

INQUIRY INTO CHILD PROTECTION

Name: Ms Toni Grange

Date received: 31 May 2016

SUBMISSION - Upper House General Purpose Standing Committee No.2 - Inquiry into Child Protection and the Media Release "Child Protection Enquiry Launched" 16 May 2016

Request to extend and/or amend the Terms of Reference

I write with reference to the Upper House General Purpose Standing Committee No.2

inquiry into child protection and the media release "Child Protection Enquiry Launched" released on the 16 May 2016.

I respectfully request that under the Terms of Reference Part that refers to Part i) "any other related matter" or alternatively, a new Term of Reference is established to include the following parameters and scope in this Child Protection Inquiry:

- a) that the terminology of "best interest of the child" is redefined by appropriate and suitably qualified skilled and experienced medical professionals and that "best interest of the child" protocols and practices are established and maintained by similar suitably qualified, skilled and experienced DOCS professionals;
- b) that the "best interests of the child" are genuinely satisfied by all Authorities (DOCS, Police, Judge, Court Reporters, Independent Children's Lawyers (ICLs) and Court Officials) while also giving credence to the child's testimonies, witness accounts, views and input;
- c) that the parents of the child are provided with natural and social justice and rights according to the Care and Protection ACT 1998, Human Rights Constitution and DOCS guidelines, policies and protocols;
- d) that DOCS, Police and the Courts are apportioned with appropriate sanctions and repercussions for persecuting and victimising children and/or parents who report domestic violence and abuse in the household; and
- e) that the perpetrators of domestic violence and abuse are sanctioned appropriately.

I am one of 13,000 members on Luke's Army. The Luke's Army website was established and is maintained by Mr Michael Borusiewicz in honour and memory to his son Luke Borusiewicz and to provide a support network to people (children and parents) whose lives have been destroyed by DOCS personnel.

Luke Borusiewicz died at 2 years of age on 18 January 2009 in foster care under the Department of Community Service (DOCS) Queensland. The inquest found that Luke's death was accidental, resulting from Luke falling from his bed and striking his head. In this instance, DOCS breached the Australian legislation, the Human Rights Constitution, DOCS own guidelines, policies and protocols as DOCS reports specifically state:

"The elderly carer must be sent children aged between three and 18 years of age. Respite and emergency care only, no long term, two short term placements maximum. No children under three years. Carer does not want children in nappies, due to age."

Despite the carer's conditions of foster care placement, DOCS deliberately and negligently placed a child with a 74-year-old carer who already had three other foster children to care for and DOCS deliberately disrespected the carer's request that she does NOT want any children under three years of age. Any ordinary person would question the reasons why a 74-year-old person is legally permitted to take care of any foster children on a permanent and daily basis, yet this foster carer was taking care of four children. Had DOCS performed their duties according to the legislation, DOCS own guidelines and at the carer's request, it is highly probable that Luke Borusiewicz would be alive today and celebrating his 10th birthday on the 22 September 2006.

I would like to acquaint you with Luke who died at the hands of DOC personnel; Luke was a "little boy" he is not an object:

Luke Borusiewicz - son of Michael Borusiewicz

Born: 22 September 2006 - Cairns, Australia

Died: 18 January 2009 (aged 2) - Cairns based Hospital

Luke's Army website: <https://www.facebook.com/LukesArmy/>

Mr Borusiewicz is not the only father/family who has endured the death of a child through DOCS interventions and sheer negligence; many media articles have reported similar tragedies not only in Australia, New Zealand, USA, Canada, UK, internationally.

Each and every person on Luke Army has their own heartbreaking story of child removal by DOCS with much of this removal unjustified and illegal theft of children that echoes similar Government misdeeds of the "Stolen Generation". Was the Government's apology to the families of the Stolen Generation propaganda? How many children need to be physically, psychologically and/or emotionally abused or die as a result of DOCS negligence and lack of professionalism, qualifications and experience? When will the Government finally recognise that DOCS is NOT concerned about the "best interests of the child?" How many more children need to die or their well-being significantly impaired, before the Government recognises, acknowledges, appropriately addresses and rectifies the depravity by DOCS, Police and the Australian Court system?

