

[REDACTED]

Date: 29<sup>th</sup> of May, 2015

Royal Commission into Family Violence

Attn: Commissioner Hon. Marcia Neave AO and Deputy Commissioners Patricia Faulkner AO and Tony Nicholson

PO Box 535 Flinders Lane VIC 8009

Dear Commissioner Hon. Marcia Neave AO and Deputy Commissioners Patricia Faulkner AO and Tony Nicholson:

Thank you for the providing the public with an opportunity to put forth a submission into the Royal Commission into Family Violence. I write my submission as a survivor of family violence to which my former partner of [REDACTED] years and Father to my [REDACTED] child, was the perpetrator.

My daughter is now nearly [REDACTED] years old and we fled our dire situation when she was [REDACTED] months of age. The violence reached crescendo when I was [REDACTED] weeks pregnant and was sustained until I left, although within hours before our leaving, it was then directed physically towards my baby.

Like many submissions I'd imagine you'd receive, it wasn't always bad. We started off like many couples. After [REDACTED] months of dating, we moved in with each other to [REDACTED]. My family lived in [REDACTED], so I was far from them. It was [REDACTED] months later that I learned that my little daughter was on her way. We were happy. His drinking slowly increased and with it, a monster grew. He would threaten self-harm, say nasty things but then be so apologetic the next day and vow to not drink again, I'd take him to Alcoholics Anonymous meetings until he's start drinking again and the snowball grew until one evening in [REDACTED] when I returned home from work. I worked at the [REDACTED] as a [REDACTED] who was also studying through the University of [REDACTED] a [REDACTED]. I returned home from work and he was not there, I knew that he was drunk somewhere but I was exhausted after the 90minute drive home after a full day's work. He came home drunk and after a minor disagreement, he broke a piece of timber from a [REDACTED] and started hitting me with it. He broke a window and tried to attack me with a shard of glass. He kicked and punched me and spat in my face. He grabbed my phone when it looked like I was going to call the police, so I bit him to get it out of his hands and as I ran out the door, he ripped out a chunk of my hair. I got into the car in our driveway and reversed all the way out so fast. He tried to get in the way but fortunately, I was faster although, this didn't stop him pretending that I'd ran over his foot. I called the Police and 1 Male and 2 Female officers arrived approximately 45 minutes later and took him away. With the adrenaline running, I didn't pay much attention to my injuries but I just wanted to know my daughter was ok. They called an Ambulance who took me to [REDACTED] Hospital where I waited for some hours to be seen. I was admitted overnight to a bed and a Midwife came to see if my daughter was still alive. I hadn't felt her move in a while and

thankfully, she was. I was awake most of the night, thinking about the future and planning on how I'd escape. The next day, I got ready early and left to go home and get dressed for my work day. Unbeknownst to me, he was released from custody and defied the temporary intervention order. I got my change of clothes and left for the day. Later, a person from the [REDACTED] Magistrates Court called me at work and asked me what I would like to do about getting a longer intervention order. My ex and the Magistrate were waiting to see what I wanted. I was too scared to think about this at the time so I requested that he be given counseling although he never went.

I had made enquiries that day with a Family Lawyer and was fortunate enough to see one that day on [REDACTED]. With a bruise on my forehead, he said that for the first [REDACTED] years, my daughter would reside mostly with me although after that, he would have her overnight. A few short weeks earlier, Arthur Freeman had thrown his daughter, Darcey, off the Westgate Bridge. I did not want to be her Mother, Peta Barnes, and I knew I would be if I wasn't there to protect her. On the way back to the office, I stopped by Myer and bought a new change of clothes and I stayed with my best friend for 4 days before returning home - no one else knew what was going on. During that time, his Mother called me from [REDACTED] saying that both he and she will go for full custody and that I wasn't a fit mother and that "they had rights". I had no idea what I was going to do but I returned home to numerous holes in the wall and a half remorseful/angry partner.

He stopped drinking for a while and he came with me to ultrasounds and antenatal appointments. It wasn't long until he started drinking again. He'd driven drunk and lost his licence. He'd written off his car and the Police came after him but he simply denied driving it so they did nothing. I'd learnt that if he wasn't there when I got home, I'd drive back into the City and stay with my friend, or sometimes, I'd go to my parent's home which would mean sometimes 3.5 hours in the car after work. I persuaded him that with our daughter coming, we needed to be near my family so they could look after her while we were at work. He felt guilty about the abuse so we moved. My daughter was born 3 weeks later. The day of her birth, his Mother called to make sure that he was being 'included' in the birth. The next day, he was nowhere to be seen, he was out drinking. He got into a fight on [REDACTED] and spat in a Police Officer's face and was arrested for Drunk and Disorderly behavior. I promised my baby that it wouldn't be long and that I just had to figure it out.

