

18 May 2015

Submission to RCFV

Via email [enquiries@rcfv.com.au](mailto:enquiries@rcfv.com.au)

I am a [REDACTED] working within the legal system for the past [REDACTED] years. I have been previously in the [REDACTED] and have worked as a [REDACTED]. I had [REDACTED] children within a marriage which was abusive in many ways but more exceptionally so immediately after separation. I am appalled by the lack of support for myself and my children (now all adults however), appalled by the ignorance and lack of action by Police (interstate in [REDACTED] at that time) and even more appalled by some legal professionals and the family courts. There needs to be another royal commission but nationwide next time into the legal system and the profession within Australia.

My former husband was abusive throughout the marriage but it was not until he assaulted the youngest daughter that I finally had enough and asked him to leave. It was her or him, and I chose her. I would always choose my children. She threatened to neck herself if he did not leave the home, so that was it for me. He had to leave. This was in [REDACTED]. At the time, I was working for myself in a part-time [REDACTED] office. He would telephone all day and night both at home and at the office, he would come to the home, he would let himself in and stand there in the bathroom while I had a shower, he would come to the office and in the presence of my clients, some quite elderly, would turn the office upside down including pulling drawers out of the desks and tipping their contents onto the floor. Papers would be scattered all over the place. I became stressed as I had to lock the doors, then change the locks and then on one morning I arrive at work to find the office completely unlocked and the doors all opened. Police never found any fingerprints. I took to working at night instead of through the day and then he would come around, turn off the power at the electricity box and then bang on all the windows, swearing and cursing while I was locked inside sitting in the dark of the office. In early [REDACTED] I first notified the local Police of what was happening including of the assault on the younger daughter, then aged [REDACTED] years. Police did nothing about the assault, but told me to keep a diary. I kept a diary, and I reported incidents to Police, again they did nothing. I did not get a DVRO until [REDACTED] which he regularly breached but again Police did nothing. They told me they would speak with him. By this time I had very little money as I could not work. He came to the home when I was not home and took a [REDACTED] car which he then hid and denied knowledge of it. We were at court for a family settlement. He alleged he was having cash flow difficulties at his business when I sought urgent spousal maintenance. I could not access Centrelink because they said I had a business (despite not getting any income at all by this time). We literally were starving and had no phone, no power, no money, no food (food parcels only) and no petrol. The then Federal Magistrate took almost [REDACTED] months before awarding me a paltry sum of \$[REDACTED] per week. Child Support was always in arrears and he was regularly sending in change of CSA assessment forms. The Court took almost [REDACTED] years and was virtually useless, meanwhile the lawyers were alleging their fees for us (combined both parties expense) were \$[REDACTED]. It was gross overcharging. The average of family law matters is between \$7,000 and \$9,000. We are not rich by any means. I no longer have any equity in anything and may yet go bankrupt and then be forced out

of my career which is probably the objective. There was a lack of full and frank disclosure on some items which is acknowledged but consent orders were eventually reached in late [REDACTED]. A month before this my youngest daughter was again assaulted by the husband (and his new partner as well) leaving her in hospital with [REDACTED], and again I called Police, and again they did nothing calling it an "affray". After this I just wanted to get the proceedings over with as it was causing too much damage to the family and we were not being protected at all. According to the Court, this is not duress at all (the assault of the daughter so close to the trial date which eventuated into consent orders negotiations). Within a few weeks of the Consent Orders I discovered that the husband had hidden cars and cash (over \$[REDACTED]), along with a number of other financial discrepancies. He was also hindering the transfer of property to me. Assets were not transferred to me for some [REDACTED] years but I am not prejudiced by that according to the Court. I had transferred my interest in property to go to him within weeks of the Consent Orders. I sought a s79A variation to the Orders due to non-disclosure, the Court dismissed it saying there was no evidence yet I had subpoenaed the information just was not permitted to copy and inspect and use it. At the time, the court's practice was to obtain orders for copying and inspection. On appeal, the Family Court is even worse than the now Federal Circuit Court. If you appear by telephone because you are 3,000 kms away working interstate, or you are sick (even with severe life threatening illnesses and medical certificates from your doctor) or you want to get a legal opinion from a barrister (because by now I can't afford full time lawyers) then be very much assured that you will not be listened to, not be heard, not get justice, will not be granted an adjournment, will be interrupted constantly, will be subjected to palpable frustration and hostility from the judicial officer who will be more partial towards the QC the other party can afford (because after all the other party has more resources than you to afford a lawyer because he defrauded you in property settlement) and you will be denied due process, justice, fairness and equity. Then there is the QC who will mislead the Court in submissions on the facts (and this can be proved by transcripts in other Courts on the issues in dispute), who has a conflict of interest but the court refuses to issue subpoenas for a [REDACTED] months period claiming its oppressive and too wide (but is not as its very specific and also confined with its time period), not once or twice but several times, will contradict submitted facts in the same hearing, will criticise you over eventually obtaining an order to inspect the subpoenaed material whilst having inspected the same documents that very morning before the hearing themselves, will mislead a State Court on a VRO arguing res judicata because it was mentioned in the family court (despite s114AB of the *Family Law Act 1975* (Cth) prohibiting the family court from dealing with the VRO at all when it is already on foot in the State Court), yet because the QC has such seniority status any Magistrate will believe whatever they are told by a QC, so more injustice. But it does not end there. If you appeal that res judicata decision because you have evidence to the contrary including the family court transcripts showing the VRO was never dealt with at all in the federal court and that appeal goes to the District Court (equivalent to the County Court in Victoria) because that is the practice in that interstate jurisdiction then the District Court judge will say it is a family law matter, and the parties should come to an agreement on costs (both parties had lawyers and barristers) – seriously? And these judges are all earning hundreds of thousands of dollars a year in their salaries yet they are too lazy to even read the material before them to understand the appeal is about res judicata not itself about the family violence allegations. Yet still it does not end there as because the husband's lawyer knew about the non-disclosure of assets which is obvious from some of the correspondence now, and certainly knew about it when presented with copies of the evidence in support and because that lawyer had sought to interfere actively (including by attending to the premises of an organisation

