

Royal Commission into Family Violence, Victoria

Today I am at an IVO hearing. I know that despite all parties being summonsed for appearance at 9:30, I will spend most of today waiting for the hearing so will attempt to use my time well in preparing this written submission.

I will spare most of the details of my 'story', aiming only to highlight the relevant factors in what I see to be among the greatest challenges affecting domestic violence victims seeking protection via our legal system. As a private person sharing my 'story' or matters of my private life in a court room has proved to be one of the greatest difficulties for me and, like many women, was almost reason enough not to pursue matters seriously in the first place.

After a time living together in [REDACTED] my Ex-husband and I sold our family home in [REDACTED] 2013 and commenced a road trip around Australia with our son, then aged 5. This was after an escalation in his violent outbursts and a string of marital difficulties. Most alarmingly for me at this time, my ex had begun to direct violence at my son and I was becoming aware of significant changes in my son's behaviour, most notably anxiety around his father and nightmares about his father.

Our trip was intended to be the last attempt at salvaging the marriage, particularly as my ex had blamed a lot of his behaviour on the stress of running a small business. He also blamed a lot of his behaviour on me and this 'red-flag' was never far from my mind. In [REDACTED] 2013, my Ex drove the vehicle we were travelling in toward my son and I on a crossing. This was the moment that I knew I had to get out of the relationship for the safety of my son and myself. Later when drafting an affidavit for the family court I realised that this incident of violence had occurred after a pattern of monthly, and at times more frequent acts of family violence.

I did not approach the Police at this time, though I knew they were within walking distance. I felt certain that I would end up giving a statement and then being in the predicament of returning to the same vehicle with this man who was beyond irate yet had the capacity to present as perfectly calm and reasonable in an instant if it was in his interest. I had no faith that I could gain protection at that time, instead choosing to return to the vehicle with my son and attempt to calm his father down.

I then made up my mind to leave him 2 weeks later when we were scheduled to be with my entire extended family at my parent's house marking the end of our trip. As we no longer shared a family home and the proceeds of our house sale were in the bank I felt we were in a situation that would make the separation reasonably easy. I was wrong.

My Ex left in the van we had been travelling in and headed North evading contact from me for several days so I was unsure of his whereabouts. This was distressing for the fact that I knew he had access to an unregistered firearm and had previously threatened to kill me and my son if I ever left him.

With my family rallying I drove from [REDACTED] to my sister's house in V.I.C as this was decided to be the safest alternative as my ex had not previously attempted to use threatening behaviour with my brother-in-law, though he had done with my Mother and sister.

I contacted a solicitor to obtain legal advice regarding property separation and custody arrangements. I asked her advice on what I should do if the violence escalated. She instructed me to obtain an I.V.O. At the time I had no idea what an I.V.O was and contacted the [REDACTED] Magistrates Court for advice. The first woman I spoke to asked: "Did your lawyer put you up to this?" this was the first, but not the last time that the notion of being a 'scorned wife' being deliberately vengeful of her ex-husband was implied. Considering she had just spent less than 30 seconds on the phone to me, the lump in my throat obvious through my speech, her behaviour was out of line. This interaction has inspired my first suggestion which I hope you will consider.

1) **Standardised first response communication for peripheral support people**

Obviously in emergency situations our emergency personnel are well trained in the manner in which to handle victims and attend to domestic violence situations appropriately. I am referring here to the many other roles in our community where staff may inadvertently find themselves handling a very early enquiry for a victim of domestic violence, such as the courts, G.Ps, teachers. A standardised 'script' of sorts could be formulated and implemented with suggestions as to how to delicately handle this situation and what services and support could be recommended. This needn't be of great expense. Rather it could be a self-perpetuating campaign with tools available online and implemented in workplaces similarly to O.H & S training. I have concerns that the manner in which many women are treated presently in early requests for help lead them to give up and not pursue the matter further.

64% of women who experienced physical assault and 81.1% of women who experienced sexual assault still did not report it to police. *Source: Department of Families, Housing and Community Affairs Fact Sheet 2 Women's Safety. <http://www.domesticviolence.com.au/pages/domestic-violence-statistics.php>*

With the knowledge that his son was now to reside in VIC and despite my offer to attend to legalities rationally and in an amicable way in VIC, my ex commenced proceedings in [REDACTED] with the assistance of a lawyer in his family. His initial strategy was to appeal to the court for a 'recovery order'. Whilst it was correct that I moved to be with family in VIC I was effectively homeless at the time of this decision. I'd been left standing with my son and the basic possessions we were travelling with whilst my ex drove off in the Camper Van we had been travelling in with no regard for our welfare. I was fortunate to have family support during this transition, those mothers and children without such a family would be placed in an even more vulnerable predicament. The recovery order was quickly dismissed by the magistrate when I was able to produce evidence of the house sale and our joint decision to leave [REDACTED] almost 1 year prior. However, this was my first introduction to what would become a "He-said, She-said" case.

In this scenario establishing a clear background of family violence in the limited time frame of what is affectively a 'mentions' hearing is virtually impossible. The Magistrate had limited time available to hear but a handful of details and quickly set her attention to 'access'; a word that becomes thrown around frequently in custodial / family violence matters. Her obligation now shifting to the father, she expressed concern that he had not had contact with his son in what had been approximately 2 months. This issue was given precedence to my son's safety.

My fear is that after generations of inequitable custodial settlements disadvantaging positive paternal relationships, the pendulum has now swung too far the other way.

The father of my child threatened to kill him. He had the means to kill him and had made a potential attempt the day he drove toward us both.

