



29/5/2015

### Submission to Victorian Royal Commission into Family Violence

The impetus for my submission is my close knowledge of the difficult experiences of a woman whom I know well. She suffered in silence for many years. Then, when she finally escaped her abusive husband, years of further suffering began, and continue to the present day. She is a fine and brave woman, but too sad, tired, exhausted and humiliated to write her own submission. She knows I am writing this, but can't face being involved in the process, and insists on total anonymity.

Let's call her [REDACTED]

[REDACTED] story is like many you will have heard: years of mental and physical abuse, endured for a mixture of reasons: loyalty, duty, fear, loss of self-respect, economic dependence, and most of all love and concern for her children.

What I want you to know is how badly and repeatedly the welfare, educational and most of all the legal systems, which should have helped and protected her, have failed her in the [REDACTED] (!) or so years since her escape.

The number one problem, it seems to me, is that every new event, every new court appearance, every new police contact, every interview with an assessing psychologist or psychiatrist, every contact with a welfare agency, begins with an assumption of equal fault and equal blame. The family court can't know about proceedings in criminal courts. Police intervention orders are somehow handled separately from magistrates' intervention orders, which are in turn handled separately from family court orders. Psychological and psychiatric assessments of both [REDACTED] and her children, obtained for one court, are not presentable in the next court; no, they have to be done again. Imagine how much time this takes and the stress this causes. Imagine getting [REDACTED] children, traumatised and intimidated by their father, to again and again re-tell their story. And imagine court-appointed psychologists who have absolutely no idea about family violence – not to mention judges!

Every breach of every order can't just be dealt with summarily by the police. No, a new court appearance is required, with delays and costs and more distress.

And then the counter-claims begin.

He wants custody of the kids because she is 'not a fit mother' because one of the kids, who has been stalked by his father at the school-gates, now refuses to go to school. Back to the family court, which regards this as a serious matter, seeks reports, deliberates, while [REDACTED] is terrified that her kids will be taken away.

He seeks counter intervention orders; failure to respond in court may be seen in a bad light, so it's back to court again.

He claims she sexually assaulted him. The police must therefore investigate a possible sexual crime – take a statement (recorded), fingerprints, and questions about intimate details.

And all the while, for [REDACTED] long years not yet over, [REDACTED] lives in fear that one day he will 'lose it' and come for her and or her kids – as he has repeatedly threatened to do.

I trust you get the picture. But I want whoever reads this to really try to feel what it must be like to live this life, day and night, for years without end.

I am a feminist. I believe in equality. But in the area of family violence, we have to eschew all this crap (from Men's Groups, primarily) about equality of fault. We have to look at the numbers of women who are killed, injured, terrorized and psychologically traumatised by male partners versus the converse. We have to find ways to better PROTECT women.

And I understand how the law works. I know that the presumption of innocence is a cornerstone of a safe legal and policing system. BUT in this area of family violence, we must find ways to allow police and courts to see patterns of behavior, share information, reports, etc with the clear priority of responding efficiently and not compounding women's trauma.

A final comment. I have great respect for the work done in this matter by the police in a Victorian regional centre. They have nearly always been kind and respectful, and have occasionally broken procedural rules to try to help [REDACTED] But in the main they have been constrained by legal protocols.

I know I am a day late with this submission. I hope that nonetheless you will be able to accept it.

I wish you well in your deliberations.

Yours sincerely,

[REDACTED]