he actually had the audacity to breach the intervention by verbally abusing me as soon as he walked out onto the court room steps. The more I reported him, the worse it got.

He left his job so he didn't have to pay maintenance. I was really struggling and my mother did what she could to help me, and she was only on a pension.

Late [REDACTED] the stress of all the incidences caused me to breakdown, I was not coping. I was visiting the doctor and psychologist weekly trying to find ways on how to deal with it. I was dealing with the courts and police on many occasions yet never feeling supported by the system or more to the fact SAFE.

My ex had [REDACTED] rifles removed from his premises as he was threatening to kill me; apart from this my ex never received any consequences for his continually aggressive actions. He was only fined and given numerous warnings.

Also in [REDACTED] I went to the family law court and spoke with a solicitor, also the counsellor. She told me "reverse the role of custody for [REDACTED] weeks for my own safety and wellbeing, and the safety of the children to defuse the volatile situation. I guarantee you; your children will be back home with you in [REDACTED] weeks". At this time my ex was telling me daily "give me the children and I'll stop".

What was I doing/feeling at time? I had an ex continually abusing me, my children we continually distraught and ratty as they never knew what would happen next, or what their father would ask them to do such as stealing money from my purse, and my diary to photocopy onto relatives.

Under all this pressure, I reluctantly took this female Family Court councillor's advice as I was brought up to trust in the system and the law, and I thought if I agreed it would protect the children. So I signed the order, I was an emotional wreck. They had to get the family court social worker to come and calm me down. I thought I was in a nightmare, yet unbeknown to me I was now in hell on earth. Yet at the time I was also convinced that there would be no way he would break a family court order.

When I was leaving the family the home to allow him the three week access time, he came around and took the keys to the home and grabbed my children inside the door. My children were screaming and crying, [REDACTED] was pulling my dress "don't leave me Mummy". My ex came back out of the house and grabbed a glass framed picture and smashed it over my head in front of my children. He's words were "you just signed your death warrant, you'll never see these kids again".

From that day on ([REDACTED]) I haven't seen my children, apart from [REDACTED] once (when the police intervened in my favour). [REDACTED] came to visit me at my mother's home when [REDACTED] was [REDACTED] ([REDACTED]). [REDACTED] could not take home any gifts in fear of what [REDACTED] father might do. My mother would end my gifts to my children for birthdays, Christmas etc. He would drop them back at mother's front door destroyed. [REDACTED]

I went to their home unannounced to visit [REDACTED] on [REDACTED] birthday as I couldn't take being away from them anymore. When I opened the door, the so called 'father', opened it with abusive language whilst kicking and hitting me and to my shock my children all [REDACTED] joined him.

The ex has made little or no attempt to properly comply with the orders EVER! The ex has shown a total disregard for the authority of the court as well as the welfare of his children.

Since the making of the orders in [REDACTED], my ex has blatantly refused to comply with them. He has contravened the orders in a number of ways preventing me from having any contact with my children even turning them against me.

At [REDACTED] Police station, every [REDACTED] for five years, at [REDACTED] waiting for my children for an access visit. My ex never came.

Then on the [REDACTED], I arrived at the [REDACTED] Police Station at approximately [REDACTED] discussions had taken place between our solicitors and my then solicitor had assured me that access would take place. On my way to the police station my ex had followed me. On arrival the [REDACTED] children came to me and [REDACTED] said that their father won't let them go on access. At this time I became upset and the children were also visibly upset. The ex then approached me and said words to the effect of "you've got no children and you will never see them again". An argument then ensued between us and the ex left the premises with the children. I approached the police as I was extremely upset and I begged for their assistance in the circumstances. The police intervened, proceeded to the ex's home and brought him back to the police station with the children. By this time I was at the rear of the police station and they brought the children to me. I put the children in the car and I was preparing to leave but the ex refused to leave the precincts of the police station. I feared for our safety I went back into the police station, the ex followed me into the station. The children who at the time out of the car also followed, [REDACTED] said "Mum it's not that I don't love you, I can't go with you, and he won't let me". [REDACTED] then said [REDACTED] would not go. [REDACTED] said "I'll go with you Mum", to which the ex said "thanks a lot [REDACTED]". [REDACTED] had a lovely weekend with me yet no clothes were sent for [REDACTED] access. I took a photo of [REDACTED] when [REDACTED] was with me, [REDACTED] told me that [REDACTED] or [REDACTED] could not have any photos or reminders of me at home.