We got home and I was happy to be near to my parents, I felt safer. For [REDACTED] months, I never left my baby with him alone - ever. I was barely without her and if I was, she was with my parents and he wasn't there. My parents joke that I never put her down for the first [REDACTED] months of her life. Sadly, this is true and it was the only way she was safe. I slept with her, sometimes on the couch because I didn't want her near him.

His parents came to visit and I overheard him and his mother talking about his day coming up in the Magistrates Court for spitting at the Police Officer. His Mother suggested that he spend the

Baby Bonus money on funding a lawyer, and that “he was entitled to half”. I said no way. The money is for the child.

Shortly after New Year’s Day, we had an argument and he wrestled my crying daughter out of my arms and shook her and just screamed in her face to shut up. I managed to talk him into giving her back to me and then suggested that we take ourselves and the dog for a walk around the [REDACTED]. The whole way, he was trying to pick a fight saying he wanted me to give him more money because he didn’t earn enough – he worked as a [REDACTED]. We got to the [REDACTED] and he got out. I said I couldn’t do this anymore and I got back into the car and left him there. He didn’t realize at the time that I was serious. I went straight home, grabbed a few essentials and stayed at my parents place. After him and his family sent a barrage of phone calls and texts over 5 days, I finally told my family what had been happening. My Father organized a Family Lawyer the following day who represented me. My Father and I got my things with a removalist while his family ate [REDACTED] in the lounge room. It was just my Dad and me and it was terrifying being there.

The next time I saw him was for Family Dispute Resolution at the [REDACTED] Family Dispute Centre. I’d done a lot of research and had developed a plan with the assistance of my lawyer. I had the intake session and explained my story and the mediator and I arranged for Shuttle Mediation so I didn’t have to be in the same room as him. She seemed reasonable so I was hopeful that we’d come to a solution. I wanted Sole Parental Responsibility and for my daughter to solely live with me and to see him on an as agreed basis under supervision. The Mediator was hesitant to agree to this. In her mind, children have the right to spend equal time with both parents and “just because he was violent to you, in the past, does not mean he will be violent to her, in the future”. She certainly did not want me to make the agreement into Consent Orders, rather she preferred a Parenting Plan. I said no, that I wanted a legally binding document. He eventually accepted this on the proviso he could see her for [REDACTED] hours supervised on her [REDACTED] birthday. He spent 15 minutes with her.

He then saw her 1-2 more times and because his emails to me became abusive, I stopped communicating with him. I have a PO box set up if he wants to communicate with her but he has only used it twice in the last [REDACTED] years.

So that is our story. My daughter is now nearly [REDACTED] and is in grade [REDACTED]. She reads at a grade [REDACTED] level and is among the smartest children in her class. She, like a lot of little girls, likes the movie Frozen, loves dressing up and has big dreams and would like to be an Obstetrician one day. And that she will. She is a lovely, kind-hearted person who touches the heart of everyone she meets. She is a much loved member of my family. My one fear was that if something was to ever happen to me, that she would have no other immediate family, so I gave her a person and in [REDACTED] I had another little girl via IVF using an anonymous sperm donor. They are best of friends and I got to have the peaceful, beautiful pregnancy and birth experience that all women should have. In the end, everything worked out and I have a beautiful little family

I realise that I have provided quite a lengthy account, but I thought it was important to provide a contextual basis for my response to select questions based on those provided in the Issues Paper.

### **Issues of Interest to the RCFV.**

#### Question 1

I view these in the context of prevention, recovery and accountability.

In schools from a young age, both boys and girls need to know what violence is and how to have respectful relationships and this could be in the school environment and sporting environments. I also believe that parents have a role to play in demonstrating respectful behaviour at home and should be actively involved with their children's education. I have very open (age appropriate) discussions with my daughter about why her father is around and I believe she understands and is socially aware that it is deplorable behaviour.

