Hilary and Bruce were in a relationship for 17 years; they married and had three children who were primary and pre-school age, and two years of age on separation. Hilary has an adult child from a previous relationship who was pre-school age when Hilary and Bruce got together and lived with them until late teens. Hilary is tertiary qualified and has worked in a specialist professional role throughout the relationship other than during periods of maternity leave. Bruce has a trade qualification and held a well-remunerated position with a company for many years before resigning and starting his own business.

Hilary’s early observation of Bruce was that he was a perfectionist regarding how work was done on their house and cars, he wanted to make the decisions about these matters and got extremely stressed when things didn’t go as planned, he was eager to fix other people’s problems and enjoyed their praise and gratitude. Hilary felt she understood and accommodated these traits in Bruce, along with his need for his own space and to spend regular time away with friends. When they met, both Hilary and Bruce had their own homes. In time, the properties were sold and together they bought a house on a big block with a work shed for Bruce. As a result, they were in a comfortable financial position with a small mortgage, good incomes pooled in a joint account, and relatively low outgoings.

Bruce’s behaviour became concerning to Hilary when she discovered she was pregnant with their first child. Bruce was angered by the news: Hilary had conceived quickly, however Bruce had wanted it to be later, and expected to be able to control the timing. He even contacted Hilary’s family members to express his displeasure. Witnessed by Hilary’s child who was excited and happy about the news, Bruce came into the bedroom where Hilary was sitting on the bed, wielded two knives and threatened to hurt himself, tipped Hilary onto the floor by lifting the mattress, and punched his fist into the wall. Hilary’s child was distressed and screaming and calling out to her mother that she was going to ring the police. Hilary tried to reassure the child that she would sort it out and everything would be okay. Hilary believes that this incident and many others since have been a source of trauma for the child into adulthood.

Bruce’s behaviour settled down once he got used to the idea of having a child. Hilary says he was an attentive and doting father to the first child, especially when very young and Hilary returned to part-time work at Bruce’s insistence. Hilary felt they had no financial pressure for her to resume working so soon, and had been looking forward to the break and spending quality time with the baby and her older child. Bruce however told Hilary that if she didn’t work, he wouldn’t either, and he would leave her.

When Hilary was on maternity leave following the birth of their third child, Bruce was forced to resign from his long-held position due to unresolvable clashes with work colleagues. Hilary says he became depressed and took casual jobs he didn’t enjoy. He then announced to Hilary that he was going to start his own business. Their comfortable financial position had suddenly deteriorated and Hilary became stressed about earning only a part-time wage and having to find additional money to fund the business setup.

Bruce was disappointed that their second child was a girl and appeared upset and angry on the few occasions he visited the hospital. On the day Hilary was discharged from hospital, he insisted that Hilary host lunch with friends at home. Hilary was exhausted, and refused. Bruce stormed out of the house and retreated to the shed. Bruce’s childish, tantrum-like behaviour escalated over time to physical violence towards Hilary. At the close of a demanding year in her job, Hilary finished work one evening hoping to get some help from Bruce around the house and with the children. Instead, he went to bed and let the children run amok. Hilary questioned him on his lack of support, and he tussled with her and kicked her hard, resulting in pain and extensive bruising to her arms and hip. The day care mother who looked after the younger children noticed the bruising and tried to counsel Hilary to see someone, however Hilary felt she wasn’t ready to get help, or to even recognise the reality of Bruce’s violence. On a subsequent occasion, Hilary tried to discuss with Bruce her concerns about the amount of equipment and vehicles that was accumulating in their yard. He reacted angrily and struck her on the hip with an extension cord while she was holding their youngest child.

At this stage, Hilary realised there was something seriously wrong in the relationship and let her family know. One family member identified Bruce’s behaviour as domestic and family violence and urged her to take decisive action. Hilary however couldn’t afford to leave the home and rent elsewhere, and she knew that Bruce would dig his heels in. Hilary moved into a family member’s house with the children temporarily to seek safety and to organise counselling. She tried repeatedly to get an appointment but was unable to. Eventually she found help; her focus then was to try and understand what had gone wrong in the relationship and whether it was retrievable. She and the children then moved back into the family home and Bruce agreed to attend joint counselling. On a rare occasion when Bruce was open to discussing the relationship, when asked by Hilary why he was violent towards her, he told her that it was to discipline her. After three counselling sessions Bruce refused to continue, saying there was no point. Hilary continued, knowing that the relationship was over, but needing guidance with the separation process.

By now Bruce was no longer contributing to the joint account. He agreed to pay only the house utility bills. The mortgage repayments, direct debits and children expenses were all paid from Hilary’s modest wage. Hilary was forced to ask Bruce for grocery money, which he gave out in meagre amounts after much complaint and verbal abuse, further humiliating Hilary each time. Hilary was aware that Bruce was making money from the business having seen him receive considerable amounts of cash from the sale of stock. Bruce told Hilary not to expect any more money from him, and that she needed to work more.