I was not provided any access, Easter, July and September school vacations. I was not provided with half of the long summer school vacation. Nor did he obey any of the time I was to spend with the children during birthdays, Christmas, Mother's day (which were set out in the family court order). The ex was to facilitate the access via telephone twice a week, this has proven to be impossible. For when I rang the ex prevented me from speaking to the children and slammed the phone in my ear. Has not on any occasion has let me speak to the children since the order back in [REDACTED]. To give you an example, I recorded this conversation out of desperation, I said hi [REDACTED] (my ex's name), its [REDACTED] I wonder if I could speak to the children. He replied "you've got not children, you're a fucken slut". I said "I want to speak to the Children" – his reply "you're a bad fucken wife", I said "I want to talk to the children". "You are a fucken whore, and forget about it you have no kids", I am reinforcing my orders I want to speak to the children; again he says "you have no fucken children" and he hang up.

Around [REDACTED] tried to call the children, the ex answered the phone and said "fuck off, don't ruin [REDACTED] day". I became so distressed from being excluded from such an important occasion, that I had to phone an ambulance and was rushed to [REDACTED] Hospital as I was so physically ill. [REDACTED] had told me on the only visit I had with [REDACTED] earlier how important it was that [REDACTED] wanted to involve me in [REDACTED] celebration and [REDACTED]. Subsequently I spoke to the nun in charge [REDACTED] she was surprised but grateful to speak with me. I told her I was [REDACTED]'s mother and she said she was told that I had passed away.

WHERE ARE THE HUMAN RIGHTS IN THIS????

There were orders made for the children every six months to every year, none were complied with and by the time I got into court, the ex has brain washed the children even more. Even though my ex was refused to allow me to see the children, I have NEVER stopped!

This is child abuse and the most chronic parent alienation, so professionals had told me and I come to realise this.

I have spoken to numerous solicitors to initiate contravention proceedings against my ex in the Family court. Judge [REDACTED] made my e stand in court and told me that he was to reconcile the children to their mother ASAP, and that he had half ruined the children already. My ex never obeyed the orders. All presents, cards etc. sent to my children where all returned to me.

I sent a box of photographs to my children so that they could remember the family e.g. grandparents, uncles, aunts and their mother. Their father destroyed them all. Initially I received their school photos, in time I was finding it hard to get them; I found out that their father destroyed the negatives so they could not be copied... Yet one day I spoke with a lady from the school that organised the photos, and she sent the negatives of the children's photos to me so I could have memories.

In the end I did not know who I was 'taking on', him or the Family court. In the end I had ran out of legal aid, I fought for my children for [REDACTED] years in that system, or 'so called' system. Through chronic depression I fought my guts out for my children. One night I was in so much despair, I started punching into myself. The pain and despair was so overwhelming, I woke up the next day very sore and by night was back and blue from the bruising. The despair the unresolved grief, the lost still overwhelms. Every minute of the day the frustrations of the police the family law court is outrageous. I've been in the court system over [REDACTED] years trying to get my ex to obey the orders. By the time you get a court date more brain washing is going on with my children. My children had never been bought to therapy as ordered. I've done everything humanly possible through the system to no avail. I am NO better off than when I started. Just worn out, broken and exhausted.

There is no other love imaginable than a mother's love for her children. By the time my youngest was 18 years old, I'd exhausted all avenues.

I have been to therapists for [REDACTED] years and continue to, once a week. I am broken hearted so much so that I have not been able to hold a job properly since [REDACTED]. I am on the disability pension; I have chronic grief depression and post-traumatic stress disorder. I tried once in [REDACTED] to take my life as the pain was so great. I have not been able to hold a relationship with anyone due to the loss. I feel that it would have been easier if the children died (not that I would ever really want this), as at least there could be closure; not this horrible unresolved grief and worry; 'where are they, what are they going, are they OK. This just drives you crazy.

I spent most of my Mother's days, my children's birthdays and Christmases in bed sobbing.

When I see other people enjoying their children and grandchildren I get extremely internally upset I also have chronic [REDACTED].

I live alone and I have isolated myself from the word on many occasions to protect myself.

It has been extremely hard for me to write this, as it triggers old thoughts and I have very bad flash backs, yet I have to do, this I have to!

