

Personal Written Submission for Royal Commission into Domestic Family and Sexual Violence

From

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

16th August, 2024

Relevance: Victim-Survivor and Mother of a [REDACTED] year old with [REDACTED] currently experiencing Family Abuse and coercive control by father and my former partner.

[REDACTED] I am submitting;

- My lived experience of family violence,
- Continual family abuse and coercive control of my daughter who has a Disability
- The use and manipulation of various medical, education and legal systems to continue abuse by former partner.
- The continue coercive control that takes place, which I feel I have no power to end.

Back Story.

- Married in [REDACTED], by [REDACTED] and two young children, the abuse started to begin.
- I had 3 police call outs in South Australia.
- We moved to [REDACTED], NSW in [REDACTED].
- For many years I had not felt safe in my own home. There had been instances where I was physically abused, attempts to physically force me out of the home, drag me out of our car in [REDACTED] SA, with little children witnessing the event.
- By [REDACTED] 2018, I was concerned about my safety and what the children were hearing and seeing after my former husband held a fist to my face and told me 'I was the worst Mother in the world'.
- He was [REDACTED] running a company from Adelaide. I changed the locks and sought legal advice.
- Upon having to declare and submit a Notice of Risk into the courts and describe the forms of abuse, my former partner started a new type of malicious behaviour towards me, intent to take the children and to destroy me as their Mother.
- This included using various government agencies, ATO, company directorship, medical and therapy practitioners.

Centrelink

- As a result of closing a business as my son (then not diagnosed yet with [REDACTED]) was not coping mentally with the family breakup, he struggled so much was not able to go to school. I had to close my business down and home school him.
- Centrelink took 18 months to issue a payment other than Family Tax A and Family Tax B.
- The hold up was with the company that I was a part [REDACTED] of. Since separation in 2018, I had not been financially supported by my husband, I was not working.
- My former husband had forged my signature on a company tax return, this led to a [REDACTED] disbursement from ATO and a [REDACTED] disbursement for our daughter with a disability.
- I had not lodged this, signed for it, I had no idea a disbursement existed, until Centrelink called me and asked me 'what have you done with the [REDACTED] and the [REDACTED]?'
- My former husband had forged my signature, lodged and kept the funds. Even the \$30K which was meant to help support our [REDACTED] daughter with [REDACTED].
- Centrelink did not believe me, it was sent to the complex department, they held it for almost 18 months.
- I took Centrelink to the Tribunal, I won the case that 'I was no longer receiving any income from the company'. But Centrelink took a further 12 months.
- They decided that I was owed approx. \$12,000 back pay, but I never saw that payment.
- **I was so severely distressed by the financial hardship, I had an 8 week heavy period. I could not afford to pay a GP appointment as food and paying bills were the priority.**
- **This triggered anaemia in me and I had to have 3 infusions over the next 2 years for my health issues related to anaemia.**
- **My former husband also made [REDACTED] of income from the family trust account disappear, he was asked to disclose it as part of Family Property Settlement however, failed to disclose it.**
- **I endured years of hardship and lived week to week as I home schooled my son. Thankfully I eventually earned a part time income working from home around the children. However, I still had to declare this as earnings with Centrelink. It made it impossible to get ahead.**

What could have been done differently?

- **Centrelink requires internal staff who are trained in domestic violence, financial abuse, and investigation into company fraud, linked back to ATO. The power to act for someone like myself with ATO and to investigate fraud against me. I have no power whatsoever to defend myself or act for myself as a result of fraud against me by my former husband. I have heard this story time and time again by women in the same situation as me.**

Entering the Family Circuit Court System

What could be done differently to protect women from re-abuse in the court system and by the court system, by abusers who use and manipulate the court system.

1. **All court legal practitioners and staff including ICL's to be trained on how to identify abusers. How to report them and how to practice duty of care from victim-survivors.**
2. **Significant penalties for those practitioners, who ignore this duty or become the abusers themselves, which happened to me.**

3. A BAN ON THE PRACTICE OF FAMILY LAW REPRESENTATIVES and hefty penalties TO RE-ABUSE, DESTROY, TRAUMATISE, BELITTLE OR ANY ADVISE GIVEN BY LEGAL PRACTITIONERS for the purpose of re-abusing by request of the abusive partners.
4. A BAN ON A JUDGE (a late replacement into a case) TO STATE...'I do not believe there is any real evidence that domestic violence actually took place'. This happened to me and I cannot explain how traumatising it has been. I was not able to continue to read the judgement by [REDACTED] as it is significantly triggering to have my victim survivor real life experience written off....just like that.
5. A SIGNIFICANT OVER-HAUL OF EVERY JURISDICTION IN THE COUNTRY TO BAN ABUSE OR MAL-INTENT PRACTICES which have been traditionally used against victim-survivors. It is unconscionable that a legal practitioner makes a living from partaking in abuse, trauma inducing abuse against innocent victim survivors and going after innocent victim survivors like bull dogs in a dark alley, just for leaving because they no longer felt safe in their own home and decided to put a stop to the abuse...as was my experience.
6. All ICL's MUST meet with children prior to trial to find out where does the child want to be? A case can and should be adjourned if this does not take place, as was in my case.
7. If the abuser keeps wanting to return to court and the survivor abuser does has to self-represent and requires more time, pleads for an adjournment to have more time. This needs to be granted. There ought to be serious penalties for Judges who are not sympathetic, when it is historically known that the abuser practices manipulative tactics.
8. Abusers to be listed on a national registry.
9. Abusers to pass a national registry check if they are to work in the education department.

