

TO THE ROYAL COMMISSION FOR FAMILY VIOLENCE

My name is [REDACTED] and I am a victim of family violence. As I found out that I was pregnant in [REDACTED] my ex, [REDACTED], was greatly angered and threatened to organize for me to go missing. I had no family and not many friends in Australia and I was unable to leave the relationship until DHS got involved. In the days following discovering my pregnancy, [REDACTED] verbally abused me in horrible ways, questioned whether this was his child, spoke of having a forced abortion on me and laughed cruelly when walking over a bridge at his comment of this being an ideal place to dump my dead body.

Prior to falling pregnant [REDACTED] was not particularly abusive towards me. Following the abuse as he found out that I was pregnant, I started distancing myself from him as I was very saddened by how he had treated me. At one stage he also told me per email that I would not make him hostage to a child and that it was over. As time passed, however, I tried to see if we could still resolve our differences. After a while, he seemed to have somewhat changed as he was more accepting towards my pregnancy. However I soon realized why as, when being [REDACTED] pregnant, he started regularly speaking of him being able to get all my assets if I died as, if we lived together, he would be my spouse and entitled to my belongings should I pass away. [REDACTED] further discussed this with his sister while I was present, with a smile on his face thinking of the event of my death and what he could gain.

This was when I realized that I could no longer continue this relationship and I sought help from a social worker at an antenatal visit. Due to many of the behaviours described and past family violence history, the social worker went on to report [REDACTED] to child protection who tried convincing me to obtain an IVO however as I was just not strong enough to proceed, investigations by child protection commenced. At the [REDACTED] Hospital where I gave birth, staff wrote reports on his behaviours, totalling 4 pages during the [REDACTED] days I was there; these included family violence, threats and abusive behaviour. He also had to be removed from the ward and the staff indicated in their reports that "he showed no remorse". As DHS intervened prior to my discharge at the [REDACTED] Hospital, [REDACTED] became convinced that my mother had called them. He had already threatened her and stated, together with his mum and sister who are also very aggressive, that they would organize to get my mother removed from the country.

As I returned home from the [REDACTED] Hospital [REDACTED] family attended my home and committed family violence, refusing to leave, calling police and making up stories to see if they could force their entry into my house to take my newborn [REDACTED]. This was reported to DHS and I was referred to [REDACTED]

[REDACTED] attended my home 2 days later and physically assaulted my mum after smashing her phone when she tried to call police. My newborn [REDACTED] could have been caught in the crossfire as she was in my arms being cm's away from the event unfolding. Police attended however no statement was taken. The next day I met with [REDACTED] in public and he said that he had spoken to people about getting my mother murdered and that he had many offers. He walked off to make a call and when returning to the table we were sitting at he stated that I would find my mum dead at home in a pool of blood within the next 15 minutes. I was terrified and I did not know what to do, having just given birth a few days before and feeling scared and emotional that he would harm me and our [REDACTED]

as well. As I arrived home nothing had happened and [REDACTED] later told me that he had called off the hit.

A family division order was put through at the Children's court the subsequent week due to escalating family violence.

Initially DHS was helpful but as the paternal family could be quite charming, the staff at DHS after about a month decided that family violence would only be committed if I was present. This was not representative of the truth as family violence occurs daily at [REDACTED] parent's home in form of abuse and physical violence on the youngest child and as there was a criminal history of family violence towards other partners. However DHS did not want to investigate further, finding that given the "nice" behaviour, it must now be safe for [REDACTED] but not for me. This in spite of [REDACTED] at the time being newborn and there being a history of crime, drugs and violence. As [REDACTED] did not want to take his drug screens, DHS ended up just **scrapping this from the subsequent court order** although it had originally been requested on a court order as they now said that they were not concerned given that [REDACTED] had told them that he only used drugs at night and he saw [REDACTED] in the day. This is terrible and absolutely ridiculous, showing that DHS was not acting competent in this situation.