In [REDACTED] my eldest [REDACTED] contacted me; [REDACTED] was now [REDACTED] years of age. When we met it was so overwhelming, all I remember is a [REDACTED] years old [REDACTED]— and here standing in front of me was a [REDACTED] year old [REDACTED]. I must have cried bucket loads of joy over that month of having contact with [REDACTED]. [REDACTED] phoned me periodically and explained to me that [REDACTED] told [REDACTED] father [REDACTED] was going to see me, whether [REDACTED] father liked it or not. [REDACTED] father made [REDACTED] feel guilty for seeing me, basically saying [REDACTED] was betraying him. The father ostracized [REDACTED] for seeing me. My eldest [REDACTED] was threatened by [REDACTED] father if [REDACTED] visited me, and [REDACTED] did not tell [REDACTED] father through fear of what he would do. During this time they attended my Mother's [REDACTED] birthday and met all or their relatives. [REDACTED] after this time, [REDACTED] paid us a surprise visit. [REDACTED] then also visited periodically but [REDACTED] father did not know about our meetings. I arranged to pick [REDACTED] up once to visit my mother in hospital and [REDACTED] asked me to park around the corner of where [REDACTED] lived with [REDACTED] father.

My eldest [REDACTED] told me [REDACTED] father was never there for them as children; [REDACTED] began self-harming 'cutting [REDACTED] wrists' at the age of [REDACTED]. All [REDACTED] would do is watch a lot of TV as [REDACTED] father just worked all the time.

[REDACTED] had a drug problem and had been taking drugs since [REDACTED] years old. My youngest, I don't really know anyway as after [REDACTED] months my children slowly stopped interacting with me and my family; it was just too difficult for them.

It was like they have been living within a cult being controlled by their father. After those [REDACTED] months of periodic visits they were just cut off from me. I tried to contact them, but no response. [REDACTED] just told me they are under a lot of pressure from him and make them feel guilty. I haven't seen or heard from them since.

I went down pretty quick – panic attacks, anxiety. The loss, the grief was unbearable. Later diagnosed with PTSD 'Post Traumatic Stress Disorder', I stayed in bed for a month and could not function.

I finally got help but it's so very hard. I miss them more than life itself, I don't know what to do, or where I belong, my children were (are) my life.

My ex would not let them come to my father's funeral; my mother is [REDACTED] and misses them terribly. She is frail, I am afraid she and I will never see them again. When I did see [REDACTED] [REDACTED] had a married and [REDACTED] wanted me to go to the wedding. [REDACTED] father told him there will be no wedding if you invite your mother or her family, [REDACTED] complied through fear.

I am poor but I am rich in love and spirit, I was a great Mum to my children and loved them with all my heart.

I have been robbed of my children's birthdays, and all other milestones. My children have lied for their father through threats. They only see his family.

I have just written to Mr Abbott of recent who told me to contact the Attorney General. I have been to Parent's in Distress, and believe me, I am in distress!

I have done everything by the law and my ex has disobeyed everything by law. It says at the top of my family court order issued to my ex 'if you disobey this order you will be fined \$20,000 or go to jail. WELL WHY DIDN'T THEY DO THAT... why has he got my children, ruined so many lives as well as mine, and been able to get away with it?? Because the law in every capacity does not enforce their orders! This is a multitude of crimes committed and nothing has been done.

My ex even copied a picture of my face a woman I don't know of having sex and put it up on the internet and showed my children. I reported it to a solicitor who wrote him a letter stating that he had breached the life time intervention order and will be charged – nothing again.

He lives a wealthy lifestyle – [REDACTED] as beautiful home, flash cars. My ex took maintenance from my pension every fortnight which the new about. I have no problem providing for my children, but can't understand why I cannot see them. I live in poverty a broken woman in a one bedroom commission home with nothing to live for. So sad they say to me, but what can we do? A family law court therapist told me in [REDACTED], that no judge in Melbourne could make him obey the orders. Why I ask, what is the use of having a legal system is the criminal gets away with everything and the victim/s suffer. People I have shared my experience with ask me, why isn't he in jail? You tell me I reply, I ask myself this question every day.

The cruelty of one man and the lack of justice in Victoria and Australia are outrageous. The legislation must be changed; it is in the best interest of a child to have contact with both parents and their families, even if it is supervised. If the arrangement is disobeyed then they can hand the children back over to the targeted parent, or the breaching parent is fined \$20,000 or goes to jail. Similar to domestic violence, the alienator must go to therapy for a year and anger management if they don't obey they go to jail. A breach is a breach – it's actually laughing at law breaching these orders.

