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FROM: [REDACTED]
Parent of severely disabled children
[REDACTED]

Dear Ms Megan Mitchell,

I would like to make a submission to the Australian Human Rights Commission for their inclusion into the United Nations report on the Convention on the Rights of the Child. I am happy to have a follow-up meeting, if further proof is required for anything written. I am also happy for it to be made public as your website suggests.

<https://www.humanrights.gov.au/our-work/childrens-rights/projects/call-submissions-childrens-rights>

I will address the clusters on Human Rights in the first section and then follow that with various agencies and oversights failing to implement the UN Convention on the Rights of the Child. In the second section I will also provide links to various government submissions. These demonstrate the damage done to the children and also that the agencies will lie in submission responses even to the highest authority in the country, the Federal Senate inquiry, to cover up wrongdoing (despite it being a crime to falsify evidence in Federal Senate Inquiries).

Section 1: Clusters of Human Rights Breaches

1. General measures of implementation

This will be covered more in Section 2. However it can be seen from this case that, while some of the Human Rights have been put into law they are not done in practice by:

1. the agencies enforcing the laws (such as police and DoCS/FaCS);
2. the State oversight agencies (such as the ICAC / NSW Ombudsman / NSW Administrative Tribunals / NSW Courts);
3. state Government politicians (who essentially ignored the complaints); or
4. the Federal Government Agencies (such as the Family Court [who used information that was shown to be false] and the Australian Human Rights Commission (who indicated they do not investigate state authorities for Human Rights breaches).

So while there are some agreements, it can be seen that when there are individual cases of breaches by state authorities they are ignored at all levels of government in Australia.

2. Definition of the child

The children mentioned here were under 10 years old at the time.

3. General principles

1. As can be seen in my submissions the state authorities ignored their responsibilities under UN-CRC Article 3. They did not act in the best interest of the child prior to the harm (when I warned DoCS of the potential of harm because of lack of services and they said there was an “issue” with me for wanting the services recommended by the hospital). Nor in the criminal investigation that followed because they refused the services (when I was told I should not care about the child’s future e.t.c.). In addition, the oversight authorities did not investigate the breaches of Article 3 with the NSW Ombudsman saying it is OK to falsify the evidence when they claim it is an “administrative” issue and the ICAC saying it is OK for them to fabricate evidence to cover up their “mistakes” rather than consider the interests of the children. That is all being despite the fact that the NSW Children and Young Persons (Care and Protection) Act S 9(1) says “*in any action or decision concerning a particular child or young person, the safety, welfare and well-being of the child or young person are paramount.*”. It seems that all NSW Government Agencies are allowed to go against NSW Laws when it comes to the “best interests of the child”.

2. With regards to UN-CRC Article 6(2) the government is supposed to “*ensure to the maximum extent possible the survival and development of the child*”. You can see by my submissions (e.g. Court AVO response in 2008 which the court refused to allow me to submit) the NSW Child Protection Police told me I should not care about the welfare and development of my child as one of their excuses for refusing to investigate the false evidence from their buddies.

4. Civil rights and freedoms

1. Article 14 implies the children need to know / be taught community moral standards, self-care for health, how to interact with others in the community. This is difficult with severely intellectually disabled children unless they are taught about these with proper behaviour therapy. This was denied to the children with the police using the excuse “they will never go to jail” as their reason not to investigate the false evidence. Article 14 also says that the State is to RESPECT the parent’s rights and duties to direct children in a manner consistent with their evolving capacities. Despite this, the NSW Disability and Child Protection authorities did the opposite and criticised me for providing direction / teaching to [REDACTED] with the therapy that was consistent with his capacity. I note that this was (at the time) also against the NSW Disability laws and is now against the NSW Carers (Recognition) Act - Schedule 1 NSW Carers Charter.

2. Article 39 of the UN – CRC states that “*States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim*” etc. It can be seen, from all my submissions and documents, that not a single government (“State”) authority demonstrated genuine concern for children and the effect that both the abuse and resultant JIRT involvement caused. Quite the opposite – as I indicated previously I was told that I should not care about the children by the police officer in the NSW Child Protection Squad. So not only was Article 39 ignored but it was actively opposed by the NSW Child Protection officers.

