

██████████  
**26 May 2015**

I am the eldest child of ██████████. My father was a ██████████, my mother was a ██████████. I experienced childhood sexual abuse by my father, indirectly by my mother and six other people during my childhood. Based on the size of my body and my relationship to objects, I was sexually penetrated by my father digitally at age ██████████ to ██████████. That continued until I was ██████████ or so. I was also gang raped by my cousin and his friends, in which objects were inserted vaginally. I was also sodomised by my father at around ██████████ years of age, and again at camp when I was ██████████ by some unknown males. The abuse petered out when I hit high school, but by then I had already become withdrawn and, as the other kids would say, frigid. I also hated males. I had very little social skills when it came to relating to males and still feel that I have social difficulties, particularly social anxiety and profound distrust.

At ██████████, I decided I was going to be gay because I was too scared to be straight. ██████████. It wasn't my natural preference, I was heterosexual, but I felt I didn't have a choice because I was too scared of men.

My mother was anti-male ██████████  
 ██████████

In ██████████, at the advice of SOCIT in ██████████, ██████████ and I were advised not to have contact with my parents any longer because my mother was still being indirectly abusive and my father was still being abusive towards ██████████.

I stopped my mum being raped when I was ██████████ and got beaten up for it. My mum used to take us to her overnight shifts to keep us safe from Dad. There was a lot of physical violence when I was a kid. There were knives, guns and assaults and I became hyper vigilant at a young age.

At ██████████, I dared myself to go to ██████████ and met my ex-husband. He looked charming and appeared to be harmless. The family violence increased from a violent, anal rape in the late ██████████, to further rapes into ██████████.

These matters have been investigated by SOCIT and found to have insufficient evidence. In ██████████, I had a massive asthma attack. I took myself to hospital as I was scared of my ex-husband. I was in the emergency department for ██████████ because they couldn't fix it. At ██████████ he rang and demanded I speak to him. I couldn't because I was too sick to breathe, and the nurse told me to leave him. Over the next day he became increasingly agitated and attempted to pressure me to leave the hospital early ██████████  
 ██████████

I asked the hospital to hide me, and I divulged the domestic violence to a social worker on the ward, but he found me anyway. He took our ██████████ year old and left me in hospital. ██████████

In ██████████, he attempted to strangle me. I punched my way out of it, but I got concussed and was knocked on the floor. The next day, he escorted me to the GP, so I didn't say much. I was diagnosed with concussion, he was diagnosed with swollen knuckles.

At the end of ██████████, we had an argument and he looked at me and said, "I'll do what I want, when I want, because I'm a man." He then looked through me with a look I recognised from my father's face. He said, "I am evil." He threatened me with assault. Without necessary clothes or money, I grabbed my ██████████ and fled. Just prior to that, I called the police when he threatened

me. The police attended and looked at me as though I was crazy. As he shut the door, he turned to me and said, "They think you are crazy."

I went to court the day after to get an intervention order. I didn't have a bra and was in my sister's shoes. I went back to the house to collect my things and I met my mother there. He said, "I'll tell everyone what happened to you when you were a child." He shoved my mum against the door and jammed her foot in the door as she tried to leave. I pushed back with all my weight trying to stop her ankle from being broken. He pushed harder.

When he left, he took a bag of clothing and left everything else there. Despite the intervention order, he came over to collect things if he felt like it.

By [REDACTED], he removed all of the money out of our joint business and all of the assets out of our joint business. He left our [REDACTED] Account with creditors chasing funds after being declined. He left me with a net loss of [REDACTED] accumulating per month.

The police refused to acknowledge this as post-separation violence. ASIC refused to investigate, [REDACTED] [REDACTED] The AFP refused to investigate, stating that it was ASIC's jurisdiction. They told me to go back to ASIC, but ASIC said they wouldn't process a small proprietary company claim and that it was a Family Court matter.

[REDACTED]

I begged him for help. He did not respond. I had both children. One full time, one 70 % of the time. He would not respond to requests for support. Instead he started a family court matter. He alleged that I had sex in front of the kids, that I was going to kill myself in front of the kids or that I was going to self-harm in front of the kids.

The Magellan Report investigated and found that the death threats against us (which were disclosed by our [REDACTED] at school) were valid, that he acknowledged assaulting me and that he was demonstrating verbal aggression towards staff at [REDACTED] school. At the same time, he attempted to blackmail me out of the house. He said if you don't leave, my new partner will leave me. He then got a lawyer to send a letter telling me to vacate the house (outside of settlement).

There were [REDACTED] breaches of the intervention order and the order was granted until [REDACTED]

The abuse continued throughout the court process, during which I was expected to self-represent. I was getting sicker and sicker. I was no longer able to focus, organise, or interpret complex ideas.