I request that this Inquiry refer to the following journalists and writers who have reported upon the phenomenon of immorality and injustice that exists within the DOCS, Police, Family Court Reporters and Court systems within Australia:

Readings reporting the Family Court phenomenon of immorality and injustice:

1. Rosie Batty campaigner against domestic violence:
https://www.google.com.au/?gws_rd=ssl#q=rosie+batty
2. Charles Pragnell, independent Expert Defence Witness for Child Protection and a member of The National Council for Children Post-Separation (NCCPS). Mr Pragnell is a dedicated child advocate who has a vast knowledge of the legislation of UNCRoC, the Family Law Act, Family Court issues and the systems failing to fully protect children. Mr Pragnell's writings of the Family Court are located at: http://www.nccps.org.au/eap/charles_pragnell.html
3. "The Family Court has a Serious Attitude Problem when it comes to Domestic Violence", Daily Life, 2 May 2016 by Jess Hill, Journalist.
<http://www.dailylife.com.au/action/printArticle?id=1008664648>
4. "Suffer the Children: Trouble in the Family Court" - The Monthly Essays, by Jess Hill, Journalist. <https://www.themonthly.com.au/issue/2015/november/1446296400/jess-hill/suffer-children>
5. Paper "The Complaints Against Family Consultants", Family Court of Australia, by Neil Wareham. http://afccnet.org.au/wp-content/uploads/bsk-pdf-manager/10_WORKSHOP_6_HAND_OUT.PDF
6. "Rights of Victims" - Victorian Community Council Against Violence, Australian Institute of Criminology, by Judith Dixon. <http://www.aic.gov.au/med.../conferences/prosecuting/dixon.pdf>
7. "Outcry over Special Rules for Corrupt Judges", 14 March 2012. By Melissa Fyfe and Royce Millar. <http://www.theage.com.au/victoria/outcry-over-special-rules-for-corrupt-judges-20120313-1uyj1.html#ixzz48Jb8MWEt>.

8. "Unlearning Habits That Lead to Violence", Geelong Advertiser, 5 April 2016, by Chris Mackey. <http://www.geelongadvertiser.com.au/news/opinion/chris-mackey-unlearning-habits-that-lead-to-violence/news-story/9c1e5455779406994c565c1c6427dca1>

9. "In the Best Interests of the Abuser: Coercive Control, Child Custody Proceedings and the "Expert" Assessments That Guide Judicial Determinations", 10 March 2016, by Samantha Jeffries. <http://www.mdpi.com/2075-471X/5/1/14/htm>

10. Dr Deborah Wilmoth MAPS, State Forensic Mental Health Service (WA) and presiding officer of the Western Australia Board of Psychologists. Dr Wilmoth summary:

"I have been increasingly concerned with the rising number of complaints being lodged against psychologists in relation to Family Court evaluations, a concern also shared by other Psychology Boards in Australia."; and

"The number of complaints against psychologists involved in Family Court evaluations indicates the need for Australian guidelines for conducting child custody evaluations."

https://www.psychology.org.au/inpsych/family_court/

11. Submission to the Family Law Council - Victims of Crime Assistance League - Family and Child Safety Unit, by Kassie Pitkin Victims. Ms Pitkins' summary:

"All mothers I have worked with voice experiencing highly negative experiences within the family court process. This includes the way they are treated by family law solicitors; the reported bias and judgemental attitude of Independent Children's Lawyers (ICL) and family report writers during interviews; the highly inaccurate reporting of family reports and the contact centres who supervise visits and report back to family court; disregard of agencies specialising in domestic violence and child protection as evidence; and the further re-traumatisation the family court process that has significant psychological impacts upon the mother and their children."; and

"I will use the term 'mothers' as 'protective parent' due to both my experience of the protective parent mainly as the mother as well as research that indicates that domestic violence is overwhelmingly perpetrated by males."

