

**Submission  
No 69**

**INQUIRY INTO DOMESTIC VIOLENCE TRENDS AND  
ISSUES IN NSW**

**Name:** Ms Catherine Smith

**Date received:** 02/11/2011

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## **Inquiry Into Domestic Violence trends and issues in NSW.**

My understanding of Domestic Violence affecting women and children particularly rural women comes from my life experience. I have lived in rural and remote communities for many years and have recently started to advocate for changes to the domestic violence framework, especially as it relates to rural women and children. This passion for change has come from my own experience having survived ongoing and extreme abuse and social isolation for many years and having taken steps to lift the visibility of the issue. My story was first aired on Australian story in 2008 and a follow on program which aired 19th September 2011.

Personal stories and experiences matter. They can be a catalyst for change. I'm determined to use my experience to raise awareness of the particular challenges and risks rural women and children face, given their geographical location and are disadvantaged with the lack of options for help. I intend to use my experiences and my long fight for justice to inspire the countless women and children victims' still out there suffering the abuse isolated and feeling very frightened and alone.

The first incidence of major violence was 1977. I escaped and called the police for help. I expected the law to protect me and my children that did not happen. The police negotiated with him by phone promising him that he would not be charged in spite of the fact he had perpetrated a near homicidal attack on me. During those negotiations with the police he had threatened to murder our very young children. He surrendered the guns and himself to the SWAT team. The police dropped [him] the abuser at the local hospital using the excuse of depression to off load there problem and save themselves a lot of paper work, this practice was very common and still is to this day to my knowledge. [There were 4 guilty verdicts arising from this incident alone at the eventual trial of Kevin Smith 2011.] Early intervention with consequences for the perpetrators behaviour is essential if there is to be any hope of rehabilitation.

That started a chain of events that my children and I have had to endure over many years. Police should have enforced the law and protect life in the first instance. There have been many offences of extreme sexual abuse and violence perpetrated against me, and offences of violence and extreme emotional abuse perpetrated against my children by their own father.

In spite of many reports to police there were no charges laid against him, police need to be made accountable for not enforcing the laws that are already in place. I still have in my possession evidence of violence Kevin Smith has perpetrated that the police refuse to act on. In my opinion they are covering up police wrongdoing and inaction of the past.

In the year 2000 the catalyst that sprung me into action demanding protection was when my son and his partner were kidnapped and held for 27 hours with a sawn off shot gun for the purpose of knowing my whereabouts. [I had escaped from him on the 23<sup>rd</sup> January 1997]. I changed my name and went into hiding such was my fear of him in fact all of my children and grandchildren have been in hiding from him since 2000 as well. This is another instance of early intervention not being acted on which I have evidence of and another AVO not being acted on which could have prevented my son and his partner being violated the way they were.

After this major incident I begged the DPP in Wollongong to investigate the police inaction to no avail they were only interested in the kidnap charge and only because my sons partner was also Kevin Smiths victim, she wasn't related so as far as the police were concerned it wasn't "JUST A DOMESTIC" this time.

"JUST A DOMESTIC" is a common phrase used by country police still to this day.

With a lot of help from my eldest son Keith I started lobbying the Attorney General, Director of Public Prosecutions, Minister for Police etc. We wrote countless complaint letters with no recognition or satisfaction until finally I snapped. I was terrified for the lives of my children and grandchildren, I went after him [not that I recommend other victims take this action] with a gun of my own I was arrested very swiftly and charged by diligent police in the first instance. I was charged with attempt murder it took a jury 25 minutes to find me not guilty. I welcomed my trial at last they had to hear me, it was on court record.

The judge from my trial ordered the transcript be sent to the Director of Public Prosecutions with the view of charging my abuser with serious indictable offences including perjury this also was not acted on by DPP.

I went to the media, Australian Story got involved they told my story, I did lots of radio interviews news paper articles. A magazine published a feature for White Ribbon Day. Seven 30 Report also did a program on domestic violence when we announced we intended to start a private prosecution in 2008.

I put a complaint into the Ombudsman's office due to subpoenas not being returned from police I also did a freedom of information application with no satisfaction, Professional Standards Command got involved they investigated some of my complaints. I launched a private prosecution for which the court issued 29 arrest warrants the DPP terminated this very quickly and took it over pursuing only 20 of the 29 charges.

My family and I have had a lot of dissatisfaction with Apprehended Violence Orders both at police and court level especially when dealing with a serial abuser with no regard to law enforcement and total contempt for the courts. Most of my complaints to do with AVOS should be in different categories depending on the type of perpetrator they are dealing with. There needs to be a nationwide alert system with risk assessment for the family of the perpetrator.

Out of sheer desperation I approached a State Senator who put a notice of motion before State Parliament. Stating police had until March 2010 to charge and arrest Kevin Smith.

4<sup>th</sup> February 2010 Offender arrested and bail refused.

14<sup>th</sup> June 2011 trial commenced

14<sup>th</sup> July 2011 verdicts returned

17 GUILTY verdicts

On the 28<sup>th</sup> October 2011 Kevin Smith was finally sentenced to 17 years in prison with a 10 year no parole period. At last we as a family have received some justice.

Now I get in and make a difference for the women and their children walking in our shoes!

In my opinion every person involved with the protection of children or any involvement with family violence should study the book "Come with Daddy" child murder-suicide after family breakdown by Carolyn Harris Johnson University of Western Australia Press. It should be compulsory reading from Judges down, through the family protection system. The experiences of the familys throughtout this book have so many similarities to my own experiences. The main difference is we survived only due to our own efforts to protect ourselves. The authorities certainly did nothing in that regard.

Early intervention at school level should be investigated and very carefully thought out it could put vulnerable children at greater risk. It is essential that only trained professionals should deal with this issue.

Catherine Smith