subpoenaed by me, and the lawyer did so in order to discuss with them what I would be looking for etc, which is an attempt to pervert the course of justice – there is no other word for it), they have not denied any non-disclosure (so implied admission by the husband and his lawyer), and have called me “*the creature*” in a document inadvertently sent to the court then I had sought that lawyer be restrained from acting due to the lack of objectivity. I annexed all evidence to an affidavit with orders to adduce evidence and sent it to the family court in [REDACTED]. The judicial officer did not permit its filing, yet gave no reasons for same, and further he referred to it later in the year even so far as handing it from the bench to the husband’s barrister for a look to see whether he had seen any of it or not. How is this possible? Not only that, he now says I have submitted no evidence in support to argue to restrain the solicitor. How can any judicial officer say and do that in the actual circumstances? That to me is not only partial, biased and wrong but is also misconduct if not corrupting the processes because clearly he is giving that lawyer an advantage by not holding them to account (and therefore an advantage to the non-disclosing husband also). Yet family court property settlements are meant to be fair, just, equitable and based on full frank disclosure. It’s non-discretionary. It is not a discretionary rule at all.

In the meantime, my other daughter (the eldest) gets regularly abused by the husband (her father), I get regularly abused in public still (with the ex-husband swearing at me including at times in the vicinity of my [REDACTED] grandson), as does the youngest daughter. Both my youngest daughter and myself have been in intensive counselling with a psychologist on mental health plans. I have been prescribed [REDACTED] different medications and been so close to a stroke that I had [REDACTED] [REDACTED], high blood pressure at [REDACTED] ([REDACTED]) and am now at risk of losing my only asset, the family home, due to costs orders to the ex-husband because his QC misleads the Courts, his solicitor gets away with ignoring disclosure requirements on behalf of her client and gets away with calling me “*the creature*”, and judges and magistrates do not apply the law rather they succumb to whatever a QC or barrister tells them as opposed to the truth of the matters by a mere solicitor or a self-represented party (much in the same way that the farmers in outback rural Qld are being undermined by the federal courts because the farmers have to appear by telephone against the ANZ bank barristers in Brisbane over their farms being seized for loan arrears due to drought and lack of re-finance etc), and that is what is going wrong with our justice system and why women and children are falling through the gaps – it is not just children’s matters being problematic in family violence but also that violence is impacting heavily on the family in property settlement matters and restraining order matters (in Victoria known as intervention orders) – and why is this being ignored as it means poverty, stress and harm for the women and children invariably - it is lawyers mixing their duty to the Courts with their duty to their clients and doing their best for clients should be understood as not being at the expense of misleading the Courts (duty to the Courts is greater as it is fundamentally at the heart of the justice system and its administration otherwise the public become disillusioned and miscarriages of justice occur which is exactly what is happening now), and so Police and the Courts need to be more accountable and transparent for their actions or lack of action, and lawyers need to be held liable for their actions too so that means overturning (by specific legislation) the advocate’s immunity defence for their in-court negligence (why are lawyers above the rule of law and is that itself not questionable, a bit like police investigating and overseeing police complaints isn’t it?), and having an oversight agency with the necessary powers and good will to ensure that courts including judges are actually doing the right thing. You can not rely on appeals in Australia, the entire justice system is too expensive, the rules

are too pedantically prohibitive towards attaining truth, the courts are protecting their own or at least the favoured few despite their misbehaviour (and you don't have to look far for evidence of that,

the sooner Australia moves towards an inquisitorial system (like Europe) then the better for all of us.