<https://www.ag.gov.au/FamiliesAndMarriage/FamilyLawCouncil/Documents/FLC-submissions/Victims-of-Crime-Assistance-League-Kassie-Pitkin.pdf>

You may also note that several political parties have emerged for the forthcoming election to protect the "best interests and well-being" of our children, examples of such parties include:

1. Australian Anti Paedophile Party (AAPP) - Founder Dr Russell Pridgeon - Aim: Protect children from child abuse in all its forms, especially child sexual abuse. <http://www.australianantipaedophileparty.com/>

2. Derryn Hinch's Justice Party - Aim: Domestic Violence Reform.
<http://www.justiceparty.com.au/#!/domestic-violence-law-reform/i8ym1>

3. Anthony (Tony) Tonkin as an Independent Candidate for the Senate supported by the Child Protection Party - Aim: children have the right to be protected from all forms of abuse, violence and neglect. <http://www.childprotectionparty.com/> and <http://www.tonytonkin.com.au/>

4. Brian Tucker - Aim: Protection of child sexual abuse and domestic violence.
<https://www.facebook.com/riseupaustraliapartybriantucker/>

In support of the Australian Anti Paedophile Party (Founder Dr Russell Pridgeon), journalists and submissions to Government, I also request a Royal Commission inquiry and thorough investigation of the personnel, protocols and processes of the Family Court Officials (including the Judges, ICLs, Family Court Reporters, Family Court personnel) and the child protection services of DOCS and the related Departments.

I respectfully request that the Upper House Committee Inquiry into child protection include the following Terms of Reference; any Inquiry that fails to include the following scope and parameters will fail in its outcomes and will produce biased results that DO NOT protect the well-being and welfare of our children.

DOCS erroneous child removal, malpractice, negligence, deception and perjury

That appropriate sanctions and repercussions are applied to DOCS employees and DOCS Departments in breach of the Care and Protection Act 1998, Human Rights Constitution, DOCS own guidelines, policies and protocols in the following instances:

1. DOCS erroneous and non-legislative grounds for child removal;
2. DOCS unrelenting removal of children from good, loving and supportive families who simply require support systems;
3. Conversely, DOCS negligence of child removal in circumstances when the child is genuinely at risk of harm and/or death;
4. DOCS unjustifiable and illogical reasoning in Court Orders per case for child removal: requires full investigation by an Independent Authority;
5. DOCS questionable Court demands that 18-year-old Orders be placed on the child into foster care: to be queried and investigated by the Judge in Court and/or Independent Authority not to be "accepted as gospel and granted by the Judge";

6. DOCS employees be legislatively sanctioned for child removal in the absence of any warrants and legitimate legislative grounds for “emergency child removal”;
7. DOCS consistent claims that it is at the “best interest of the child” and the only option and resort for the child to be placed in foster care thereby disregarding the legislation, Constitution and DOCS guidelines specifying that support systems be offered and exhausted to the family prior to any child removal;
8. DOCS consistent and persistent abuse of power, game playing, indulgence in the “God complex”, negligence, malpractice, misrepresentations, misreporting, deception and perjury in Court: to be fully investigated and assessed by an Independent Authority;
9. DOCS deliberately and efficiently suppressing and concealing evidence in Court through manipulation, misrepresentation, misinterpretation, inconsistencies and omissions of evidence;
10. DOCS perjury in court documentation and in court (Orders, Affidavits) and the Court ignoring this perjury even when evidence is presented that DOCS committed perjury;
11. DOCS influence over the Judge, Independent Children’s Lawyer (ICL) and if applicable, Court Psychologist by presenting an instant bias, misconception, scapegoating and persecution of the parents in Court for no justifiable reason;
12. DOCS collusion with not only the ICLs but also the Judge to procure the agenda they are seeking upon the family (i.e. 18-year child foster care placement) and all Court Authorities supporting DOCS agenda and decisions;
13. DOCS (and Police) lack of qualifications, skills and experience to diagnose and stereotype parents as “mentally ill and defamation of the parent’s character” in the absence of any evidence;
14. That all parent psychiatric assessments by DOCS be actioned by purely independent, non-biased medical professionals not affiliated with DOCS, Police and the Court and if there is any doubt or contention (by any lay person during the Court proceedings) as to the medical professional’s assessment, then a 2nd and 3rd medical professional assessment is sought;
15. Prevent DOCS, Police and the Court from procuring any past psychiatrist, psychologist counselling session reports and evaluations of the parent. If any psychiatric and/or counselling reports are required of the parent by DOCS, new reports should be undertaken as DOCS, Police and the Court should not be legally permitted to scavenge these reports from the parents past as all the material in these reports was reported by the parent in the past on the basis that the sessions were “private and confidential”;
16. DOCS deliberate ploys to “dredge up a parent’s past” as an excuse to remove children to foster care in instances when the parent has reformed and conformed from past behaviours;
17. DOCS deliberate strategies of “de-identifying” the child from their families and ensuring that the child is ostracised and alienated from the family, family connections and family history;
18. DOCS use of social media to fabricate and misrepresent information against the parents; and

