

**Submission to the Royal Commission into Family Violence**  
**Anonymous (s)**  
**2 June 2015**

This story is mainly about my kids.

I was attacked [redacted] years ago my ex-partner ([redacted] mother). I was also attacked by my father's [redacted] (she was [redacted] from his first marriage, and I was a child of his second marriage).

I have had weekend custody and holiday custody, since the.

I used [redacted] lawyers, a company in [redacted], to assist me with my family law matters. [redacted] (my ex-partner) had already seen all the local lawyers, so they all had a conflict of interest. She saw all the solicitors in [redacted] and all the solicitors in [redacted], so I had to travel to [redacted] to get legal advice [redacted] is approximately 45 kms away. We had argued about custody matters for years. I had to take her to court about 30 or 40 times to get custody matters resolved. If [redacted] did not show up with the kids for the weekend, I had to make an appointment with [redacted] (which often took a week). I found that inadequate. I think all solicitors should have an after-hours number so that you can make an appointment that weekend (rather than wait for the weekend to finish, and then wait a week for an appointment). The legal fees were paid by Aboriginal Legal Aid.

I went [redacted]

After three years with [redacted] I started using FVPLS. I saw a wonderful lawyer called [redacted]. She is the best solicitor I have ever had. She is now working in [redacted]. [redacted] actually came and gave me a home visit. She was able to see how the family dynamics actually worked. She arranged for the [redacted] to come every second weekend and half the holidays.

In [redacted], I had a [redacted]. Because I was ill, I had to stop seeing the kids for a little while. My ex asked her solicitors to get full custody of my [redacted]. Every time I show a bit of weakness, she tries for full custody.

Because of my transplant, I had to be very careful about getting sick. [redacted] helped me amend the orders so that I had to be notified if any of the kids had a cold. [redacted] was always trying to send the [redacted] over with a cold.

In [redacted] I got married. I had a [redacted]. On [redacted], my wife and I and my [redacted] went to live next to my sister's place. My half-sister [redacted]. [redacted] my ex, eventually moved in with [redacted]. Even though we lived next door to each other, [redacted] would not let the kids come over to visit. I could hear my kids over the fence, but I couldn't see them.

On [redacted], I could hear yelling and screaming out the front. I called the police. The police asked what was happening and I explained I couldn't see. They sent someone out.

[redacted] and [redacted] were arguing and [redacted] and [redacted] were arguing. My [redacted] were watching. I told [redacted] to go inside.

[redacted] was only about [redacted] months old. He was a little fella. [redacted] and [redacted] were screaming and fighting and punching each other. [redacted] came towards me and pushed me over while I had my [redacted] in my arms. Then my wife started fighting with [redacted], because [redacted] had pushed me over. I called the police again to tell them I had been assaulted.

The police finally showed up. One of the police took a statement from [REDACTED] house and then they came over to my house. The police man said, "What are you guys starting now?" That got right under my bee. I said, how dare you walk into my house and say I've started something without talking to your colleagues. It was unprofessional. I said, "If you don't leave, you'll be locking me up." I was the one who was assaulted, and yet the copper heard [REDACTED] version of events and accused me of starting the argument.

I was worried about whether the assault would damage my transplant. The next day I went to the police station and made a statement. A couple of other people made statements too. All of the statements were a bit different. Three or four weeks later, [REDACTED] and [REDACTED] went to the police station and made carbon copy statements (they had three weeks to get their story air tight).

I believe all parties should be tested for drugs and alcohol at the time of the violent incident.

The matter finally went to court. I got a 12 month restraining order on [REDACTED], and I was going to put one on [REDACTED] as well. The solicitor I had at the time told me that if I got a restraining order against [REDACTED], then [REDACTED] and my two [REDACTED] would become homeless because they were living in such close proximity. So I had to drop the restraining order against [REDACTED] because they would be homeless (and that would not be beneficial to the [REDACTED]).

The assault charge was proven against [REDACTED]. I made a claim for Victims of Crime. 12 months later it was approved.

My wife, [REDACTED] and I left town. I went to see my lawyer, and the lawyer said the best thing you can do is back off for 12 months until everything dies down.

I've been in [REDACTED] for [REDACTED] years now. I see the [REDACTED] on weekends every now and again.

One night [REDACTED] went out drinking and left the kids and her [REDACTED] year old at home (a [REDACTED] year old, a [REDACTED] year old and a [REDACTED] year old at home alone). I called the coppers, and they went around. [REDACTED] came home. I asked the coppers to drug and alcohol test her, but they refused because she hadn't been driving.

[REDACTED] said, "You're never going to see these kids again". Over the last 10-12 years, she has had my kids near drugs, alcohol and violence. I've tried every legal avenue to see my kids. Some solicitors have been good, others have been crap.

[REDACTED] re-married. The new husband was violent in the home. The kids saw it. Both of them were big drinkers. [REDACTED] moved out a number of times. My kids think violence and yelling and screaming and stuff is normal. I got an intervention order to stop [REDACTED] taking the kids to see him. But I don't know if it's been successful, because I'm not sure where me kids are at the moment.

I don't find out until after the fact. It's hard to prove a breach if it's not iron clad. Sometimes it seems like the law is only there for you if you're a criminal.

I've had a few different lawyers in the past. Some have been very helpful. Others treat you like you're just a number. The lawyers who are more courteous are the ones I remember. The word I would use is compassionate. They don't mollycoddle, but they make the process much easier. The others, who treat you like a number, make you feel like you need a Thesaurus to understand what they're saying.

We need more lawyers who are down to earth and that are able to explain the process without using big words.

*Suggestions for the future*

- In family violence matters, both parties should be drug and alcohol tested.
- Both parties should have the opportunity to do rehab and drug and alcohol testing.
- Parenting orders should be made on the basis of who is more maternal.
- The police should be more diplomatic. If an AVO is breached, the breaching person should be arrested. Too many people get away with blue murder.
- I'm disabled, I've had a [REDACTED]. I have a carer. It's hard to tell my kids why I need a carer. It's easier to call my carer my partner. If you need a carer to look after yourself, how are you going to look after your kids? My carer lives with me. She doesn't want nothing to do with my legal problems.
- Local courts should hear family violence matters more days of the week. There should be more circuits.
- Police should have more authority to act if a family is arguing. They should be able to automatically drug test people, or confiscate their alcohol.