

ROYAL COMMISSION INTO DOMESTIC VIOLENCE SUBMISSION

Olivia Connolly Submitting on behalf of the Women Reclaiming their Lives Domestic Violence support group through Monash Link Clayton.

The group was made up of women and mothers who have survived domestic violence. Also present were 2 men from The Men's Responsibility Group.

Equal Rights to Parental Access

As it stands the Family Law Act states that both parents should have equal access to children but a child's rights to safety are ignored.

A child's rights to safety should supersede a parent's right to unsupervised access.

The Family Law Act should be amended with a child's right to safety be prioritised before a parent's right to access

I was granted an Intervention order (for only 6 months) as I had escaped a physically violent relationship with my █ month old daughter. She was included on the order. My ex-partner admitted to squashing our daughter's belly on the edge of the bassinet to stop her crying during a contested hearing. The magistrate remarked that he wasn't convinced this was abuse however mental health professionals advise otherwise and would question a Father's right to unsupervised access for a considerable amount of time. My ex-partner who was also a drug user completed a short course in parenting and was on his best behaviour under supervision for a few hours a week for a year. Able to charm when necessary; he was granted unsupervised access after a year and I was told by my lawyer that this is the automatic process. My daughter was not yet █ and not completely verbal. After a year of supervision most parents then get weekly unsupervised access. Drug abuses usually have to do random urine screens but it is not properly monitored. They don't have to submit photo ID and could easily use someone else's sample. This could be better regulated and supervised. Currently there is no test for synthetic marijuana (which is illegal in all other states except Victoria) Having witnessed the effects of this drug on my ex-partner such as psychotic and violent behaviour: he would be in no state to supervise our daughter but as there is no test for it I can't be sure if he is using it whilst unsupervised with her. This automatic process really needs to be reviewed for the welfare and safety of children.

There are many instances of abuse that are being swept under the carpet due to adherence to the Family Law Act.

█ is █ and spends every second week end with her Father. He and his new partner placed █ in a plastic suit when she was sick and asked her to stand in the corner and they each told her she was dirty. █ is traumatised when she returns to her Mother but because the final orders are near

impossible to overturn there is nothing that can be done to protect a child from further psychological abuse. Child protection cannot act because there is no physical signs of abuse. When ██████'s mother confronted the Father he berated ██████ for betraying him. ██████ is now afraid of telling her Mother what occurs behind closed doors. She is alone!

ACTION

Change the family law act

Allow the final orders to be overturned if a court Psychologist can establish that there is abuse occurring

Increase supervised access where necessary and provide ongoing parenting counselling for parents

Final Orders be abolished and acknowledged that raising a child is an ever changing situation.

Psychologists should be able to provide testimony pertaining to child abuse current and future risk on the stand at any stage that instances may arise and with this testimony orders should be reconsidered.

More Funding for Victims

For Parents (victims of domestic violence) on a pension and or health care card final hearings should be funded.

More shelters

A compensation fee paid by the perpetrator (means tested) of \$3,000 should victims need to relocate.

Housing

Access to affordable housing.

Whilst in a shelter (██████████ Through 1800 RESPECT) after a week I was told at 10am that I had to be out by 4pm to make way for another woman in need. I had a ██████ month old baby and nowhere to go. I was told to go to Metro Housing to live in a rooming House. Not ideal for a single woman with a child. The woman who took my room was a single woman on a visa and not a permanent resident. I suggested phoning Catholic Mission and they sent me to ████████████████████. 1800 RESPECT were unaware of this resource. They took good care of me and my daughter at ████████████████████. I was referred to a Royal District Nursing Social Worker. I found my own private rental and she sourced a fridge and cot for me and told me to call the Salvo's and St Vincent De Paul's who provided Coles vouchers and furniture. The vouchers did not cover all the household needs but I was

grateful for the help. I made friends with a lady in the shelter who was on a Visa. She was told to go to Home ground – a service for the homeless. They found her a beautiful 2 bedroom flat in [REDACTED] at a cost of only \$80 a week. She was a single woman with no children. I was not offered the same information. I was on a single parent pension and paying half my pension on rent (\$305 per week) to live in a flat very far from the CBD. This lady was then fast tracked to a public housing house but I went into more and more debt from moving and setting up house and paying legal fees (I had a small business but it was running at a loss due to the stress but legal aid made me pay for close to \$2,500 in fees) My ex was not paying child support and did not put a tax return in for [REDACTED] years. He cried poor and got legal aid. He was self-employed and could easily hide earnings. I attempted to get a full time [REDACTED] job but they wanted me to work Sundays also to [REDACTED] and 2 nights a week and a staff meeting; a workload that I could not manage with a [REDACTED] year old, living too far from the school and little support network. I was therefore trapped in a financially crippling situation. The waiting list for public housing was 10 years and the community housing list was a few years too.

There needs to be a better housing subsidy for women with children who have fled domestic violence. Paying half the money on rent is a real strain. It shouldn't be more than a 3rd until children are of school age or you have a part time or full time job.