19. This is only the “tip of the iceberg” of issues and matters concerning DOCS, Police and the Court system.

The demand for the Judge and Court Officials re-education and reskilling

1. The requirement for the education and/or upskilling of DOCS, ICLs, Family Court Psychologists, Judges and all Court Officials in all facets of child psychology and recognising the detrimental ramifications upon children placed into foster care;
2. The readings above will provide insight into the re-education required for all Court Officials to ensure that the “best interests of the child” are achieved; and
3. My Facebook page provides further readings and research as evidence.

The demand for support systems to parents

1. The requirement for more funding to be made available for child protection Departments nationally to enable the reunification and restoration of children to their biological families, NOT for the purposes of more “children being stolen by DOCS”;
2. That DOCS provide the parent and/or families with the support systems (as defined in the legislation and in DOCS guidelines and as claimed by DOCS) as a first option and exhaust all avenues of support prior to considering child removal to foster care, NOT for the purposes of more “children being stolen by DOCS”;
3. Should all support services offered to the parent(s) fail, that children always be offered to the family and relatives NOT immediate removal to foster care;
4. Provision of assistance, mentoring and support networks to families who do not understand DOCS and Court processes, NOT for the purposes of more “children being stolen by DOCS”; and
5. Mothers must be allowed to breast feed their baby as long as required in the absence of any DOCS intervention.

Legislation

The requirement to amend the Care and Protection Act 1998 to address and resolve the following issues and matters:

1. Abolish DOCS, Police and the Court’s persecution and victimisation of Mothers (and children) who report domestic violence and/or neglect: it is the perpetrator of the abuse who should be punished not the victims of the abuse;

2. Abolish the “secret removal of children” and any legislation that permits this practice;
3. The Court to immediately restore children to their parents in instances of wrongful child removal by DOCS and in instances where the evidence demonstrates no child abuse or child neglect by the parent;
4. Ensure that DOCS employees and the Department are held accountable and responsible for their actions and ensure that all DOCS processes are “transparent to the entire public, government officials and the media”;
5. Enable the media and/or whistle-blowers to report upon DOCS malpractice, wrongdoings and failures and protect the whistle blowers and media from any persecution and/or victimisation when reporting the facts and presenting the evidence;
6. That Children’s Court proceedings be videotaped and recorded to prevent any perjury by DOCS and Court Authorities;
7. That children’s testimonies to DOCS, Police and other Authorities be videotaped and audio recorded to eliminate DOCS and Authorities erroneous allegations against the parent(s) and/or statements made by children;
8. That children and parents involved with DOCS be permitted to have a “support person”;
9. That parents involved with DOCS be permitted to audio and/or videotape the meeting, visit and interview;
10. The requirement to abolish Section 121 of the Family Law Act 1975 relating to the “Restriction on publication of court proceedings” commonly referred to as the “silence and gag” legislation especially in cases pertaining to the disappearance and/or death of a child in foster care. This legislation must be abolished to enable parents, the media and whistle-blowers to lodge complaints and reports against DOCS and Court officials in the public arena enabling transparency of DOCS and Authorities injustice upon persons;
11. Abolish all sections of the legislation that enable Judges both in the Children’s Court and the Family Courts to make decisions at his/her discretion and divest the Judge of his/her “God” and “the untouchable” powers;
12. Ensure that all Judge and Court Officials transgressions are held accountable and responsible for their actions and sanctioned appropriately;
13. Abolish the NSW law introduced by Pru Goward that enables children who have been in foster care for a period greater than 6 months for children under 2 years of age and a period greater than 12 months for children over 2 years of age to be “adopted against the parent’s wishes” as this is a blatant breach of the Human Rights Constitution.
14. Abolish the “future emotional risk of harm” law as this is crystal ball method of removing children and is no more credible than DOCS assessments claiming “parents are mentally ill”.

