

Royal Commission into Family Violence - Submission

I was invited to attend a meeting held in [REDACTED] on [REDACTED] to contribute my views based on my personal experience of family violence. There was one particular issue that I did not raise on that day, in relation to the Family Report process.

In line with a Court Order, I was interviewed by a Family Report Writer on [REDACTED] regarding children's matters. As per my affidavit, I confirmed with the report writer my experience of family violence throughout the [REDACTED] years of my marriage.

As a result of interviewing both my ex-husband and myself, the Family Report Writer issued the following comments in the Family Report;

"[The Wife] alleged that [The Husband] was violent through their marriage which [The Husband] denied. [The Husband] believed that [The Wife] has been controlling and particularly since the separation. If the issue of violence continues to be in dispute then the allegations made by each of them would need to be tested in Court. It is my view that at this stage the issue of violence is not of concern as [The Husband] and [The Wife] are both attending anger management counselling which should assist each of them to understand what constitutes violence and how to contain violent tendencies either of them may hold."

At an Interim Court hearing in [REDACTED] I had requested that my ex-husband undertake an anger management course. He agreed to this, with denial for necessity, on the condition that I also agreed to undertake an anger management course, which I did.

It concerns me that an official Family Report which holds great weight in court would state that family violence is 'not of concern' as it is considered to be managed by attending anger management counselling. Also, given that there were children involved in this case, I believe the allegations of family violence could have been given greater attention. I have since 'settled' in both property and children's matters, having reached an agreement without the matter going before a judge. The allegations I have made against my ex-husband remain in dispute, however there doesn't appear to be an economical process by which the allegations can be tested and the abuser, if found to be guilty, held accountable for his actions.

Throughout a lengthy Court process, I have found there to be a general consensus from professionals to dismiss the issue of family violence. My barrister referred to the family violence as 'hearsay' and the Family Report Writer deemed it of no concern in her report to the Court. My solicitor advised that a judge would be unlikely to renew the Intervention Order held against my ex-husband as there have been few incidents over the past [REDACTED] months. Despite the fact that I have what I considered to be evidence of family violence including photos and written letters of admission from my ex-husband, it would seem that all it takes is a retaliated accusation to create an element of doubt. Over the course of [REDACTED] court appearances and a mediation, any mention of family violence was quickly brushed under the carpet by legal professionals. I was advised by several different professionals that the allegations would not hold any weight in court.

I have found the legal process to be quite traumatic, particularly in terms of being bullied by my own barristers. I would go as far as to say that their approach was often intimidating, controlling, belittling, and manipulative. I believe a little empathy would go a long way within the legal system. I would like to see a focus on protecting and supporting women through the legal process.