The primary purpose of the public sector should be to support and enable women to leave safely. These include at both a State level (eg Police, Community Services) and Federal level (eg Family Law and Legal Aid). When I was leaving, at the forefront of my mind was what was going to happen to my child. I could not comprehend the idea of her father spending time with her alone and felt paralysed by fear. Responses by services need to be supportive, timely, multifaceted and flexible. They also need to be well funded to ensure sustainability.

In terms of dealing with Perpetrators, a strong stance and zero tolerance needs to be adopted. All too often, perpetrators are seen to continue the violence until serious injury and/or death is the result. There are patterns of behaviour that are long exhibited before the deaths that aren't fully realised until an event has occurred. I believe that the criminal justice system should take a proactive and strong stance well before it comes to this stage and should work with their community sector colleagues to achieve this.

#### Question 2

During the consultation period for the Federal *Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011*, I made a similar submission to the government of the day to reconsider the Act relating to Family Law matters to pay weight to issues of Family Violence. I think that it is a positive approach that there are provisions to take into account all Interventions Orders made during the duration of the relationship, however I still believe there is a way to go in terms of building confidence in women that they will be well supported in the Family and Federal Courts when applying to orders relating to their children. There can be no doubt that their children will be placed in any danger. I believe that this is the main reason why many women don't seek orders.

### Question 3

I've been impressed with organisations like White Ribbon and the effort that some high profile people have put into this cause. I think there is a powerful message in using role models to guide young men.

### Question 6

I think there needs to be greater community awareness to call the Police when they hear that someone may be in trouble. There is a real issue with 'not wanting to get involved' however, I believe the community has a responsibility to ensure its own wellbeing. I would like to see the Government put in some community based education around building a Good Samaritan culture and looking out for one another. I think there is also scope for this to happen in the workplace or in social circles as well. To ask someone if they are ok if they seem to exhibit warning signs that they may be abused at home.

### Question 20 and 21

My suggestions out of my own experience and that of some of the other survivors I have spoken to include the following:

- Police need to have quicker response times. I understand that the vast majority of matters involving police include alcohol and family violence. I would suggest a unit be available to service the community's most vulnerable in a prompt manner. These, sadly, mean life or death situations.
- Victims that present to Emergency Departments should be treated as Category 2 patients. These women seek security and refuge and a waiting room is not adequate. They have survived a physical and mental trauma and should be treated as such.
- Magistrate's Courts need to realize that sometimes, women aren't strong enough to make decisions the following day. The legal system needs to be the strength and protect those who cannot protect themselves. Stronger messages that society does not tolerate violence needs to be upheld.
- Family Dispute Resolution Centers have a real opportunity to help victims and their children. By advocating strongly to shared care in the presence of family violence undermines the spirit of the best interests of the child. Women have taken the brave step of leaving and to advocate strongly for shared care, is to punish them. Men need to be held to account that their behavior has meant that they are not fit to lovingly parent a child.

- Courts need to be safe havens for survivors and their children and really acknowledge past behavior as indicators for the future. We only want what is best and although this isn't the life we chose, here we are, fighting for our kids.
- Legal assistance is of paramount need for women and assistance for these lawyers, too. I can't imagine how hard the work must be so continuous development and guidance is needed so that they can help others.
- Support services need to be really strong and there at the forefront of when women are most vulnerable and this may be when they present to Medical facilities requiring treatment or engaging with Police. They need housing and they also need services like removalists to help them get out. Police need to assist this service by removing the perpetrator for a period so that she can safely move out. Temporary storage may need to be arranged whilst the woman and her children are in shelters or in refuge.

From my own experience, I feel that I had the following in my favour:

- A good, close friend who was strong but not judgmental when it came to the decisions I made
- A strong family that was able to rally together and organize the help that I needed
- A good, strong lawyer who became the barrier between my ex-partner and me. He was the type of person who was able to stand up to a bully.
- I did research and was able to navigate the system
- I had a full time job to fund the associated costs involved in leaving. Financially, I was in a stronger position than my ex-partner.

Not all women are as lucky as I am and I very much consider myself outside the norm where some women with children have nothing and no support.

I would like to thank members of the Royal Commission for reading my submission. I can imagine that there are a number of awful stories of women far worse off than I was.

I have done this for my daughter and other children like her who continue to thrive because their Mums made the brave step. I have done this for other children who's Mums are yet to make that brave step, but hopefully with your work and the future implementation of your findings, maybe they will.

Sincerely,

