

20 May 2015

Submission to Family Violence Royal Commission

As the Member for Melton, I have over many years in office, encountered and talked with numerous people relating to family violence; in particular, assisting mostly women and children and occasionally men, in hearing their sad and awful incidents and events and then referring and accessing relevant protective and support services.

More recently, with the advent of the FV Royal Commission and in conjunction with the Melton New and Emerging Communities Network (MNECN) and Melton City Council officers, I held a local forum into Family Violence. After this a further two workshops were undertaken to assist residents to write submissions to the FVRC.

A number of points raised at the forum are worthy of consideration by FVRC. Specifically, issues relating to lenient sentencing; the effectiveness or otherwise of IVOs; the bailing of violent offenders; the attitudes of Magistrates toward both offenders and victims; the current physical arrangements regarding Court appearances and the manner in which Family Violence is treated within the Victorian judicial system, child access issues, police attitudes and the local Sudanese community are just a few that immediately stand out. I have also added a brief personal experience with a family violence victim.

Lenient sentencing

The community believes that FV perpetrators are often treated very leniently. Often they tell me that it feels like those breaking IVOs are simply given a 'slap on the wrist'. Further, instead of offenders being imprisoned they receive a community service order; which often leads to offenders re-offending. Lawyers often suggest their client attend behavioural change courses, which are not mandatory and have a low success rate. A firm message and action to the community needs to be sent out that violent behaviour will attract prison time.

Intervention Orders (IVOs)

Designed to protect victims, IVO's have on many occasions failed to achieve their desired purpose. Indeed, many victims argue; and in fact have experienced that they have produced the opposite desired effect. Under the false impression that IVOs will protect, many women have fallen victim to further abuse, often serious and sometimes resulting in death; from a misguided or naive belief that IVOs could indeed provide protection from physical abuse. A dreadful example here was a constituent of mine who was attacked and killed recently at the Sunshine Courts carpark.

Bail

In a number of cases, when bail is granted, it has led to the tragic often fatal attacks by offenders. A more rigorous system of checking the potential for harm to the victim and their family by the offender needs to be under taken before Bail is granted. This area requires a serious review and action to rectify this situation.

Magistrate's attitudes

Community workers report to me their concern by the action of some Magistrates who they feel are grossly out of touch with community expectations in relation to both light and inappropriate sentencing and their personal attitudes/misunderstanding of the effects FV has on victims; especially when confronted in a Court room by offenders.

Further training and upgrading of skills should be made compulsory for Magistrates so they can have a better understanding of the underlying issues affecting victims of family violence and their children.

Court attendance & safety

Victims of family Violence feel and become extremely intimidated when an offender is in close proximity and in the presence of the victim and their family; both within the court area and within the courtroom. The development of separate waiting areas for victims and offenders and allowing victims to present evidence from a safe remote location, say for example, by video link or the like would eliminate this current problem.

For many victims, support workers; similar to those in use in the family law courts should be available and provided. Often, victims are preyed upon by offenders (and their legal representatives) solely for the purpose of intimidation. This can often lead to victims withdrawing from court and/or becoming very distressed; further exacerbating their often fragile mental state. It may lead to more abuse, intimidation and threats after this time.

In and around the Court building/rooms and car parking areas, safety measures need serious review and upgrading following the recent death of a victim in the Sunshine Court complex carpark. Indeed, victims and all in attendance at the courts; including children need to feel and be secure and safe, not only in the complex but also in the parking areas used by those attending Court.

Child access

During an IVO application hearing, offenders (and their legal representatives) often take advantage of vulnerable and disorientated victims to arrange contact visits and/or child access. This can be intimidating and can, at times circumvent the Court whilst placing the victim under duress. Again, this is another good reason for physically separating the parties prior to hearings.

Police attitude/culture

There is a feeling in some community quarters that an entrenched culture of 'victim' blaming continues to exist within Victoria Police. A 'soft' approach to male offenders by police is also viewed as a continuation of a misguided empathy toward the offender (usually male). Often 'let off' or ignored because he was 'intoxicated' ; or one of the boys from the local footy club - just going through a rough time etc, or just a 'good bloke' who 'mucked' up; these offenders are often likely on other occasions to be the cause of serious harm toward victims; often wives/partners and/or girlfriends.