5. Violence against children

1. Article 19 of the UN – CRC says “*States Parties shall take all appropriate measures to PROTECT the child from all forms of physical or mental violence, injury or abuse...*”. It can be clearly seen by my submissions that I went to the appropriate child protection agencies with the appropriate medical reports to ensure this happened and instead of the State authorities doing what was agreed at the United Nations they did exactly the opposite and ignored any responsibility to PROTECT the children. The Article (19) also says “*Such protective measures ..., include ... the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, ... and follow-up of instances of child maltreatment described heretofore*”. Instead of following these directions the NSW Child Protection and Disability system criticised me for requesting the assistance with the appropriate programs defined in the medical report for the support of the children and us caring for them.

2. Article 24(3) tries to reduce harmful traditional practices. While the child protection agencies were very quick to judge my relative for “traditional” punishment methods (which was similar to those taught in schools when we were younger), they were very quick to cover up abuse by the Government Healthcare officials when they discovered it was not me that abused [REDACTED]. This abuse by the health staff should be considered by the United Nations as it was probably deliberate as it is the ONLY time I have ever been asked to sign a waiver for the hospital causing injury. The form I signed was untrue (however, they said it was a “standard form”), so they had planned that they would cause injury but wanted a legal escape. Indeed they even did the wrong blood test. They did one I had NOT asked for instead of the one I did and when I pointed it out they said that I didn’t explain what a platelet “function” test was. As well the same hospital had taken blood only a few weeks before with no problems/abuse when they were watched by

police. As well the hospital staff refused to allow me to watch them (even though I was the parent). It is well known that for years people in position of authority have used that authority to abuse disabled people when they felt it was too hard to do the right thing. In Australia the abuse of disabled people was known to happen when in government care, such as Callan Park, which was later closed.

6. Family environment and alternative care

1. Article 5 of the UN-CRC says that “*States Parties shall respect the responsibilities, rights and duties of parents*” for direction and guidance for the rights of the children that is consistent with the child’s capacity. This is similar to Article 14(2) which I have responded to above showing that the State authorities did not respect my rights, responsibilities and duties (as a parent) to provide direction and guidance consistent with the children’s capacity. Instead, they fabricated evidence to claim that I was not providing the assistance etc. so they could cover up the fact that they were not respectful of the parents concern for the children.

2. Article 18(1) of the UN-CRC says that “*States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. The best interests of the child will be their basic concern.*”. It is clear from the documents that I reference below that the NSW Child Protection and Disability authorities (and later oversight and Family Court) failed to recognize that the BEST INTERESTS OF THE CHILD was of concern. In fact the NSW Child Protection police (and their internal oversight investigation) indicated that the protection, welfare and development of the children is not relevant to the police – and the NSW Ombudsman agreed with this excuse for letting the police allow their buddies to fabricate evidence.

3. Article 18(2) of the UN-CRC says that “*States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.*” My documents referenced below show that the State Parties refused to provide appropriate assistance, as recognized by the medical experts, and instead of ensuring the development of institutions, facilities or services, as required by this section of the Convention, the State authorities criticised me for requesting them. That is despite the fact that I had been providing the therapy services myself.

4. Article 18(3) of the UN-CRC says that “*States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from ... facilities for which they are eligible.*” The State authorities knew that, at the time I was a working parent, yet still failed to provide the services the children needed. As a result of me trying to provide the services I ended up losing my job as seen in the document referenced below.

7. Disability, basic health and welfare

1. Article 23(1) indicates that the State authorities should recognize disabled people enjoy a full and decent life. One of the excuses I received from the NSW Child Protection Police [REDACTED] for not investigating the false evidence from their buddies in DoCS/FaCS was that the children are disabled so I should not care about their future (See page 47 of my Senate Disability Submission). This is in direct opposition to their rights. Article 23(2,3) indicate that the State authorities should provide the appropriate

assistance for “*achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development*”. As seen by my submissions the NSW Agencies were critical of me asking for these despite Article 23(2) stating “*States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child*”. They instead fabricated evidence about fictitious services. When they were likely to be found out about these fictitious services during a criminal investigation they falsified evidence to cover up their lies. They were aware that the services were relevant for the development, and protection of the children. However, as they claimed I was the sole risk to the children during the planning meeting when they could use the false evidence to blame me for the lack of services. When I later spoke about it during the criminal interview they claimed EXACTLY the OPPOSITE to what they claimed in planning – i.e. they claimed it was NOT relevant when they found their lies would be exposed – as my submission indicate.

