

INQUIRY INTO CHILD PROTECTION

Name: Name suppressed

Date received: 30 July 2016

Partially
Confidential

To :-

From:-

Subject: - Parliamentary enquiry into FACS

Due to my role in the public service, I wish to declare anonymity, however I would be willing to appear and give evidence before your committee. Before this all began we were a normal law abiding family, there is no history of criminal, drugs, gang or domestic violence on either side of our families. I have raised three children of our own into normal taxpaying workers –who also have led crime free lives. I cannot relate to you the devastation, financial, emotional, psychological, physical trauma we have had and still are enduring as a result of the deplorable actions /behaviour of FACS staff or agents.

Evidence :-

FACS in affidavits () claimed dates that we worked, yet we had to prove via rosters and biometric fingerprints that they lied – refer to courts documents tendered as evidence.

Emails sent to FACS regarding our visits with our Grandson – not responded for some time – then states she was really busy with a more important matter –

Why were his ,birth records not examined – despite giving evidence to this effect FACS either simply ignored or looked then lied again that it was a normal birth. It would be highly probable that giving a new born CPR for some 10 minutes, would not be a normal birth or cause some rib injuries consistent with medical reports. Further to this, I showed a photograph to FACS of our grandson when he is just minute's old- there appears to be bruising on his left ribs and this was ignored by both and (this was early on the peace) and they stated it was not relevant. I suspect they did check his birth records and again have lied in their affidavit saying he had a normal birth, or again it is another example of maladministration whereas FACS made up their mind and had an opinion and refuse even now to change their opinion.

FACS statement regarding our first visit to PMQ – they tried to say was present – rosters clearly indicate she worked, another case of them saying we have to prove wrong.

Dr report states further investigation is needed on our Grandsons injuries. Even now has never occurred.

Dr reports in follow up XRAY states injuries are 4-6 weeks old , was in constant medical care 26/1/2014 then removed by FACS on 2/2/14, then as advised by FACS (we don't know as he was in their care) has follow up test on 22/3/14 – this would indicate an error somewhere.

Our grandson, under his mother care, saw a medical professional every week (excepting week 5); no medical professional picked up on his injuries.

FACS stating there were 33 occasions et al – they would not have a clue this again is an assumption in an affidavit yet again – how do they know what happens. Lock in commences at 230pm – on a normal day staff are dismissed around 345 -350 pm – FACS would not know – but does not stop them stating this in an affidavit. I once again produced letters from my supervisors to this effect.

Procedures:-

Why does the system allow FACS to dictate whether the matter will be heard in Local court or Children's court? Essentially in children's court the same proofs of evidence do not exist as a criminal matter. This defeats the purpose of going to court if FACS can say whatever they like – why bother going to court just let them take children at a whim. Undoubtedly they elected a children's court as per their own affidavits they do not know but rely on an opinion – a common criminal is afforded a fairer go than the current system – yet they take children and impose as in our case a 17 year sentence. The committee needs to examine and address this issue.

Why was there no presumption of innocence of my daughters behalf as FACS only have an opinion from a clerk who has little if any investigation skills. The father made admissions and they should have been pursued.

Why is the FACS office the only one that has not adopted the working with family's model?

Even during hospitalisation we were told our grandson cannot be taken anywhere and we were placed under the nursing staff direct line of sight and treated like criminals by staff at hospital – under FACS direction (they were still investigating) under what authority gives FACS the power to do so?

We were subjected to search warrants on both our residence and my daughters – what did they expect to find ?, while I understand POLICE have this authority although it is generally given where sufficient evidence exists. The committee should examine why and under what authority FACS staff attended our residences without introducing themselves – had I known I would have ejected the FACS people as far as I am aware they are not covered under the search warrant.

Further letter drops were sent to neighbours to see if anyone could assist their investigation – I lodged an objection to POLICE and as usual was ignored the letter drop still occurred, causing much embarrassment to our family.

Although subjected to POLICE interviews it is evident that JIRT do not talk to FACS as FACS wanted to interview us and when advised that POLICE have already taken statements they were not aware this had occurred. The inference of the JIRT is that they work together clearly there is no communication.

Independent carers assessment conducted by former employee of FACS, is employed by FACS to assess people – what a joke , the man was only at our residence for less than hour and makes his unequivocal decision, refer to attached OMBUDSMAN complaints . Surely to be truly independent assessment it needs to be independent not this rubbish. Whoever briefed must have forgotten to advise him of who took him to hospital – and so on.

I still to this day have no guidelines or policy from FACS as to whom made the decision that we would only get access to our grandson for two by 1 hour times a week – M-F. Please refer to OMBUDSMAN letter of complaints –again the committee needs to examine why there is no FACS policy and or guidelines particularly where they have an opinion about what has happened. Despite repeated requests for more access FACS staff denied us more access – when asked about higher authority – simply told it is my decision .

has entered false case notes stating we had more access than we did – however we have the visit schedule signed by her which is only twice a week for 1 hour – more evidence of the corruption that needs to be examined. This is also in the ombudsman complaint letter. needs to be independently investigated for acting in a corrupt manner and falsely entering case notes and then supplying them as evidence and which shows the contempt for court she holds.

The so called case / care plans are pre- formatted documents which do not address all the individuality that they should be afforded. These documents are not clear and there is ambiguity in their wording .Why were we not given input into the care plan.