The requirement for assessment, monitoring and reporting processes and databases

To establish and maintain various independent assessment, monitoring and reporting processes and databases that will provide transparency of child protection budgets, spending and operational processes, including the requirement for:

1. A solely independent, impartial, unbiased Committee of which DOCS is accountable to, whereby immediate investigations are launched against DOCS employees and their practices with the imposition of appropriate sanctions and penalties including employee's instant dismissal, suspension, leave of absence, de-registration and fines;
2. Abolishing the FACS/DOCS child abuse hotlines and substitute them with an independent Authority complaint centre as this will prevent DOCS from using this complaint system to conceal their malpractice, wrongdoings, inappropriate behaviours and breach of processes;
3. The Government to establish a feedback and complaints system for parents whose children have been removed by DOCS to be manned by remunerated personnel who personally experienced DOCS intervention in their life as this will provide a suitable network and support system for parents presently involved with DOCS;
4. Investigations into Police, Public Service and schools, aiding and abetting DOCS wrongdoings, perjuring on DOCS behalf, misreporting and/or doctoring of reports, complacency in responding to complaints and reports;
5. All National Government Organisations (NGO's) transparency in funding, spending, practice and processes to the public;
6. A national accredited registration of all child protection employees by State, Territory, Region and Area;
7. A national database that reports the names of DOCS employees who have complaints lodged against them (typically referred to as the "Hall of Shame") and DOCS employees sanctioned by the Court system;
8. Public publishing of the exact number of child deaths in foster care by State, Territory Region and Area.
9. All funding provided to DOCS and affiliated organisations is transparent and reported upon in detail in Annual reports;
10. Audits on every DOCS case where no criminal charges were laid against the parents of children removed to foster care (to gauge the number of "wrongful child removals");
11. Audits on every DOCS case where criminal charges were laid but later suspiciously withdrawn for no apparent reason (to gauge the number of perpetrators of child abuse who were acquitted from their crime);

12. Provision of information pertaining to the person who made the child abuse and/or report available in Court proceedings (to gauge the number of erroneous reportings of child abuse).

I invite you to refer to my Facebook page as I have posted a series of articles that reflect all of the issues and matters relating to child protection, well-being and welfare I have presented in my letter:

Facebook: <https://www.facebook.com/toni.grange>; and

LinkedIn: <https://www.linkedin.com/in/toni-grange-8586a8a8>

My Story - DOCS, Police and the Australian Court Systems

Yes, I too, am a victim of DOCS and the Family Court systems, twice over; once in the Children's Court for the wrongful and illegal theft of my daughter by DOCS and again in defence as a self-representing litigant in the extremely adversarial Family Court fighting against an ex, his lawyer and Barrister, the Judge, ICL, Family Court Reporter, DOCS, Police and Court Registry and Officials. I have been in Court for over 2.5 years, firstly in the DOCS case when my daughter was illegally removed by Queanbeyan, NSW DOCS under an "emergency removal" in the ABSENCE of a warrant and no legislative grounds for an "emergency removal"; DOCS and the Government breached the legislation in my case and NOONE has been held accountable and responsible for their illegal actions.

I personally experienced both the NSW and ACT DOCS systems and am in contact with many people who have experienced the same DOCS interventions and misconduct I speak of, nationally, in each and every State and Territory across Australia.