Yet here I was being forced to accept his 'right' to see his son, denying my son the right to safety. The short term risk here was blatant. My 'story', my 'case' had the hall markings of future family violence statistics. Under current legislation our courts are impeded in their ability to respond preventatively and are forced to function reactively. Given the appalling statistics of women and children who are killed each year by a parent or intimate partner, this must change. It must change effectively and intelligently and not at the glacial pace we have come to expect and accept of our judicial system.

I made a request that my child spend time with his Father, at least initially in 'supervised contact centres'. I was told that this "could not be a long term solution". I asked at what point is a person who has threatened to kill their own child no longer a risk. It is a legitimate question. Please consider it for a moment. After contacting crime stoppers regarding his weapon I received nothing further, despite numerous phone calls. My local police informed me that they could only act if he "arrived at my house with weapon in hand". If my son's father wanted to carry out his threat he was being spoon fed the opportunities by the same people I was appealing to for help. Again I implore you to consider how our courts can function preventatively.

With regard to the contact centres: I signed up immediately to both the [REDACTED] and Vic government placements. Four months later, my ex signed up. One would think this would be an effective demonstration of his want, or lack thereof, to see his son. During this period of time I was continually harassed by his legal team offering ludicrous alternative suggestions including one offering to supervise the contact by a senior member of his legal team. This harassment was pressuring, at times demeaning, expensive to respond to and undermining of what had been approved by the Magistrate. It would appear that this was all a strategic effort as when we re-appeared for court for a further Mentions hearing my ex could attempt to gain leverage to override the allegations of violence because of the lack of time spent with his son. My Lawyer made the point that he had refused to sign up, though he managed to affectively gain some sympathy for his lack of contact. We left that hearing with new interim orders again approving my request for supervised contact. However, this was for a limited time before my son would then escalate to overnight time quickly.

At this time a placement became available in the [REDACTED] Centre however the centre then called to advise me that it was ceasing operations due to funding. This brings me to my next point:

2) Funding of Government accredited and operated Contact Centres

This is critical. Particularly in the early stages of separation from a violent partner, the behaviours from said partner are likely to be at the most unpredictable and irrational. To err on the side of caution for a child's welfare seems obvious but sadly is not commonplace and

with the closure of, now several, government supervised contact centres, access to this vital service is now unreliable and for most – completely inaccessible.

3) **Consistent standards for Government Contact Centres**

I made numerous enquiries to various centres and the notable differences were in relation to safety standards. As my ex had access to firearms I asked each of them if they had metal detectors or a pat-down security procedure. None of them did. This may seem overly cautious, but I ask you where better to allocate funding than to ensure a safe and well-systemised means for contact to occur with as little risk to children's safety as can possibly be implemented? As I have said, I was warned seriously about being labelled a "non-contact Mum" and was told that the consequences for me if I requested it could be severe from the magistrate and could be enough means to grant my ex majority custody. I hope this Commission can note the obscene irony that a mother could potentially be punished for even requesting no contact and as such can become bullied into contact arrangements that she knows present an unacceptable risk to her child/ren. At the least, access to a supervised contact centre can remove such labelling of a parent acting protectively and provide access to the other party in what should not necessarily be for a 'limited time'.

As my ex resides in [REDACTED] and I in Vic, there have been jurisdictional difficulties. I would like to raise that I have discovered the lack of communication between government departments to be particularly difficult. For instance, I only came to learn recently that D.H.S is state operated and as such does not effectively produce reports, follow effective procedure or implement effective safety plans when dealing with children of interstate parents.

4) **Communication and effective reporting for children of interstate parents via Government departments**

I'm sure this affects many separated families and it is a prime example of how children can 'fall through the cracks' of the system and be overlooked. Standardised reporting would be one measure, an inquiry into what constitutes a 'thorough' report from D.H.S would likely prove very revealing and there needs to be an effective way for departments that operate on a State level to communicate, or better yet, consider the implementation of 'National' policies and 'National' departments in this instance.

A further word on 'funding'; In my situation as I had some savings in the bank, I was ineligible for legal aid. When those funds were exhausted and my matter was approaching a final hearing I was informed that legal aid did not fund final trials. Cost prohibitive as this may be, what a sad irony it is that after stepping forward and negotiating through over 12 months of legal proceedings, the opportunity to have my case, and many, many others I'm sure, heard in its entirety by a magistrate was out of reach. I spend over 50k of my own money and was told it would take a further 50K to have the matter 'heard'. I reached final orders via a mediation process though felt let down that I could not have a magistrate hear the full details of my case to make an informed judgement on my son's behalf. Perhaps, with all of the facts at hand, my instinctive desire for 'no-contact' would not

seem excessive. Perhaps it would be seen, as I believe it to be, the safest and fairest outcome for my son.

My matter aside, please give some thought as to how funds could be dispersed for greater good. As this Royal Commission is costing (If I'm not mistaken in quoting the Herald Sun) approx. forty million dollars of taxpayers money, at the fifty thousand dollars I was quoted for a full trial, that could fund 800 women to be heard in court. Forgive my blatant comparison here and understand it's not what I'm suggesting should be done. I'd simply like to highlight what I'm sure you already know; which is that the importance of this Royal Commission is immeasurable.

I attended the community discussion group in Melbourne recently and the divide between those who have the ability to influence policy and change and those who have experienced family violence is far too great. The step to offer this type of forum for women to contribute was an important one and I thank you for the opportunity.

Experiencing family violence altered my course in life and career path significantly. Last year I commenced studies at [REDACTED] University to undertake a double major – Journalism being one of them. Throughout 2014 with around a dozen court appearances and all of the upheaval that comes with separating from a violent partner with a child, I maintained a high distinction average. I have intentions to put my skills to good use in the area of justice, women's rights and areas of community significance. [REDACTED]

[REDACTED]