Why were documents from FACS consistently not served until the last hour – it seems their modus operandi to serve such thereby not allowing time to seek legal advice before matters are heard. The original documents were served around 4.45pm the night before court – the same day our grandson was removed. FACS also never served documents until they had to even though they were submitted to courts by due dates – all this does is waste time of the courts and costs for legal reps soar for repeated appearance and delays in the proceedings. It seems this is a common tactic as there were a number of occasions where FACS deliberately acted this way thereby duping the courts that they were compliant with serve process.

Why when advised we were not suitable carers, for pitiful reasons - one of which was they FACS were concerned that I would not facilitate visits with the father – yet they made us endure visits with the father at FACS office or else these visits would be reduced to 1 x 1 hour only, again a double standard. Why even today there is no FACS guidelines about how contact occurs with our grandson.

The dispute resolution process is a farce – just a waste of money- another tactic employed by the FACS department to deplete precious LEGAL funds so you cannot afford to fight them longer. We had to endure some lady who stated she is friends with (representing our grandson) what a joke. Further this lady asks if this was a horse race who would you back?, then she goes on to state things like this happen in families like ours? What gives her a reason to judge us when it is supposed to be fair and equitable – we rightly don't say anything and again it costs me plenty of dollars for nothing?

We fought FACS and won in court and were subsequently breached for the most trivial of instances, this was again tested before the courts and the court ruled in our favour again. FACS although they agreed, then lodges an appeal – this tactic was to ensure that we once again have to pay for legal costs when we are already stretched. Surely given it was the Departments appeal they should be liable for legal costs regardless of the outcome – most people simply do not have the funds to fight them and they know it.

At the appeal – the Judge vacates the courts and meets with the legal representatives from both sides – we are not party to this. Then back in court we are advised that a further two to three days will be needed to hear this matter – I had to re-mortgage my house to pay for the first two days in court and do not have access to any more funds.

Our legal advice is that when the department wins the appeal they will impose twice a year access to our grandson for us and my daughter at FACS for two hours only. Even, after all that has gone before the department saves its trump to intimidate us into submitting. After much bartering we get unsupervised access every six weeks (we only agreed to this as I did not think we could afford much more). The department never won their appeal – we simply ran out of money to defend.

I have now spent around seven thousand dollars and travelling some fourteen thousand kilometres to see my grandson – because this is what FACS wanted. The department does not abide by the courts rulings as we have not had access to our grandson on any other significant occasion aside from his birthday. Since this began we have not had XMAS/ Easter / long weekend or any other similar type occasion – this is contrary to the court order. We get to see him before or after these significant occasions which regardless still costs a fortune as these periods are peak period for the caravan parks. We fear to challenge the Department for obvious reasons as we believe they will try to stop what little access we have and we simply do not have the monies to take this matter to the Supreme Court. The department simply does as it likes and unless you have a bottomless pit of money – you simply lose, this is a terrible system.

Reviews – we have little or no contact with the NGO and as we are unsupervised per the court orders how is anyone going to determine a review. We will not be partaking in any assessment by FACS or NGOs or anyone else as we have had access and there is no issue, other than my grandson saying he wants his mummy and even runs now when the current careers arrive to collect him.

Once again we had to travel to for a review with the NGO – another lost day from work, we ask can these meetings be scheduled for a Friday when we drive up (6hour trip), all agree – still has not happened – this was over a two years ago. If we are lucky, there is a phone link up – as we cannot afford to pay for more accommodation / fuel / tolls and take more time from work to facilitate something that they have no idea about- We are unsupervised so what are they going to talk about.

Recommendations-

That FACS should never be allowed to remove any child on the basis of the opinion of a clerk, all such matters should be evidence based – introduce LAW.

How can a complex risk assessment (ROSH) be completed when they admit they do not know HOW THE INJURIES WERE CAUSED – this is very subjective as it is left to the completing person's determination. Never at any stage did FACS produce the ROSH document – no doubt and again. FACS AFFIDAVITS clearly indicate they do not know but worse than that the failed to look into the matter and simply removed a child from its mother based on FACS opinion yet they hide behind this decision by stating it is the opinion of FACS (But don't indicate whom) very dubious .

The minister urgently reviews our current situation, with a view to immediate restoration of my grandson to his mother, unconditionally.

A review of this matter should be independently conducted of all involved FACS staff and with a view to establish collusion and deliberate misleading affidavits before the courts and that these people are then held accountable for contempt of court.

Criminal proceeding against FACS staff who deliberately lied to the courts should be initiated in the interim. Further, involved staff from FACS should be stood down without pay pending finalisation of the independent review. While I understand you cannot send people to gaol for stupidity – you can for corruption – clearly there is a case to answer by involved staff at FACS to dupe the courts / ombudsman and now I would suggest they will lie to the parliamentary enquiry.

The second FACS legal representative that left the case, as he has a reputation to hold on to should be interviewed, and the reasons for his self- imposed abstinence disclosed. It is important to note that still works for FACS but refuses to work on our matter – this man has a conscience unlike the FACS staff from .

That negotiation are commenced to suitably financially compensate our daughter and ourselves for wrongfully removing this child.

All legal fees spent in defending this matter and the appeal – to be immediately compensated to ourselves (70000.00)

All monies we have spent on travelling to see our grandson be reimbursed (7000.00).

Further all monies spent by other family members having to travelling to also be reimbursed – The departments care plan – part of the family and important to have identity within the family unit – this cannot be achieved without some great distances and costs to see our grandson by other family members.

We retain the right to take further legal action against FACS, we also reserve the right to publicise this matter in whatever media arena we choose and to publicly name and shame FACS staff.