NOTE: I note that the breaches of disability services here are also reaches of the United Nations Convention on the Rights of Persons with Disabilities. In particular Article 25 where it says the services are supposed to be provided in the community of the disabled person – even if it is a rural area etc

2. Article 6(b) once again states that “*States Parties shall ensure to the maximum extent possible the survival and development of the child.*”. Yet once again, my submissions demonstrate that they were not concerned with the children at all during the child protection investigation – in fact quite the opposite – despite their later lies in court documents that I was not allowed to respond to.

3. Article 27(3) once again says that “*States Parties, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes...*”. Once again, this demonstrates that the NSW Child protection authorities, by falsifying evidence about supports – as this section requires them to do by saying “*appropriate measures to assist parents*” - breached the Human Rights of the children.

8. Education, leisure and cultural activities

1. Article 29(1)(a) says that “*States Parties agree that the education of the child shall be directed to*” “*The development of the child's personality, talents and mental and physical abilities to their fullest potential*”. I will point out that the research demonstrates that the therapy I was doing for the children (and asked for help with) does that.

One Scientific article says in the opening sentence “**Among the numerous treatments available for helping to educate people with autism, applied behavior analysis (ABA) is the best empirically evaluated...**”

<http://journals.sagepub.com/doi/pdf/10.1177/0145445501255001>

Other refereed journal articles say it is so effective that it saves the State millions of dollars [please adjust for CPI etc to current value] over a lifetime in support needs as the person's mental abilities reach a fuller potential (as required by the UN Convention).

http://featbc.org/downloads/researchpapers/ASD_cost_benefit_1998.pdf

Despite the fact that this is the best educational tool for the children the NSW Child Protections authorities were critical of me doing it, and instead fabricated evidence about supports and when they would be found out then fabricated evidence during the Child Protections investigation they ran to cover up previous breaches of the law and breaches of Human Rights.

9. Special protection measures

1. Article 36 says *"States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare."* Despite the NSW Child Protection legislation stating that the child's welfare is paramount in any decision by the authorities this law is not followed in NSW. My submissions demonstrate that the Child's WELFARE was considered not important and not even relevant to every government agency, including the police, DoCS/FaCS and the oversight authorities. Even the NSW Ombudsman indicated the child's welfare and protection was irrelevant – in writing – to allow the systems abuse to occur. In fact the NSW Police mentioned my name in their court documents (which I was not allowed to respond to despite it being a breach of UN Human Rights) to claim I was an irresponsible adult as I was focused solely on the child's welfare, development and protection. Under this Article I was the ONLY person who adhered to the United Nations Convention on the Rights of the Child yet was legally abused for it.

2. Article 39 states that *"States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child."* Again, this is reflected in NSW legislation but was totally ignored in our case so that NSW Child Protections could continue to fabricate evidence about what services they were providing. Not only do the police and DoCS/FaCS say the children's services are irrelevant (to cover up their previous false evidence) but the oversight, including the NSW Ombudsman, also says it is not relevant to the police and so they can ignore evidence about services to the children. That is despite the police AND DoCS/FaCS both signing a document claiming I was a risk to the children in the JIRT planning meeting when they could blame me for it. However when the police found this was a false risk report that was used to bias the child protection investigation (which is illegal in NSW) they avoided helping obtain the services but instead said they don't investigate their buddies. I note that the police claim, in their reply to the Senate Inquiry, *"The matters raised by ██████████ have previously been carefully examined by the NSW Police Force and the claims made by ██████████ against individual officers and the organization as a whole are rejected."* As well the Police in their response also claim *"The NSW Police Force takes very seriously its role in assisting persons with disability, in any setting, who have suffered violence, abuse or neglect."* These are completely FALSE claims. In fact, the reason the police gave me for NOT looking into the false evidence was that they are only there to prosecute people and it was not their job to care about the victim, or even provide protective services – and that was from BOTH ██████████ AND the internal police investigation and even supported by the NSW Ombudsman. Indeed ██████████ told me I should not care about my disabled children because they were disabled (as I wrote in my email to the local

Member of Parliament shortly afterwards) as one of her excuses not to investigate the false evidence. Furthermore, when I did try to obtain the services by going to the local Member of Parliament the police went to court and told them I was an “irresponsible” adult for concentrating on the Human Rights of my Child as required by this Article of the UN-CRC.

So it can be seen – through the EVIDENCE that I have provided – the NSW police “Child Protection Squad” are not only allowed to breach the Human Rights of children, but they are covered up internally, as well as by the NSW Oversight and even allowed to make false claims in Federal Senate Inquiries to cover up their breaches of Human Rights.

