Gillian and Kyle were in a defacto relationship for around six years. They have two children together, both very young at separation. Gillian has a certificate qualification and has been consistently employed in her specialised area of work. Kyle has a trade qualification, however was unemployed for most of the relationship due to a chronic pain condition. Kyle is a heavy drinker and prescription drug user; and Gillian suspects he has a form of anxiety and depression, however is not aware of any diagnosis. Kyle also has a police record including offences relating to unlicensed firearms, drink driving and assaulting police. Gillian has an older child from a previous relationship who lived periodically with the father and with Gillian and Kyle. Gillian has a good relationship with the child’s father.

Gillian and Kyle met through Gillian’s previous partner and father of her eldest child. The relationship was on again-off again at the start. Looking back, Gillian recalls feeling a little insecure as a single mother with a young child, and confused and hurt by Kyle frequently putting her down and then apologising afterwards. Gillian made allowances for Kyle’s behaviour knowing that he was finding it difficult to cope with his mother’s death and had to undergo surgery. Kyle’s health deteriorated and Gillian spent some weeks caring for him. He developed longer term chronic pain, and started relying on a range of prescription medications while resuming a heavy drinking habit. Gillian describes Kyle’s reaction to his misuse of alcohol and medication as psychotic and terrifying. He is considerably bigger and stronger than Gillian and would, when in that state, throw heavy objects at Gillian and smash up the house.

Gillian had decided to leave Kyle when she discovered that she was pregnant with their first child. Given the pregnancy, she felt she needed to try and make the relationship work. However, Kyle’s verbal and emotional abuse of Gillian worsened during the pregnancy, and after the birth, his drunken rages and throwing episodes became a regular occurrence, even when Gillian was holding the baby. Not long before Gillian gave birth to their second child, Kyle gave Gillian a solid shove in her stomach. When they were away on a holiday, Kyle became aggressive and violent when Gillian refused to give him her account access card. She had often given him money, which he’d recklessly spent; this time she wasn’t prepared to lose the only money she had for family and household expenses. Kyle grabbed and held Gillian forcefully until she was screaming and a friend had to pull him off her. She was severely bruised on her arms and neck as a result.

Over time, Gillian learned to anticipate his behaviour and take preventative action to avoid being harmed. She says she got good at devising escape plans for herself and the children. Sometimes, she would sleep in the car overnight; other times, they would seek refuge at her mother’s house.

Gillian lost contact with friends during her relationship with Kyle as they didn’t want to be around him when he was drunk and abusive. Gillian has a close relationship with her mother who had re-partnered, however she tried to shield her mother from a lot of the trauma she was experiencing. Kyle’s behaviour was revealed to some extent however at Gillian’s mother’s wedding where he was extremely intoxicated and became aggressive towards the groom. Gillian wanted the relationship with Kyle to be over, but didn’t know how to make it happen.

In the year that Gillian gave birth to their second child, and for the first time in their relationship, Kyle found work interstate. Gillian was keen for him to earn some money and was grateful for some time apart despite having to look after three children by herself. Kyle didn’t help with the children in any event, and Gillian realised when he left that life and the household were so much more functional and stable. It was when he returned home for brief visits that everything seemed to fall apart. Gillian decided during this time that she must end the relationship; she had also discovered that Kyle had started seeing a former girlfriend. Gillian packed up her gear, put it into storage and moved with the children to her mother’s place. She felt she couldn’t stay at the house because she knew that Kyle would return and wreck it and possibly harm her and the children.

Kyle moved elsewhere with his former girlfriend. He would harass Gillian with phone calls and text messages at all hours, up to forty each day, tormenting her with the details of his new relationship. Towards Christmas in the year of separation, Kyle told a friend he’d bought a handgun and was heading to Gillian with it; he told his sister (who passed on to Gillian) that “the bitch needs a bullet”. Gillian immediately packed up her gear again and, with the children, relocated interstate for two months as she believed Kyle was extremely dangerous.

On returning, she went to apply for a protection order, but was told by the court support workers that too much time had elapsed since the threat and she would need to wait for Kyle’s abuse to resume. Before long Kyle began driving past Gillian’s mother’s place, texting Gillian’s eldest child, and repeatedly texting and screaming down the phone at Gillian, threatening to kill them all and telling her it was a shame she hadn’t died during a recent operation. This time, Gillian proceeded with a protection order application. She was represented, with legal aid funding. Initially, she obtained a temporary order for 12 months, however it was another year before the matter could go to a hearing as Kyle sought multiple adjournments, which Gillian believed was a deliberate tactic to frustrate her and the process. On the hearing date, Kyle arrived late, by which time the Magistrate had issued a two-year protection order on the basis that he didn’t deserve to be heard if he couldn’t be bothered to arrive on time. Kyle had also cross applied for an order against Gillian; however his application was dismissed as his allegations were unsubstantiated. Kyle tried to intimidate Gillian in the courthouse and precinct on mention dates.