It was clear at the onset, when I told the Magistrate, that there was financial abuse. Half way through the court process I told her he was hiding assets. She saw that I was shaking and not coping. I asked for a protected disclosure because at the time I was still trying to get the police to investigate the fraud allegations and was also trying to protect my [REDACTED] who wanted to testify privately. That was not initially granted.

The expert witness that reviewed the business would only conduct affairs at the other solicitor's office, had private meetings with them (without disclosure to me) and refused to give me financial details about both businesses. [REDACTED]

[REDACTED]

Hospitalisations occurred [REDACTED] times during my court process, and another [REDACTED] afterwards.

On [REDACTED], outside a hearing, I attempted to submit an affidavit with annexures. It was rejected by the Registrar because it was too long. The Magistrate later got angry with me for not submitting it earlier.

At the third hearing I asked to be able to make protected disclosure (for the court to review prior to serving the other party). She said yes, but then the orders did not include this. I had genuine concerns.

During the hearing on [REDACTED], I was ridiculed and belittled by the Judge. She looked at the husband and said, "These allegations of sexual abuse are very serious. Are they true?" She said to me: "You don't have a disability." This is despite the hospitalisations. She said, "You don't look sick to me. You have good computer skills."

She then went on to say, "A medical certificate is not an excuse for not attending when you are an inpatient of an acute ward." She also said to my ex-husband, "Could she have come in [REDACTED]?" To which he replied, "She was a voluntary patient." [REDACTED] was legally responsible for me while I was there. I could not have attended court. The Magistrate didn't get the fact that I was in there because I was really sick. If it was a criminal matter, I would have been excused for a lack of capacity (and also assigned representation). See below for my recommendation about the impossibility of inpatients attending court.

She asked my husband (who I had an intervention order against), about my whereabouts and my ability to attend. She was effectively asking him to breach the order by answering (and he gave an incorrect answer anyway).

The Magistrate knocked Centrelink for giving me a disability pension, and then awarded an open settlement (there was no figure attached, there was no value attached). I said if you do this, I will be homeless and in debt. She laughed in response.

My husband organised the settlement with his solicitor and that was not ratified by the Family Court. I ended up finding the settlement amount out from his wife.

What the Magistrate said to me in court was worse than the rapes and the abuse. She validated him in front of me. That was the worst experience of my life. I was back in hospital two days later. The system supported or validated the abuse.

After the court hearing, my husband and his wife went into the house while I was in hospital and took my belongings as they saw fit.

I and the [REDACTED] children were left homeless and I still have debts of \$ [REDACTED] which I cannot fund. I still have PTSD and I'm still dissociating.

Although I was entitled to income protection in [REDACTED] as I was no longer working, it took me [REDACTED] years to submit the material as I was dissociating and suffering from the symptoms of PTSD (as I had during the court process). I am still not working.

## Reecomendations

### Courts

1. That it would be an offence for a Magistrate to revoke an order which has been breached
2. That Magistrates must take notes
3. That Magistrates and any judicial officers, including police, cannot disclose your private information in a public space without your consent (once, while I was waiting in the Family Court, a judge was making inquiries about another case in front of open court)
4. That Magistrates cannot make health diagnoses, as they are not qualified to do so
5. There should be an agency which oversees the judicial system (court officers, police, anyone employed by the Department of Justice) impartially and independently
6. Any evidence or paper trail collected by the police or others should go directly to that same independent agency
7. Any public area, such as a court room, foyer, front desk, or meeting room, should have 24 hour surveillance and that video feed should go to the independent agency mentioned above

### Mental Health Act

1. That a temporary supervision order be automatic for any in-patient whilst in the care of hospital staff in an acute ward (that is an order which states you are not responsible for yourself when you are in the care of hospital staff, so you are only 'voluntary' at such time as you are free to leave)

### Automatic reporting

1. Automatic mandatory reporting of family violence for the following occupations: child protection workers, psychologists, social workers, GPs, teachers, nurses, doctors, paramedics and Family Violence Court Support Officers (a new position I suggest creating). The mandatory reporting would require people to call the local police station.

### Support

1. Have a CASA mode for family violence (it is a safe place for people to visit)

### Police

1. Family violence police have both a policing and social work certification, with annual accreditation
2. Create a family violence command website, like Crime Stoppers, so that a woman can make an initial report and statement electronically (the statement would have to be ratified through a police officer)
3. I recommend the establishment of family violence multi-disciplinary centres throughout Victoria, and that 80% of staff at the centres be female
4. Stats show that police tend to dis-believe women who have experienced trauma. And if you have women leaving the relationship on average after 35 incidents of violence, most of them will have trauma.
5. I have been ridiculed by police and dismissed when I have tried to make statements about family violence. One time I was threatened in a police station when I asked for a police member's number and name.
6. When you make a report, the member that you speak to should have to supply a carbon copy receipt which includes: date, nature of matter, member number, action required and police station.

