



PARLIAMENT OF NEW SOUTH WALES

Committee on Children and Young People

Public hearing - Inquiry into child protection and the social services system

Supplementary questions for Fighters Against Child Abuse Australia

1. Can you outline some specific decisions in the Federal Circuit and Family Court relating to families in New South Wales, where parental responsibility or unsupervised contact has been given to child abusers?

To answer this would be breaching client confidentiality however I can give you an un-identified case. Our client (who I spoke about) lost custody of her children to her ex partner who took them to Western Australia. He was convicted of domestic abuse and sexual misconduct with children (not his own). While in his custody in WA he sexually abused his daughter and physically abused his son to the point where they were taken from him and placed in the foster system (not returned to their biological mother for some reason). This is just one example we are aware of, in total there are 8 examples of convicted child abusers being awarded custody of their children despite the convictions. I could if the committee wished I could bring one of the affected mothers to be interviewed via video link or in person.

2. What would be the benefit of having child protection cases remain open in New South Wales, while a related family law matter is considered by the Family Court?
 - a. What are the common counter-arguments to such a proposal, and how would you respond to these? Usually we hear the arguments of privacy or section 121 of the family court act to hide behind but we believe it would be of benefit to hopefully reduce the amount of child abusers getting custody of children.
3. What are the main deficiencies in the skills of independent children's lawyers, when it comes to dealing with vulnerable children?

To summarise it very simply they do not have an understanding of child abuse, the trauma of child abuse, grooming, coercive control, domestic violence, or any of the mechanisms that abusers use to groom, control and destroy their victims. They say they act for the best wishes of the children, however time and time again they are acting on behalf of whichever parent has the most expensive lawyer. If the committee was to grant me leave to do so I would be able to name the prime example of ICL who needs re-education urgently and allowing him to continue practicing is to put children at risk.

- a. Can you outline any particular areas in which their training or qualification requirements should be expanded? Yes, all ICL's and anyone involved with the family court system needs to be extensively trained in the ways of grooming, coercive control, domestic violence, child abuse, sexual abuse, physical abuse, verbal abuse, mental abuse, gaslighting, how to spot all of



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these behaviours. As well as this they need to be trained in trauma informed dealings with children and survivors of child abuse. Lastly they need to be made aware that child abuse needs to be avoided like the disease that it is and that there is never an acceptable risk when it comes to child abuse.

3. What additional support, training or resources may help police to handle allegations of child sexual assault, in cases that involve the Family Court? Police need to be made aware that children do not lie about child abuse, in fact statistically speaking 98.5% of all claims of child abuse made by children are proven to be truthful. For some reason police are also completely unaware that family court matters do not mean an instant false accusation of abuse. Time and time again we at FACAA literally watch while police who are taking reports of child abuse from children throw their hands in the air and say “don't say anything else I can't continue taking this statement” when the fact there is a family court battle is in place.
4. What reforms can be made to the Magellan program to ensure the program prioritises the safety and best interests of children?
The Mangellan program needs to be made much more trauma informed, time and time again the often-young victims are required to repeat their story to an ever-growing list of strangers.

Also the appointment of ICLs and the fact they cannot be fired from their positions, do not face any disciplinary actions for mistakes they make and the fact they cannot face any scrutiny whatsoever in regard to their decisions all need to be reversed. ICLs (one in particular) are often found to have made outright incorrect decisions frequently leading to children being abused in the worst possible manner and not once have they even been disciplined thanks to section 121 of the family court act not even allowing the decision to face public scrutiny. ICLs need to face regular reviews of their decisions and face disciplinary action and face being fired just like any other worker in any other industry.

5. What do you think can be done by the NSW Government to better support children and young people who are impacted by the conflicts between the family law and child protection systems?

Firstly the government needs to hold ICLs accountable for their poor decisions and poor performance in their roles in order to better support survivors of child abuse.

Secondly to put it simply we need a system where children are believed and have a voice in their own futures. To dismiss them as not able to be believed when it comes to which parent they want to live with while accept their thoughts on matters relating to their own bodies is a double standard which needs to be addressed. Listen to the children, give them a voice in their own futures.

In the past the NSW State Government has led the nation when it comes to the prosecution of child abusers and legal reforms being made to better enable children to give evidence and testimony. It is time now for NSW to lead the nation and the



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world in the support of child abuse survivors by funding non-traditional counselling methods such as group therapies, movement-based healing as well as art and music therapies.