Section 2: Previous United Nations Comments and Responses

In this section I will comment on the previous report from the United Nations about the implementation of the Rights of the Child and their responses

http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_AUS_CO_4.pdf

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fAUS%2f5-6&Lang=en

1. Legislation and implementation* (Concluding Observation 12)

This case demonstrates that neither the States nor the Federal Government has the legislation, policies and practice to enforce the UN-CRC. The State authorities in NSW claim that no action can be taken for the breaches in Human Rights and the Federal agencies that are supposed to uphold Human Rights breaches, such as the Australian Human Rights Commission, claim it is not their role to investigate State agencies.

2. Coordination (Concluding Observation 14)

This case demonstrates that none of the Ministers nor any of the Government Departments stood up for the Rights of the Children. Instead, they either refused to respond or ignored the parts in the complaints about the children's rights and in doing so they ignored their responsibility for protecting and promoting the rights of children. The relevant Ministers and Departments were more concerned with their own Department's image and making up excuses, and even direct lies, to make it appear they did the right thing. I have given some demonstrations of their lies and avoidance in my submissions to government that I refer to in the following Section. Further to this, the NSW Police claims it takes these responsibilities seriously in the Federal Senate Inquiry but actually did NOT look into any of the Human Rights breaches I outlined. They even lied in the Federal Senate Inquiry – because they can.

3. Independent Monitoring* (Concluding Observation 18)

Given that the National Human Rights Commission refused to examine this case (as indicated above) the National Children's Commissioner was not made aware of it. I note that the Human Rights Committee does talk about the Deputy Commissioner looking at children's issues at the States/Territories level but only for Aboriginal and Torres Strait Islander children. It fails to recommend this be done by the other Human children and it is not done, at least in this case, for my children.

4. National Plan of Action (Concluding Observation 16)

While there may be a National Action Plan, including a “National Framework for Protecting Australia’s Children” being implemented it appears that it does not apply to state authorities as is recommended. For example the concept that “*risk factors for child abuse and neglect are addressed*” is completely ignored by both

- (a) the Child Protection agencies themselves (including the police in the Child Protection Squad and DoCS/FaCS) and
- (b) also ignored by every single oversight agency – each of whom agrees that it is not relevant if they want to allow child protection to fabricate evidence about it (as my submission to the Federal Senate Inquiry demonstrates).

5. Standard of living, Social security and Resources for children* (Arts 4, 18, 26-27) (Concluding Observation 20, OPSC Concluding Observation 19)

The United Nation points out that Australia “*is one of the most affluent economies of the world and that it invests sizeable amounts of resources in child-related programmes*” and yet the reason the NSW Child Protection barristers gave in the Administrative tribunal for not providing the appropriate services for the disabled children was that they didn’t have the “resources”. They used this excuse as their reason for writing defamatory reports that were critical of me asking for the services recommended by medical specialists. Along this line, I will point out that only a small amount of money goes into the welfare of the children by supporting the family. The majority goes into writing reports and out of home care.

See slide 49 of my presentation here:



to show that only 10% of the funding goes into intensive family support to protect children from harm. I note that the response from Australia claims (Page 5):

- **direct payments to individuals including family payments for people with dependent children (including children with disability)**
- **partnerships with States and Territories in shared policy areas, including housing, homelessness, disability services, concessions and children’s welfare, and**
- **funding organisations to deliver services that support families and individuals according to their needs**

However, as can be seen by my various submissions, the government actually fabricates disability services rather than actually pay for them according to the children’s needs. Instead, the government spends money on lawyers and barristers to defend the lies and fabricated evidence.

6. Data Collection (Concluding Observation 22)

It is clear that if the Australian Authorities fabricate evidence as they did in our case, then the reporting of the welfare of children is incorrect. They are apparently allowed to abuse disabled children in public hospitals, for example, and then it be covered up. The welfare of the children is allowed to be covered up by ignoring specialist medical reports about the need for appropriate therapies.

The bottom line is, if you falsify evidence to cover up both physical and systemic abuses then of course they are not reported. Therefore, the United Nations as well as our own government are developing recommendations made from wrong / incorrect data. As a medical scientist and medical data analyst myself I would hate to publish conclusions in medical journals that I knew were based on false evidence to start with – yet this is happening with the welfare of children in this country.