**Family court**

1. Parental orders should be able to be amended by police to include intervention orders when there is a risk of safety to children

**Legal Aid**

1. Legal Aid must be available for victims of family violence where there is:
  - a. a pre-diagnosed mental health issue,
  - b. where a person is experiencing family violence currently, and
  - c. where a person is being forced to self-represent (e.g. when there is a power difference).

**Women's Domestic Violence Protocol**

See Attachment A.

**Procedural changes for Family Court**

See Attachment B.

**ATTACHMENT A**

**Women's Domestic Violence Protocol**

## Women's Domestic Violence Protocol

1. Victims of Crime Assistance Act changed to include
  - a. which makes it a duty for police or other government officials to help victims of crime to access justice which makes the code of practice for police a legal requirement and
  - b. that it be an offence for police not to take a statement within 2 weeks of report.
2. That a victim presenting to a police station requesting to report an incident,
  - a. The victim exactly what her rights are, in writing prior to any discussion of incident.
  - b. Rights are;
    - i. To receive a receipt of her attendance, with date, nature of matter, member name, number and rank, and date of pending interview.
    - ii. Provided with a translator is required for those with English speaking issues and/or
    - iii. an Independent third person person if cognitively impaired or traumatised due to violence or existing diagnosis of PTSD (this can effect auditory functioning, reasoning, logical and spatial awareness and executive function), or prediagnosed mental illness,
    - iv. Victim can have another adult present if she chooses,
    - v. That the statement be videotaped and transcribed using automated technology.
    - vi. That a copy of the tape and transcript be available through Victorian Crime Commission from 1 week and retained indefinitely.
3. Any disclosure by the victim of alleged evidence of an indictable offence; a threat to harm, threat to kill, behaviour endangering life, assault, indirect threat, sexual assault or rape, attempt to murder against;
  - a. such person, family or pets,
    - i. On that same day, a temporary Family Violence Order granted by- Justice of the Peace a 'Bail justice' volunteer at the Police station. A summons served by Police, and,
      1. Interview for application for Intervention order organised with registrar or office staff at local Magistrates court.
  - b. Should the woman state that none of the alleged evidence is recorded in a diary, previously reported to a doctor, hospital staff, teacher, nurse, psychologist, witnessed by children over 10, witnessed by an adult, that physical evidence or electronic evidence (including digital recordings) not be present (physical injury, damage to walls etc) and the respondent deny all claims,
    - i. The police can then refer the matter to a Magistrates Court of Victoria registrar and make an appointment for her.
    - ii. Upon successful application, Civil Safety Order be granted by a Magistrate in the Magistrates Court effective 2 years.
    - iii. And Family Violence Liason Officer at Court or Police Station organises interview with local broker to counselling and separation guidance.  
OR
  - c. If the woman states that there is evidence as stated above, and it is found by investigation to be substantiated, appropriate indictable charges laid in a higher court.
    - i. If he admits the abuse and cooperative with police on first instance;
      1. lesser jail time, violence against women register for life, community order and drug alcohol programs in sentence.
    - ii. If does not admit or not cooperative,
      1. Maximum sentence for each charge and on the violence against women register for life.
  - d. If the family violence is not physical violence or sexual violence, or not a threat to harm or kill,
    - i. the police may instruct that the woman request a Civil Safety Order through the magistrates court.
    - ii. This would include verbal psychological, social, financial, destruction or removal of property.
    - iii. Should the evidence be in the form of emails or sms or witnesses present, or
    - iv. should property loss be greater than \$2000,
    - v. Magistrates Court request an investigation of the matter and report provided to the court for later hearing.
4. Should the applicant apply for an intervention order directly through the Magistrates Court of Victoria and contain allegations of violence in her application with evidence,
5. It is to the magistrates discretion to organise a temporary Family Violence Order or and police must;
  - a. Contact the victim to organise a meeting and investigate the allegations as stated in the statement.
  - b. The magistrate then sent a report of the allegations and based on severity of crime/s; an indictable or summons offence, grant a Family violence order and
  - c. Copy of the reports sent to both the victim and defendant,

- d. Organise for the perpetrator to attend court as a defendant for a hearing.
- 6. Should any member of the family or witness be interviewed for the purposes of investigating an indictable offence as stated in 3 or 6, the affidavit becomes a protected disclosure to protect the identity of the appellant.
- 7. Police to provide a notice to the victim within 2 weeks to notify of the investigation or process applied in the case.
- 8. A copy of any investigations sent to victim and Victorian Crime Commission.



## **ATTACHMENT B**

### **Procedural changes for Family Court**

**FAMILY LAW MATTERS**

Induction Procedure  
 Court procedure when there is significant history of family violence between the parties, current family violence between the parties or impairment which may lead to reduction in capacity

1<sup>st</sup> hearing