Gillian found the first few years post separation particularly harrowing. She had a new baby, as well the two older children, and was feeling emotionally rattled, fearful and unsafe. She reported breaches of the protection order by Kyle to the police; however she feels they never took her seriously and no charges resulted. Gillian received counselling that helped her to restore her confidence and capacity.

During the period leading up to the final protection order, Gillian tried to find ways of giving Kyle contact time with the children without compromising her safety. She was advised to arrange it away from home in a busy, public space. She would take the children to the park where they could play with Kyle. This worked for a time until Kyle’s constant verbal abuse towards her became intolerable. Gillian’s mother and new partner then took over the supervision for a while, but they too were subjected to Kyle’s abuse and threats.

With a view to applying to the Federal Circuit Court for parenting orders, Gillian arranged supervised contact through a private contact centre. Kyle didn’t respond to the proposal and went without seeing the children for many months. The parenting order application was also unduly prolonged over a two year period due to Kyle’s repeated delays and failure to comply with judicial directions (eg that he have liver function testing). There was a three-day trial. An independent children’s lawyer (ICL) was appointed. Gillian was represented, but this time without legal aid funding. She sought orders allowing supervised contact on the basis that Kyle was a chronic alcoholic and prescription drug misuser and the children were not safe in his sole care. Gillian had kept (and produced as evidence) numerous photographs of Kyle using drugs, notes written and signed by Kyle attesting to his own behaviour, and hundreds of text messages verifying her allegations. The judge issued self-executing orders requiring that if Kyle failed to complete a certain drug and alcohol course and deliver the necessary material to the ICL by a certain date, contact would be disallowed. The ICL signed off on Kyle having complied with the order and the judge accepted this, despite, in Gillian’s view, Kyle not completing all the requirements originally imposed by the judge. On a further court date, Kyle was granted unsupervised contact for five hours every second weekend.

Fairly certain that a 12 hour course was unlikely to have remedied a 30 year drinking habit, Gillian took steps to ensure that the children were supervised by one of Kyle’s family members whom she trusted. This is working well. Changeover now occurs at a large service station, which Gillian finds unnerving so she makes sure she has a friend to accompany her.

Gillian has sole parental responsibility for the children, and must only give Kyle notice of medical issues or a major relocation. Kyle had been paying negligible child support, and then stopped. Gillian got approval to relinquish child support on family violence grounds, while maintaining her full entitlement to the family tax benefit.

Around this time, Kyle posted a message on Facebook directed at Gillian: “I hope you die excruciatingly”. She immediately went to the police and applied for a new protection order. This time the police were supportive. Gillian was not eligible for legal aid funding so appeared at the hearing self-represented, having prepared the necessary affidavit material. On this occasion, Kyle didn’t appear at all, and the Magistrate issued a two-year protection order in his absence. The order includes no contact conditions together with a prohibition on emailing, social media and any other form of harassment.

Kyle previously owned the house he and Gillian lived in. Unknown to Gillian, he mortgaged the property and squandered the loan funds. Just prior to the birth of their first child, the loan was recalled and Kyle was unable to repay. Gillian’s mother and new partner bought the property for the amount Kyle owed. Gillian and Kyle and the children stayed on as tenants. They were entitled to whatever equity there was upon the sale of the property. In due course the property was sold leaving only a few thousand dollars after expenses. Kyle applied to the Federal Circuit Court for a property settlement seeking a share of the equity. Gillian expended more than $10,000 in legal fees responding to Kyle’s claim, and in the end the court dismissed the application on the basis that there was no property to divide.

Gillian has made sure that Kyle is unaware of her mobile and landline numbers and her address. She has told the children that they must never disclose their address to Kyle; that they are free to see him at his home, but he is never to visit theirs.

Gillian believes that it has been important for her safety to have protection orders in place against Kyle. She has become familiar with how the system works and confident to act when she needs to. She is grateful to her solicitor who was prepared to believe her story and take whatever steps necessary to ensure her protection and the wellbeing of her children. Gillian found her engagement with court processes frustrating as Kyle was permitted to repeatedly delay proceedings on spurious grounds. She found it mostly helpful to have the same judge presiding over their various matters in the Federal Circuit Court, although the time delay in the parenting proceedings meant that the judge lost touch with the facts and, in Gillian’s view, made a questionable final ruling. This was in contrast to the Magistrates Court where there was a different Magistrate at every mention and facts had to be revisited each time. Gillian questions the value of the ICL in her case; very little weight was given to Kyle’s violence and abuse in the context of determining the children’s best interests. The judge however was focused on ensuring safety at changeover.

Gillian has spent more than six years post separation accessing the legal system to secure parenting arrangements and her own safety. It has come at great cost to her emotionally and financially. She is however getting on with rebuilding her life. She is distrustful of people, wary of any signs of violence and abuse, and finds it very difficult to contemplate an intimate relationship.