7. Training and awareness-raising* (Arts 3(3), 42) (Concluding Observation 24, OPSC Concluding Observations 15, 17)

The United Nations Convention on the Rights of the Child states in Article 3(3)

“3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.”

It is clear in this case that the staff in Child Protection in the case I refer to, who were supposed to not only obey the United Nations Convention only account but also the NSW Legislation, which places the children’s welfare, protection and development as the priority, did not do this. Instead, they placed the image of the public institution as the priority by fabricating evidence to say that the institutions were doing the right thing and blaming me (the parent). Furthermore there was no follow up as required by both the United Nations Convention and NSW Legislation as they would have been found out.

What is worse is that the lack of focus on the children is SYSTEMIC across the departments AND the oversight agencies AND even goes as high as CEO level and NSW Members of Parliament. Examples include:

1. the NSW ICAC who claim it is OK for them to fabricate evidence to cover up their “mistakes”
2. the NSW Police (Child “Protection” Squad) who claim they are not there to provide protective services or care about the children – only to prosecute people
3. the NSW Ombudsman who claims that the protection of children is only an “administrative” thing so they are allowed to fabricate evidence about it.
4. And the organizational management (CEOs and Ministers) are allowed to make false claims about people checking that services are present

To suggest that ANY of these people recognize and adhere to the United Nations Convention rather than making themselves look good (by their organization’s image) is unrealistic and untrue.

8. Best interests of the child* (Art 3) (Concluding Observation 32)

The United Nations Convention on the Rights of the Child states in Article 3 says in the public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Anybody says this happens in Australia clearly either do not know what they are talking about or they are lying. While it is in a lot of the legislation that the interests of the child should be paramount, the different government institutions view themselves as more important than the legislation they are supposed to enforce. For example, I was the ONLY person during the child protection investigation that saw the interest and welfare of the children as the paramount thing to discuss. For this I was vilified by the investigative team (who needed to cover up their previous lies). The NSW Child Protection Police even told me that I should not care about my child's future because he is disabled. They even lied in an AVO to court by vilifying me after I went to the local Member of Parliament. The court refused to allow me to respond as they had their "rules" on who was allowed to say things. In all aspects of the "oversight", the Best Interests of the Child was not relevant. Rather the oversight made up excuses not to investigate the false evidence by claiming that all agencies didn't really have the child's interests as their priority and the NSW Ombudsman even said the protection of children was not relevant to the NSW Child Protection Police. The NSW Administrative Decisions Tribunal (ADT now NCAT) also tried to make up excuses for falsifying evidence instead of considering the interests of the children as paramount. I had to then prove His Honour's claims conflicted the evidence – after which He criticized me for providing the evidence by claiming it was "not relevant" to the original decision. Although refusing to allow me to prove my claims by calling witnesses, He did eventually acknowledge that the JIRT false evidence was more than likely deliberate from what I was able to provide. Despite this he refused to hold the agencies accountable so I guess they are happy to continue to do it and hide it from the United Nations.

Finally, the federal legislation refuses to act in the interests of the child also but instead acts under their own rules. The Human Rights Commission refuses to investigate this case because of its rules against investigating the States. The Family Law Court, despite the legislation claiming the Interests of the Child is paramount, also uses the false evidence from NSW Authorities (despite being previously proven false) against you in their decisions. The court then claims you are not allowed to provide evidence against NSW authorities to defend yourself and demonstrate you acted in the interests of the child because of their "rules of evidence".

The bottom line is that every single Australian government agency / authority sees their own rules and procedures and their public image as more important than the interests of the children.

9. Cruel, Inhuman or Degrading treatment & Corporal punishment (Arts 37(a), 28(2)) Corporal Punishment (Concluding Observations 44–45)

I note that the United Nations does two things here in their comments.

Firstly, they recommend that children be not subject to degrading treatment or corporal punishment. This seems only the case when it is the parent or relative who provides the cruel treatment. As seen in my submissions when the family tried to control the child he was charged with a criminal offense despite having cancer at the time. On the other hand, when they found out that a doctor at a government hospital abused the child NSW child protection dropped the case. No honest explanation of why it was dropped was given (they lied to me about why/who dropped it). Even the Head of NSW Health Safety and Quality section made up excuses for the abuse.