One evening, while they were still living together, Hilary again expressed her frustration to Bruce at his failure to help with the children. An argument ensued and Bruce punched his fist through the door. Bruce then rang the police alleging that Hilary had verbally abused him. The police arrived at the house and interviewed them separately. Hilary had not planned to get the police involved as she felt ashamed by what was going on and didn’t want Bruce in any trouble, but after some probing by the police, Hilary detailed the violence and abuse she had been experiencing. They urged Hilary to apply for a protection order, and to seek a condition preventing Bruce from entering the property. Hilary obtained a temporary protection order, which only required Bruce to be of good behaviour towards her and the children. Hilary says she wanted Bruce off the property but knew that if he weren’t allowed access to the shed, his behaviour would only worsen. The Magistrate commented that these matters could be dealt with at the final hearing when Bruce had an opportunity to put his case. When the temporary protection order was served on Bruce, he became extremely angry and verbally abusive towards Hilary, and told her she was mentally ill.

Due to financial constraints, Hilary attempted to put in place separation-under-the-one-roof arrangements. She notified Centrelink, relocated Bruce’s belongings to a spare room in the house, and told him she would no longer be cooking, washing or providing other benefits to him. Again, he reacted angrily. On a number of occasions he rang the police complaining that the dinner leftovers had been fed to the dog. Hilary could tell that the police believed Bruce’s complaints were exaggerated, yet she always felt they were supportive of her own situation.

Just prior to the final hearing of the protection order application, Hilary was served with Bruce’s cross order application. The matter was adjourned to allow Hilary the opportunity to seek legal advice and representation. Hilary returned to the family home that day to find what she describes as a ‘romantic note’ from Bruce, which she interpreted as disingenuous and, once again, temporarily relocated with the children to a family member’s house. Bruce resumed living at the family home, and verbally abused Hilary’s adult child causing Hilary to alert police. Hilary and the children returned to the home, the family still governed by the temporary protection order requiring Bruce to be of good behaviour towards them. One of the children developed a fever and became quite unwell, and Bruce refused to help, choosing instead to watch television and send text messages on his phone. Hilary took the television remote control and phone away from Bruce hoping that this would prompt a better response; it didn’t, and the following morning when Hilary was preparing to leave for work and drop the children off to day care and school she discovered that Bruce had taken her car keys. Hilary tried to look for the keys; Bruce became angry and told her to get out of his room, then grabbed and pushed her forcefully into a chair while the children were present and becoming increasingly distressed. Hilary told Bruce to stop because he was hurting her. He then rang the police and waited at the front of the property for their arrival. Hilary also called the police to report a breach of the temporary protection order. It took some hours for the police to arrive, by which time Bruce had left and Hilary gave her statement regarding the breach. Bruce was charged with the breach, and the matter was heard, but Hilary hasn’t ever been advised of the outcome.

At the final hearing of the protection order application (which included Bruce’s cross application), Hilary sought a variation to include an ouster order as she could no longer tolerate Bruce being on the property. Both Hilary and Bruce had legal representation. Hilary’s lawyer told her beforehand that the particular Magistrate listed to hear the matter would require that Bruce be given access to the shed, so there was no point in pushing for an ouster order. Hilary reported that the Magistrate was irritated by having to deal with the matter, telling them both that while separation can be difficult they needed to sort the issues out like adults. Bruce’s cross application was dismissed; and based on the Magistrate’s comments in the court room, Hilary believed that Bruce was granted access to the shed between certain hours on certain days, however when the paper order issued there was no such specification.

Consequently, Bruce continued to come and go from the property as he pleased, including into the house. Hilary knew the latter behaviour was a breach of the order but felt uncomfortable about bothering the police with repeated breach complaints. When Hilary applied for a renewal of the order, she requested a variation denying Bruce access to the house. She felt admonished by the Magistrate for not reporting the breaches, and for being so petty as to not allow Bruce to use the toilet in the house. Bruce made another cross application against Hilary, and at the same time applied for the matter to be heard at a different courthouse, claiming a potential conflict of interest as a result of Hilary’s family connections. The matters were adjourned and Hilary and Bruce appeared for a mention before a different Magistrate who Hilary felt acted fairly and reasonably, in contrast to her previous experiences. The Magistrate expressed the view that Hilary and the children should stay in the house and made a further temporary order against Bruce in accordance with Hilary’s application; he also made a temporary order against Hilary requiring that she be of good behaviour towards Bruce. The final hearing of both applications is pending.

When Hilary is at home with the children she tries to stay indoors and keep them distracted and settled, however when Bruce sees her, he often verbally abuses her. She has changed the locks on the house. Hilary feels intimidated by Bruce’s presence on the property, and her greatest concern is that he will attempt to take the children away so as to reassert his control over her. There are currently no parenting orders in place, though they have an informal arrangement where Bruce cares for the children one day each weekend. Hilary had been loath to involve the Family Court in matters relating to the children as she feared the process would be damaging to them, however she believes now that securing orders would be in their best interests. She is also aware of the need to make an application for property orders to clarify her financial situation. Based on Bruce’s business returns, a child support assessment has issued requiring Bruce to pay an annual total of $500 for the three children. Hilary otherwise wholly supports the children from her wage.