Consequences for Perpetrators of Family Violence

Not paying child support if able should mean no access

Not paying child support if able should be viewed as a breach

Mandatory men's responsibility training for 12 months and a breach if all sessions not attended or made up

Perpetrators of Family Violence should be dissuaded to collect benefits to avoid paying child support by having to attend full time Centrelink courses

Perpetrators should apologise to the victim when an IVO is granted

Mental Health Care

Victims should not have to appear in court if there is a risk to mental health.

I had a legal aid lawyer who took over the firm. She no longer wanted my legal aid case and told me that my next court appearance was a final hearing (I was \$[REDACTED] in debt due to relocating after fleeing domestic violence and couldn't afford to pay and the final hearing is not covered) It was not yet the final hearing and I should have therefore been covered. My ex had been to every free legal service and there was a conflict of interest for free help. I was therefore unprepared to self-represent.

The whole experience triggered Post traumatic Stress and I had used up all my free Psychologists sessions and my only option was to be prescribed SSRI medication which my Doctor advised could cause suicidal tendencies initially. Meanwhile the man who had abused my daughter and I had free representation. I was unable to sleep, eat, work or care for my daughter well for months and there was no support. My family live interstate.

ATAPS funding should be increased beyond the current 10 sessions if it's needed. Up to 52 sessions should be provided to victims of Family Violence both for parents and children. A Pharmaceutical approach only is a band aid only and the delayed trauma will end up costing the public health system more later.

There should be free support groups available to all survivors of domestic violence with free child care such as the fabulous group at Monash Link. There are hundreds of Men's Responsibility groups/ Anger Management but there are very few support groups for victims. This needs to be addressed.

Schools

School counsellors should become familiar with Family violence and how to help children through the school system.

The National Curriculum should include a unit both in Primary and Secondary schools on "Healthy Relationships"; teaching kids how to recognise an abusive relationship; how to avoid them, get out of them and report them and how a healthy and respectful relationship works. If Children of domestic violence don't understand that what they are growing up with is domestic violence and wrong they often end up in the same position as it feels normal. Going into schools will help to break the intergenerational cycle of violence.

Victims of Family Violence and reformed perpetrators should speak to high school students

In school support groups should be established such as "The Seasons" Program at Holy Redeemer East Oakleigh

Shared Centralised Data Collection and Evidence

One database for state and federal family violence case files

Evidence from ANY court case – automatically eligible for submission to every subsequent court case – state or federal

Transcripts of every family violence court proceeding on centralised database and available for a minimal fee to any involved party.

Family violence offender database available to police, public to submit a name of concern and can be told, yes on the database or no

DHS – Police – State and Federal Courts to all have unrestricted access but only the author can change anything.

“What is Family Violence”

Law school curriculum needs to include extensive psychological training on what domestic violence is.

Current presiding judges, lawyers and legal representatives need to undergo seminar training on family violence the effects and the personality disorders represented in the perpetrators.

Teaching school curriculum needs to include extensive psychological training

Current teachers and child protection agents need to undergo seminar training.

Judges who do have a good understanding of “What is family violence” given roles in education of peers

This submission is qualified by a parent who - in a court of law, following evidence given by a father pushing a baby's stomach into the wooden side of a cot until it stopped breathing (Crying) The presiding judges remarked; “I don't think that really constitutes abuse does it?”

Supervision

More supervision centres – reduction in waiting times.

Waiting extended periods of time to have access causes frustration and in many cases, more resentment and violence

If there is evidence of drug use – mandatory random drug screens for 5 years with photo Id provided and the screen supervised to avoid abuse of the procedure

Supervision should continue if a Psychologist gives an evaluation in favour of it

Ending supervision after 12 months puts the child at risk.

New supervisor to be appointed every 6 months to avoid favouritism and manipulation

Mandatory educational groups for violent offenders through supervision orders.

Example “Men’s Responsibility Group” – Monash Council. Weekly support groups with 2 Counselors and a 12 month repeating curriculum and mandatory parenting classes and parental separation classes.

Mandatory Reporting – Victim non-compliant.

Teachers to have the power to report family violence

Nurses to have the power to report family violence

Doctors to have the power to report family violence

Police to have the power to report family violence

Charges can be laid based on evidence from the above professionals “Victim stated...”

Phone app creation

We are aware of a proposed app and would like the following considered in its creation

Looks like a game, can be hidden

Includes an emergency button which will call police and notify them of family violence happening at GPS location.

Includes information not widely known

RSPCA emergency pet care

Local crisis accommodation contacts

Local Charity and food voucher available agencies and contacts

Contact numbers of direct line, family violence network

Single parents returning to work

Single parents being mandatorily required to return to work when a child turns 8 years old is unfair and biased.

We have parents working night shift while their children are asleep to provide for them, whilst dealing with untold amounts of stress due to constant court appearances and ongoing family violence situations.

There needs to be a lot of flexibility around this law.

Pathways to help single parents upskill and return to work; support to work from home or in self-employment around child care or school hours and a fair child care subsidy that considers single parents.

Financials

Creation of a once off family violence payment of \$3000 to victims of family violence to facilitate moving out, and turning lives upside down to get safe.

At the request of either parent, the other should be financially audited to find "Hidden" or undeclared income.

If flagged for family violence, both parties should be mandatorily required to file a tax return within 6 months or risk access restriction and fines

No child support (if able) No Access

Victims of family violence should NEVER be required to provide spousal support to their perpetrator.