Secondly the United Nations recommends "*Strengthen and expand awareness-raising and education campaigns, in order to promote positive and alternative forms of discipline*". As can be seen in my submission I was implementing this type of behaviour management for the children with Applied Behaviour Analysis (ABA). In fact I had a poster on the wall of the room regarding some of the rules and you can see that the second point indicated that you should never use physical punishment in response to unwanted behaviour.



Despite this being part of the behaviour therapy the NSW Child Protection team was not supportive of this (as the United Nations recommends) but was in fact CRITICAL of me doing this behaviour therapy. Given they refused to support a non-punishment type of therapy they must have required the child to be punished to look like they were important?

10. Cruel, Inhuman or Degrading treatment & Corporal punishment (Arts 37(a), 28(2)) Family Violence* (Concluding Observations 47–48)

I note that I told the NSW Child Protection people of the domestic abuse and how it was increased with their intervention. The investigators not only claimed that "marriage problems" was none of their business but also claimed that the Domestic Abuse was never reported despite being reported several times. In the tribunal the child protection barrister claimed that father's who report domestic abuse are considered "anecdotal" evidence so are ignored. This suggests that when fathers report domestic violence it is seen as untrue and ignored in general. The trouble with this is that the scientific research shows that the majority of domestic violence is "mutual" in nature --- not male on female (indeed the majority of one way violence is female on male). E.g.

<http://citeseerx.ist.psu.edu/viewdoc/summary?doi=10.1.1.372.5578>

While this research review notes that the majority if domestic abuse is mutual it also acknowledges that the results of physical abuse affect women more. Hence to stop harm to women (and men and children) it is necessary to respond even if fathers report domestic abuse so that the men do not have to fight back themselves and harm the woman. I also note that there is policy on place in the NSW Police to try to blame men for instigating abuse when they are harmed yet there is no acknowledgement of gender equality in this field. **ARE GENDERS EQUAL OR NOT?...**

Perhaps reading a review of the literature may help? **“Implications of Partner Abuse State of Knowledge Findings for Prevention, Treatment, and Policy”** in Partner Abuse, Volume 4, Number 2, 2013 shows that a comprehensive review of the literature indicated that policy should:

“5. Prevention programs should target at-risk families early”, which they say includes children with behaviour problems (as in our case)

“2. Screening needs to include interviews and reports from both partners.”, which means they should NOT ignore males as done in this case.

“5. Screening and clinical services need to consider the high likelihood that bidirectional violence may be occurring.”, which means it is not just males that cause violence – and in fact they found that in Western Countries there was no difference in cause by the “patriarchal” model compared t the equal male/female model.

“2. The BIPs, which are often based on a feminist approach to partner violence and use a gender education model instead of a psychotherapeutic approach to treatment, have minimal effectiveness in lowering partner violence recidivism”

“3. Interventions need to address the needs of various types of violent behavior (i.e., male-to female violence; female-to-male violence; same-sex violence).”

Etc.

This extensive literature review merely reflect my own research and demonstrates that the current responses to Domestic Violence will not stop “women and children” [or men] being abused. For more reading :

<http://domesticviolenceresearch.org/pdf/FindingsAt-a-Glance.Nov.23.pdf>

11. Abuse and neglect and psychological recovery* (Arts 19, 39) (Concluding Observation 56)

It can be seen that in this case the risk to the children was not considered important at all. As well, my submission to the Family Law review explains that the Family Court actually causes parents to put each other down more (which is normally considered emotional abuse) and so may actually raise the risk of harm to both parents and children. Finally, as I also explain, despite the Family Court claim that the children’s welfare is the highest priority this is in fact not true. It appears their “procedures” are more important than the children and parents are NOT ALLOWED to present evidence that proves that child protection agencies falsify evidence in Court.

12. Children with Disability* (Art23) (Concluding Observation 58)

It can be seen that this case the risk to the children was not considered important at all. As well, the Child Protection Police, in their efforts to refuse to investigate the false evidence from DoCS/FaCS – that they had previously used to claim I was a risk – indicated completely ignored the United Nations Convention and claimed

- (a) Disabled children are at no increased risk of abuse and neglect AND
- (b) They were our children so we should not expect the Australian / NSW government to provide disability supports designed to improve their life and protect them.

As seen in this section of the Convention this is completely against the United Nations Convention on the Rights of the Child. The internal investigation into their conduct completely refused to look at this issue (and I can prove it, despite the lies they claimed to the Federal Senate), and so did the Oversight Authorities like the NSW Ombudsman. As said previously the Australian Human Rights Commission refused to look into the issue because they said it was a State problem so not covered by a Federal agency.