A VOICE FOR YOUNG PEOPLE WITH A DISABILITY

- The Legal System did not take into account that my daughter (then [REDACTED] [REDACTED]) wanted to live primarily with me.
- A court appointed Pyschiatrist found that we had a delightful relationship, [she] is thriving under the Mother's care, they should not be separated, however the father should also not be separated from his daughter. My recommendation is equal shared care.
- The abusive father, ignored this, the legal team ignored this, the presiding incoming Judge ignored this.
- Having had to relocate from [REDACTED] back to SA, facing homelessness due to the rental crisis, I warned the court, the Judge that myself and my daughter would be leaving a beautiful family home in [REDACTED] to relocate back to SA where the abisive former partner and father had decided to relocate back to after [REDACTED] years in [REDACTED]
- There was no consideration taken into this, I was forced to move back, after finding a temporary spare bedroom with a girlfriend, and [REDACTED] with my daughter, the father took this as an opportunity to alienate my daughter [REDACTED] and I from each other. This was malicious intent. The court supported it, despite a family court expert stating 'the Mother and daughter should not be seperated'.
- Rental Tribunal: At the time, I owned a unit which I had an [REDACTED] tenant in the unit. Thinking I did not want to evict the tenant,m I chose for the tenant to stay. I assumed I would be able to find accommodation.
- It became clear within a few weeks this was going to be difficult, finding a new rental. I applied to the Tribunal on hardship grounds to dissolve my lease on thre grounds that I

needed it for my children, that I did not have sufficient accommodation to have both my children with me. The Tribunal ruled against me, despite my very distressing and unconsolable pleading of the Tribunal Judge informing that my children were taken away by the Federal Circuit Court because I didn't have appropriate accommodation, despite leaving a beautiful home in [REDACTED]

- I believe it was the father's intent to use the housing issue to alienate me further from my youngest [REDACTED] I being the strongest family bond she has and who if asked would have chosen to live with me if she had been asked.
- As Legal Aid said, 'if parents could n't share a bedroom in this current climate especially same sex parent/child, there would be a lot of children not spending time with their parents tonight'.

What could have been done differently?

- Special legal consideration by the court to keep children who want to be with their parents together. The ICL did not conduct normal legal responsibility as an ICL. The ICL was prejudice towards my daughter's disability and did not understand that my daughter is a very bright and engaged person with [REDACTED] and very clear about what she wants and doesn't want.
- An independent assessment of malicious intent if there is reason to believe that one parent wishes to/is re-abusing, causing trauma through the legal system or any system such as education or medical.

Manipulative Use of Medical, Therapy Practitioners

These are examples of the manipulation of the above groups in my own victim-survivor history.

1. I presented a letter to our GP in my own handwriting warning my GP that my former ex-husband may attempt to notify my GP of my ex-husbands abusive past, and that he may manipulate her, lie to her about me as he was fabricating a story that 'she is mentally unfit' and refers to me as an abusive husband. The GP, ignored my letter, believed my ex-husband and as a result I was alienated from receiving medical information regarding, procedures, medications given and even a referral to a [REDACTED] for our 12 year old daughter with [REDACTED] to have a marina inserted for contraceptive reasons. She was given [REDACTED] injections over months and referrals to other specialised, I was kept completely in the dark with all of these. I brought this to the GP's knowledge and I asked why she ignored my disclosure of abuse. And why was I sent a letter by her clinic to say, I needed a court order to make appointments and act as the parent presenting medical appointments, which I found out from the previous family court Judge was not the case at all. I FELT SO VIOLATED BY MY GP AND COMPLETELY DISCOUNTED AS THE MOTHER OF MY CHILDREN.
 - a. All Medical staff need training and certification regarding how to identify, verify and acknowledge abuse including manipulation of their own services.
 - b. All medical staff need to be notified of parents who try to control children with disability, for mental well being reasons.
 - c. Medical staff must act on these disclosures.
 - d. Right now [REDACTED], my daughter with [REDACTED] who is almost 17 has no power to have her voice heard, I have no power unless I go back to court.

Relationships Australia will not accept her in a mediation appointment event though I have called for this to disclose what she wants. My daughter needs his permission to be there and he has refused her being there, because he knows that she will say things he doesn't want anyone to know about which is 'I want to live with Mum'.

- e. Relationships Australia needs to give the child a voice, why does the court seek a Certificate 10C, if it's about the child and yet the adolescent child () is not given the power to speak for themselves.
- f. Therapists who seek both parents permission, needs to contact that other parent and seek their signature. My ex partner forged my signature, falsely told a therapist, I had agreed, when I was kept in the dark, did not know my daughter was having a therapy assessment.
- g. A letter needs to be granted by court or an institution which states. I am a victim survivor, my former abuser will attempt to abuse, manipulate you and your organisation.

Medical Doctor breaches Duty of Care (notice of domestic violence, abuse and coercive control)