In both Courts I endured DOCS and the Family Court (Judge, ICL, Family Court Reporter) victimising and persecuting me for protecting my daughters from any further physical (possibly sexual), psychological and emotional abuse, neglect and uninvolved parenting by the father. The Court and everyone in the Court persecuted me with erroneous allegations (based on NO evidence) and defamation of character that I am "mentally ill" and/or "coaching and alienating" the children from not wanting to have contact with their father.

The Court and all the Court Officials NEVER considered that the reasons the children do not want contact with their father (aided and abetted by the Court Officials and the Court system themselves in forcing children to have non-gradual and extended periods of contact with their father which was against the ICLs initial recommendations) was a result of the father's past misdeeds of abuse of the children and his OWN coaching and alienation of the children both in the past and present. The

father won sole custody of both children because I was perceived by everyone in the Court as the “protective mentally ill coaching and alienating parent”.

This is the phenomenon occurring in the Family Courts today that the media and various public profile persons have reported upon but the Government continues to “ignore and bury” pretending that this phenomenon does not exist in the Australian legal system. In my case, the Judge had the audacity to grant sole custody to the abusive father and issue Orders that effectively “stripped me of all my rights as a parent/Mother” (irrespective that I was the parent who cared for the children for 10+ years and I am the parent best equipped to manage the children’s behaviours) and gave Orders to the father that he has the “right to make all the decisions” concerning the children; blasphemy considering the father never cared for the children in those 10+ years.

The children were reinstated to my care after a month of the Orders being established, at the decision of the Father, Police and DOCS as the father admitted he could not manage the children’s behaviours. I certainly hope the Court and the Government realise that they themselves ALIENATED the two children from their OWN MOTHER; this is what the Government, DOCS, Police and the Court is responsible and accountable - the pain, suffering and alienation imposed upon my daughters and the behaviours they are now suffering because of the system’s poor decisions, mismanagement of our case and complete ignorance and avoidance in listening to the truth and evidence I repeatedly presented during the Court proceedings.

Through DOCS interventions, my daughter was physically abused in foster care, I lost my 21+ years employment in the Public Service, since the return of my daughter’s from the father’s care, one daughter (who has had erratic and unmanageable behaviours since 18 months of age), has amplified her behaviours and the other daughter who was previously placid and obliging has been seriously affected by everything she has had to endure in the last few years. I am grateful that my daughter was reinstated to my care and that I never had to live with the news that my daughter died in foster care (as other parents have); that news would torture any parent.

I am sorry, but I am NOT proud to call myself Australian as my experiences with the Australian Court system has proven to be as archaic as any Third World country legal system.

I would like to be given the opportunity by the Committee to present my experiences in both the DOCS Children’s Court and the Family Court; I have ample evidence demonstrating the misrepresentations, inconsistencies, omissions of truth and travesties of justice my children and I were forced to endure in the last three years of our lives both in and out of the Court system.

One evidence I hold, is an audio recording of my ex admitting that DOCS requested him to lodge an erroneous complaint against me that I am physically abusing my older daughter to enable DOCS to remove her from my care; DOCS made this request to my ex after they removed the younger daughter from my care. Does the Government provide DOCS with the permission to perform and practice such underhanded trickery to illegally remove children from their parents? Does the Government permit DOCS to tell young children that their parents “no longer want them?”. Why, after so many letters to the Government do I still have NO answer as to the reasons DOCS removed my daughter from my care? Why?

The Government, DOCS, Police and all Court Officials are responsible and accountable for all the heartache my children have suffered, the psychological, emotional and physical pain they endured and the behaviours emanating from everyone’s unnecessary and damaging intrusion in our lives; the children have endured too much in their young lives and this is not my definition and/or perception of “the best interests of the child”.

I await your reply to my letter and hope you will include the suggested Terms of Reference into the Child Protection Inquiry and that you address my issues in this letter point by point.

Thanking you kindly and awaiting your reply.

Toni Grange (BA, BSc)

Child and Human Rights Activist