13. Health and health services (Art 24)

This case shows that the health system, rather than treating all as equal, is apparently allowed to abuse disabled children and it is covered up by both the child protection agencies, the health system itself and the oversight agencies.

Mental Health* (Concluding Observation 65)

- (a) The children's mental health was not a concern for ANYONE involved in child protection and no follow-up counselling or support was provided to focus on the welfare and development and protection of the children. Even the NSW Ombudsman said the children were not relevant.
- (b) As a parent I was vilified, though abuse of the legal system and misuse of authority, for concentrating on the services required for the protection, welfare and development of the children. The NSW Police even said to me I should not care about my child because he is disabled.
- (c) The agencies refused to provide the specific services that were recommended.
- (d) They actually vilified me instead of providing better supports.
- (e) My submission about Obesity in Children shows that the government AND doctors do NOT monitor the effects of psychoactive drugs in children. In fact the doctor's report to the Family Court tried to blame the family (me) for the side effects of the DRUGs they prescribed.

14. Inclusive education* (Art 29) (Concluding Observation 58)

This case shows that the Australian system is not concerned at all about the education of people with disabilities, unless their parents have some influence. I was doing the most advanced learning method for the children (Applied behaviour Analysis) that not only greatly improved their general learning and knowledge but also their social/behavioural knowledge and so decreased their risk of harm. Despite this

the NSW Child Protection Agencies (those very agencies who are supposed to take the children's welfare and development as a priority under NSW legislation – as well as this United Nations Convention) was critical of it and caused the issues because they didn't want to do their job. As a result the children's capacity has not improved much over the last half a decade and both their educational knowledge, such as counting, colours etc., has declined and also their social skills have declined.

15. Early childhood education* (Concluding Observation 77)

My children were specifically excluded from many of the Childhood Centres and Preschools before school. They refused to take them because of their high needs. As I point out in my submissions, Applied Behaviour Analysis is the only evidence based early childhood education system for these high needs children according to the scientific evidence. Yet NSW agencies that were supposed to have the child's interests as their priority were critical of that I was doing the therapies despite being recommended by the leading specialist clinic in NSW. As my Federal Senate submission pointed out they ignored the United Nations Convention on the Rights of the Child, the United Nations Convention on the Rights of Persons with Disabilities and the United Nations Universal Declaration of Human Rights as well as many local laws so they could do what they like and ignore their responsibilities towards the children.

16. Participation in physical activity*

17. Access to Cultural Activities and the Performing Arts*

I note that I have tried to advocate for supports for both physical activity for the children and also cultural activities but have had no success (despite any claims that disabled people are supported in this regard). I have previously pointed out the eldest child's obesity issues from the previous lack of attention to his Human Rights. In this regard I have advocated that he do both lawn mowing and surfing as part of the disability support but had no success getting him support for surfing – which he both enjoys and would be great for his health as it provides cardiovascular exercise without putting too much pressure on bone joints in overweight people. As well, I have never seen an overweight surfer.

For [REDACTED] I have advocated for dancing lessons as this would provide both cultural activities / performing arts skills as well as provide physical activity and also provide social interaction skills.

I have had no success with support for these projects in either government funded supports (like the NDIS) or the private / charity organizations.

Here is one application:

[REDACTED]

and here is a recent presentation to [REDACTED] – see slides 31 to 35.

[REDACTED]

Despite these, and my discussions with the NDIS, it appears that Australia does not care about these issues for individuals – just so long as the “statistics” show something.

Section 3: Previous Government Submissions and family Law Submission

As indicated previously, I have made several parliamentary submissions for reference to the above claims. They are in the links below:

Disability Abuse Inquiry

Inquiry:

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Violence_abuse_neglect

(Submission 79 - the agencies lied in their response claiming that the "accidentally" fabricated evidence to cover up their behaviour - they even claimed that it was investigated by the Administrative tribunal and found to be an accident. As seen in my State Inquiry submission this was a lie. The Tribunal refused to look into the cause but did conclude it was either deliberate or, if it wasn't, in the very least they simply didn't care about the children [both are Human Rights breaches])

Submission: [REDACTED]

NSW Child Protection Inquiry

Inquiry: <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2396>

Submission: [REDACTED]

(Shows they lied in their response to the Federal Disability Inquiry even though it is a crime)

NSW Childhood Obesity Inquiry

Inquiry: <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2405>

Submission: [REDACTED]

Shows the results to the children

Disability Education

Inquiry:

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/students_with_disability

Submission: [REDACTED]

Shows the results to the children

ICE Inquiry

Inquiry:

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Law_Enforcement/Crystal_methamphetamine

Submission: [REDACTED]

Once again they fabricated evidence to make the department look good.