Police referring offenders to CAT teams is also often seen as a soft option or simply buck passing. For example, offenders 'abusing the system' can, and do, use an alleged mental illness/breakdown to justify or even exonerate themselves from any blame. Being later free to return home, they can often reoffend. Mental illness must not be used as an excuse for family violence nor for any type of inappropriate or violent behaviour. Offenders need to be held accountable for their actions and dealt with accordingly.

Further, I was concerned that a victim had mentioned to my staff member that police suggestions that a report to Child Protection Services could result from a family violence incident simply acts as a deterrent for reporting family violence. As a result, victims and their children/ families could be inadvertently placed in further potential danger. In these scenarios, the threat of losing a child to Protective Services care can often result in victims choosing not to report FV.

Another interesting event, reported to my electorate officer 'in confidence' involved police simply releasing an alcohol affected offender to a local Motel for the night as their 'interim' solution. The informant indicated she felt this occurred because police cells at the time may have been full. She then described how the offender simply returned home posing a further potential threat to both his partner and their children. Indeed, the offender later disclosed to the victim that whilst at the motel he access to alcohol from within the bar fridge located in his hotel room!

On a positive note, Melton police have recently established and are doing excellent work within their newly created FV unit. I believe dedicated units of this type are an important step in minimising FV and protecting victims from recidivist offenders. This unit have been extremely visible within my electorate and could serve as an example for police areas to follow and adopt.

The Sudanese Community

A Sudanese woman, who chooses to remain anonymous, reported to my electorate officer concern over being a victim of family violence. Here, this unemployed Sudanese woman, with 6 young children, was distressed because her estranged husband had been abusing her financially and emotionally. She claimed her husband (then holidaying in the Sudan) was attempting to extort money from her, using threats over the welfare of their children, as leverage. The money she said was so that he could pay a dowry to his new bride's family in the Sudan.

These male offenders are returning to the Sudan on newly granted Australian passports and bringing their 'new' wives (referred to as a 'cousin') from the Sudan back to Australia to commence a new marital relationship. The 'new' brides are then also financially and emotionally abused by means of having their Centrelink payments taken by their husband and the cycle often continues. As a result these women are left with little financial assistance to sufficiently care for themselves let alone their children.

Sudanese women affected by these forms of FV are often left depressed, isolated and vulnerable; often unable or not wanting to break the local cultural norm of not disclosing 'internal' community matters with those not part of their specific cultural group. I am aware that on a least one occasion in Melton that the lack of support for women from this community has led to suicide.

I am also concerned that FV within this community is generally unsupported because of a serious lack of 'ethnic' specific related services for this new community within the Melton district especially given the cultural sensitivities involved. For example, a Sudanese woman recently presented at my office, broke down and was obviously depressed yet a number of enquires by my staff for counselling support locally achieved a lukewarm, ineffective response. Indeed, it took a number of weeks before any real action occurred. On another occasion, another inquiry for support by my staff was met with a beauracatic brick wall of forms to fill in and offers of an appointment weeks into the future. In the end other avenues of support were pursued.

Personal Note

On a personal note, a young woman came to see me after a devastating family violence bashing perpetrated upon her by her partner. The event resulted in her being hospitalised and placed in intensive care for two weeks and she nearly died. Her children were also affected by these violent and near life ending events by her ex-abusive partner.

I have known this woman since she was a young girl and I know her care and concern for her children is paramount. Her story affected me in a very personal way.

In our meeting she explained the perpetrator was still trying to 'get to her' and abuse her and the children and I assisted her to try and get another home - away from this man.

The great tragedy here is that this offender (still at large) will just simply move onto the next unsuspecting and vulnerable victim and cause serious damage and harm, and possibly the next murder. Yet, unfortunately nothing appears to be done or can be done under the current systemic failures to stop this person from re-offending.

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