I am not on drugs or an alcoholic, never have been. I am stable apart from all the mess my ex and the law has caused me, my family and friends. The family courts have a lot to answer for; I just think it's a money making scheme for judges and lawyers, and so do most. I would never advise anyone to enter their doors.

Everything has been documented, but NOTHING has been done. The sad thing about this is I won't bring my children back and I don't get all this time over again to spend with them.

I still in fear that one day he is going to get to me, it's that fear factor that never leaves you.

The system has failed me, failed my children and family. I am righteously angry at the chronic abuse all of us have endured.

There is so much more I have been through with this 'so called' man. It's overwhelming for me, it feels like a nightmare or a bad movie – but it's not.

If you require further details or evidence, I will assist. I am also willing for my story to be heard, as it has to be; so no one will hopefully ever have to suffer what I, my [REDACTED] beautiful children, have suffered due to a broken legal system.

Note: today [REDACTED] I received a letter from the Attorney's General's Department after sending an email to Tony Abbott about my circumstances. In this letter (enclosed) basically they have advised me of what already know about the family law system and the changes since 2006. I feel insulted and very disappointed they no one is tackling the real issue. I think they missed my point, what I was trying get across was the fact that no matter what support was available to me, my ex continued to breach orders over and over again and did not receive any consequences. The fact that the law did not back up their claims of punishment just blows me away. Having this weak legal system has allowed my ex to believe that he could continue abusing everyone and ruin lives because he has not had to suffer any consequences. My children, my mother and I would not have suffered all these years if the Law backed up their claims of fines or jail etc. Which could have been a deterrent for him to continue, and feeling invincible and above the law, and it is still happening today, not just to me but many other good parents. The current legal system is a farce.

The organisations I have been involved with:

- Catholic Family Welfare
- Family Court Councillors
- Anglicize
- Victims of Crime
- Psychologists / [REDACTED] (current)
- Ministry of Housing
- Parents in Distress
- Parent Alienation Groups
- [REDACTED]
- Police
- Barristers/Solicitors
- Cassa
- Sexual Assault Unite
- St Vincent's
- Education Department
- Human Rights
- Premier
- Attorney General
- Prime Minister

ANSWERS TO THE ROYAL COMMISSION QUESTIONS

Q1. The Royal Commission's goals should consider bringing immediate change to the legal system to have legislation changed in the Federal Parliament. All states within the family law could, the Magistrates court and all courts within Australia. Have the same message that is you breach any order once and there will be severe consequences. What is in place right now is clearly not working. If it was so many children and people would not be suffering through a system that is far too soft on the perpetrator and extremely hard on the victim.

Q2. The improvement I see is the police can automatically take out an AVO. An improvement would be to have severe sentencing.

Q3. Nothing, women and children are still being murdered – twice a week, being assaulted and children are suffering unnecessarily.

Q4. Most recently the Rosie Batty vigil in Melbourne.

Q5. Apart from preparing me to attend court, try to relieve my grief through counselling.

Q6. I have found that in many ethnic cultures power, control and abusive behaviour is acceptable. Many men think of women as property.

Q7. Anger management for a year or a large fine.

Q8. Breach an AVO and you're fined or go to jail without bail.

Q9. Police attending too late saying you have an AVO use it. They don't work anyway – only a piece of paper.

Q10. None that I have heard of.

Q11. Available housing and therapists for women and children ASAP.

Q12. You have to make an order to get them there and then they breach it without consequences.

Q13. I don't believe you can change one's behaviour unless they are ordered ASAP, jailed for a long period or have severe consequences to their behaviour.

Q14. The orders are not enforced in the family court magistrate's court.

Q15. None that I can see.

Q16. Removing the mother and their children far away from the offender.

Q17. Drug addicts, Alcoholics, Italians, Greeks, Turks, Middle Easterners – it's acceptable to hit a women, 'father runs the show'.

Q18. Report violence, you hear, you see... Zero tolerance, lack of police, education. Judges and courts need to step into the real world.

Q19. None that I know of, yet happening every minute of the day.

Q20. Change legislation completely in the family law court and the magistrate's court.

Q21. Both parents have the right to see their children. No one can disobey an AVO or family court order. There should be severe consequences to this behaviour – Jail, Anger management therapy. No bail – the system is so soft on offenders and so hard on victims bringing the offenders back to court all the time. It's enough stress and trauma and fear as it is, let alone having to deal with all this over and over again. Much tougher sentences need to be put in place.