This is the **first aspect** I find of concern. I feel that the issue here is that inexperienced DHS staff was put to supervise access, our case workers who were changed several times for unknown reasons, were all in their 20's and often women. I do not think that they had the experience nor the competence to assess things correctly as, a couple of well behaved meetings were sufficient for DHS to state that there were no concerns in spite of all the history and past happenings. Also court orders needed **not** be upheld if the person investigated did not want to comply, as for the drug screens. And finally as [REDACTED]'s sister posed a safety concern at access, another access worker would need to supervise that was not scared for his safety. DHS here clearly did not consider [REDACTED]'s safety as a danger for an adult that can defend himself is surely a danger for a child. I was also told by the manager at this occasion that it could have just been a once off and that "today they might act ok". I find this to be unprofessional and incompetent to be completely honest as it is clearly not working in the child's best interests but rather to forcefully expose [REDACTED] to violence as a little baby.

I reported the death threats on my mother and the family violence that occurred between me and [REDACTED] months later with the help of [REDACTED]. I was scared to go ahead and I did not know what to do however I was guided and had many meetings with [REDACTED], they truly doing an outstanding job. I strongly recommend that more funding should be given to them as I am aware that at times they may be limited in how much they can do as they have so many cases.

Due to the delay in reporting the crimes, I would like to mention what is now the **second aspect** I feel is of concern. The police at the [REDACTED] Family Violence unit were excellent and very helpful. They charged [REDACTED] and the trial was due for contest on [REDACTED]. However he managed to get Legalaid – in spite of working and earning a substantial income and reaping Centrelink benefits at the same time, my reports being to no avail. His Legalaid lawyer stated to the prosecution that the legislation is such that the charges for death threats are not really valid as the legislation states that a person "**must say that they will murder another person**" and simply speaking of, walking off to make calls to organize for a murder, etc...are not death threats and therefore [REDACTED] was free to go. I asked for alternative methods to prove that he was guilty and that I had told the truth as for instant through CCTV footage to show that he had walked off to make that call that day but I was told that the police can't do much due to privacy laws. I found this absolutely terrifying that a man could go so far as to plan to murder someone and have it organized and yet the legislation cannot stop him from proceeding but rather is protecting the offender through the

privacy laws. [REDACTED] had in the past made death threats towards his ex wife and her family, I had a screenshot from Facebook that I gave police where he stated his plans to kill them. He was reported to Crimestoppers in [REDACTED] for similar along with plans of kidnapping, he was even witnessed by the staff at the [REDACTED] Hospital threatening my mum and I had a Facebook screenshot showing how he said "I am on my way, your mum better run". But even as for the assault along with the charges, [REDACTED] remains a free man, as there is never sufficient evidence to frame him. I found this so frightening and so terrifying now that what we have is very good evidence, but unless a man admits and pleads guilty or literally if one has a recording or a video tape, there is nothing that can be done to stop crime.

I sought to report further online breaches of IVO on [REDACTED] as my ex had made comments on [REDACTED] whom is included in the IVO. I was advised by the [REDACTED] police when attending in person that in spite of the court order stating that the offender could not post anything about the protected persons online, it was just a technicality to add a child to the order, so that it did not really matter. However I was told that the officer could call to advise my ex to stop this behaviour and if after this he did not, I could come back and make a statement. I never heard back from them. The police had also not served my ex and his sister with the IVOs as they had not attended court the week before such that I was advised that the IVOs therefore were not valid to them. I was shocked at these comments as I had called police the night before and I was given a different explanation, being encouraged to come in and make a statement. However when attending the police station the next day, the above advice was given which greatly troubled me and made me feel battered and traumatized. I find this to be an area that requires serious improvement as an order **must** be valid regardless after it is made by a judge in an Australian Court.