NSW Inquiry into Violence against Emergency Services

Inquiry: <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2395>

Submission: [REDACTED]

Operation Prospect - Inquiry into Oversight

Inquiry: <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2332>

Submission: [REDACTED]

Family Law report

[REDACTED]

etc

Section 4: Extra Information

1. Agencies spend more money on lawyers than children

It can be seen in our case that both NSW Child Protection and NSW Police spend more money on the legal things, including spending money on lawyers to defend or justify their lies and refuse investigation, than they do on the children themselves. In fact both the Police and DoCS/FaCS spent no money at all on the welfare and development of the children but spent thousands of dollars employing Barristers to successfully argue that the oversight Tribunal should not look into the false evidence and why it was caused (contrary to the false claims to the Federal Parliament). This has a bearing for any United Nations submission from Australian authorities and the “money” the Government Authorities claim is invested in children may be actually being diverted to justifying this false evidence of support. So the children miss out on their required supports while the United Nations is being misled into believing that we are investing in the children’s welfare.

2. Agencies are even allowed to make false claims at the highest levels

Unfortunately, it appears that the agencies are allowed to falsify claims to even the Federal Government. Reading my submission to the NSW State Child protection Inquiry (which is hidden from the public on their site) anyone can see that it proves that NSW DoCS/FaCS lied to the Federal Senate Inquiry about the false evidence being properly investigated by the oversight.

I note that the Police response to the Senate Inquiry claims :

“The NSW Police Force takes very seriously assisting persons with disability, in any setting, who have suffered violence, abuse or neglect. The Matters raised by [REDACTED] have previously been carefully examined by the NSW Police Force and the claims made by [REDACTED] against individual officers and the organization as a whole are rejected.”

To respond to the FALSE claim that they assist persons with disability and also that they examined the complaints about colluding with the false evidence I will point out:

- (a) As seen on page 27-28 of my NSW Child Protection submission the text quoted from the Tribunal ruling shows that it has no authority as an oversight agency (as argued by their Barrister – see Section 4 Point 1). However, but from the evidence I gave there was merit in my complaint and also the officers knew the evidence they were using about the risk and services was false but went along with it to save their buddies instead of enforcing the Human Rights of the Children.

- (b) The link here:

[REDACTED]

is a letter signed by the NSW Ombudsman and you can see even the Ombudsman’s Office says they don’t have to look into the false evidence. He claims (because they police told them to say it) was that the only thing of significance was the threat to remove my children if I did not say

what they wanted. Since I could not get a recording of that conversation, they said it was unproven. Even the initial Ombudsman's investigation and the Ombudsman himself. They indicate that the "**triviality**" of the lies about the services (**breach of Human Rights and false Risk Reports and Biasing a Criminal Investigation etc**) made them OK because they were used only internally to cover up the wrong doing (see page 8 of the linked document). The claim is repeated again on Page 14.

This letter provides definitive proof that the NSW Police in the NSW Child Protection Squad are allowed to make false claims about the services they provide for vulnerable children even at the highest level of government in the country.

3. Abuse of Statistics and Misleading the United Nations

While this is only a single case there are many parents who just give up, as I have heard about in both my Doctoral research and also my role on the Board of the Child Protection NGO. Unfortunately the government allowing these systems abuses results in falsifying the numbers of children "assisted" and "protected".

While the Human Rights Commission can report more and more money being spent in the area the real issue is whether the money is really going towards the Best Interests of the Children and enforcing their Human Rights.

4. Finally

This case is just one case that shows that lots of money is spent on agencies that publically claim they work for children but in fact falsify evidence to cover up their own public image. Speaking of Royal Commissions I will point out that the Federal senate Inquiry into Disability Abuse was well aware that the evidence they received was false and made, as their first recommendation, a Royal Commission into it. As their last recommendation they indicated that a review of UN Human Rights was needed and adherence to it.

I am very happy to provide any more information necessary and would ask that you contact me for an OFFICIAL review/interview on record if anyone disagrees with any part this submission.

In the meantime, it is very clear that Australia cares more about upholding its public image rather than supporting children in need.