I am not sure if I can make suggestions through the Royal Commission but from what I can see from experience there are a few things that I would like to see improved:

1. More funding to family violence agencies such as [REDACTED]. They are fabulous, always there to help and they even gave me and [REDACTED] many presents for Christmas. The social workers there work to help and to build rapport and trust with the victim which is the best course of action, with excellent results.
2. For police to take statements **on the day** and not a year after a crime happened as occurred in the event of the assault on my mother. In this time, [REDACTED] was able to fabricate false evidence stating that my mother had attacked him and threatened him, showing pictures of scratches that were most likely from his cats. However the police officer seemed to favour [REDACTED] and did not want to charge him but stated that he had every right to charge my mum although he had walked into my home against child protection orders and he had never even lived here, being free to harm and assault whoever he wants without there being consequences just because he could fabricate false evidence as to pictures of scratches whereas we could not produce any evidence of the assault unfolding other than the broken phone and some bruises and as there was no independent third party present. I found this to be ridiculous.
3. For police to be consistent when providing advice and to **reinforce all aspects** of a court order regardless of personal opinions.
4. The law must be changed as there are too many loopholes leading to the perpetrators getting away with crime after crime. I believe that when there are independent

witnesses, screenshots of conversation showing how the person has planned the crime and there is a history towards previous partners, that this should be sufficient to charge someone.

5. I believe that Legalaid should not be made available to perpetrators of violence and repeated offenders. Furthermore people's income must be better checked as it is not right that a person can obtain Legalaid just because he is untruthful and literally scamming the system. It is quite frankly a waste of tax money and Legalaid is the reason why my ex, a man guilty of family violence serious crimes, could walk free, giving him the possibility to use this against me in Family Court in custody proceedings, when he was not even eligible for Legalaid. My reports as to the place of work where he was employed were to no avail.

6. I believe that DHS is hiring very young people who do not have the necessary experience and putting them in charge, letting them assess on "face-value". This places the victims in difficult situations where harm can be done. The victims are often scared and vulnerable whereas the perpetrators are confident; the perpetrators therefore have the ability to walk free with no child protection order being proven and seek revenge on the former partner. Also DHS had told me that they would keep confidential anything I had said about [REDACTED] instead they even gave him a copy of all the notes taken in discussion with me such that he knew about everything, aggravating him further, placing me even more at risk. When I complained about this I was told that the lawyer [REDACTED] had at the Children's Court must have made a mistake however [REDACTED] was given details through phone calls prior to this point of time as he would have had no way of knowing that DHS got involved because a social worker that I had spoken to had reported him. I believe that DHS must learn to act according to legislation, have only one case worker throughout the case whereas in our case in 6 months we had several different workers with different managers as well. Towards the end of DHS involvement, due to safety concerns for the workers arising because of [REDACTED], DHS decided to send another access worker that would not be scared and continue with access. I find this ridiculous as if it is not safe for an adult clearly it cannot be safe for a baby. I was also told that the unsafe occasion that it could have just been a once off and that "today they might act ok" by the DHS case manager who further refused to help me in writing a letter for Family Court to state the events that had happened. On that day I had sat at the DHS offices all day in the hope of getting such a letter; when the case manager finally spoke to me, she presented the above comments then stated she had no time to help me however on the same day she made several calls to [REDACTED] to chase him up for access as he "tends" not to respond to calls nor show up. I thought this was absolutely horrible and it left me to feel very traumatized. I was even told by our case worker repeatedly that there were no concerns with [REDACTED], that he only uses drugs at night anyway, and that I could have just made everything up. He had a history [REDACTED] [REDACTED] breaches and a conviction for family violence along with the [REDACTED] Hospital Reports. I on the other hand have no criminal record and I am well educated. I am therefore very shocked on how DHS acted towards me and failed to protect [REDACTED], rather exposing [REDACTED] to violence.

I know this might be on somewhat different terms but I want to ask if the Royal Commission can somehow help me in getting the charges on my ex reinstated and for him to be convicted of the crimes he did commit. I am aware that this might be a difficult task but I just feel so battered knowing that he committed all these crimes and harmed us so much and yet that he can walk free, coming for us stronger and even more confident. Every day I live in fear, I have to travel 20 km just to go to the supermarket to ensure that I am safe, and although I have just recently obtained an IVO for ■ years, it is not right that he should be washed free of his crimes when he is so confidently lying and claiming his innocence and when he will go commit the same crimes again and again as he has demonstrated for every partner he has had. I am fearful for our safety but also for what the future holds if this man is not convicted.

Finally I want to deeply thank the reader for taking the time to go through my case. It has been a tough year and I would not have made it without the help of ■■■■■ I hope that tougher laws will be developed to better convict the perpetrators of violence.