Finally, it is unfortunate but this saga does not end here. This year I lodged complaints against the barrister but there is a conflict with the investigating officer, so where and when will there be any transparency and any justice at all. One would expect a lawyer to withdraw misleading submissions to a Court, not so this QC. Then late last year I was informed by a lawyer colleague that the judicial officer in the family court had one of his colleagues travel interstate to approach her to discuss not only me personally (as her colleague in the law) but also my family law property settlement matter. It was another judicial officer who approached her. He had nothing whatsoever to do with me or my matter. This is a breach of my privacy and is misconduct by him. The registry then sent out documents to the wrong law firm, another breach of privacy. Did I receive any apology? Not at all. In addition to this, the barrister that I had sought to give me assistance on this year (where I had sought an adjournment) has also not denied being approached and warned off assisting me in my matter. Why – because I am an advocate for change and accountability? I have previously argued in academia against any corruption in our police organisations and in the legal system? The published decisions by the judge are not factually correct either. I have had a severe illness this year with so a life threatening illness (and am still not been given the all clear). My request for an adjournment was deemed “a demand” by that judge who forced the hearing along until I collapsed, he then decided that I had “disconnected” the link-up when in fact it was at their end. He admonished me for asking for an adjournment due to my medical condition saying it was wasting the court resources as I had only just sought the adjournment – well, I had only just been to the doctor and was undergoing tests (he basically forced me to disclose my conditions in open court, yet this was before I had the results back from the doctor showing just how severely ill I have been for quite some time and the ) and not been given the all clear yet with further tests underway at the end of the month. The hostility towards me and incorrectness of the facts is shockingly over the top – it is very disillusioning, and this is not being untruthful, it is all documented but the evidence is not getting before the Court because of what can only be described as – corruption, bribery, protecting the legal profession from criticism of misleading the Courts, protecting a lawyer who called another party a creature, and has not encouraged disclosure from their client, and so forth. What is going on in our court system should not be hidden, it needs exposure. We can never move on properly until our legal system is operating as well as it should and as intended by Parliament. We have miscarriages of justice in the criminal law, we also have miscarriages of justice in the civil law and in family law, but in the latter s121 of the *Family Law Act* (FLA) is preventing the light from being shone on the problem within that Court, we all risk imprisonment otherwise. Maybe it is time to risk just that because s121 of the FLA was never intended to hide judicial misbehaviour and

misconduct or to protect senior lawyers from being exposed as a lawyer misleading the Courts on material issues in matters.

I recall that a Mr Marsden (dec'd) who was a barrister in NSW representing Ivan Milat in a rape case many years ago, that he subjected the female victim to a false consent defence (on behalf of his client, Ivan Milat) and he succeeded in that defence. It would have ruined that victim for life, whatever became of her? But we should wonder if he had not put that false consent defence argument so vigorously to the victim, and so clearly knowing it was wrong (as he stated at the time he knew), would Milat have later continued on to have raped and murdered the 7 backpackers? It should not be win at any cost, and the entire legal and justice system need to look at what they are doing. Until then, victims of family violence mainly women and children have no hope of justice, equality, fairness or truth. Remember the oath, "*must be the truth and the whole truth and nothing but the truth, so help me God*" well where does that fit in all this for the legal profession – and not just for the witnesses? I really want to know. It's a contradiction and until we get some consistency then the system won't change. It is a change in attitude from the top down, it is a change in the legislations including for the legal profession, the judiciary, the Rules of the courts and the family law and restraining order laws that is required as a concerted whole approach, and it needs to be nationwide so it is uniform for states, territories and federal jurisdictions. Like everyone else I am now completely disillusioned with the legal profession and the legal justice systems in Australia – criminal, family and civil jurisdictions. I have no doubt that the discrepancies and inconsistencies are found a hundred times over regularly and this is part of the reason why lawyers get out of law or get depressed working within the profession itself. As they say, "*the law is an ass*". If it's broken, fix it.

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**Royal Commission**  
into Family Violence

## ISSUES PAPER

RELEASED 31 MARCH 2015

### INTRODUCTION

#### Purpose of this issues paper

1. The Royal Commission into Family Violence ('the Royal Commission') is seeking submissions from anyone directly affected by family violence, from individuals and organisations who have come into contact with people affected by family violence (whether directly working in the family violence sector or not), and from any others whose experiences and ideas may assist the work of the Royal Commission. Examples of individuals who do not work directly in the family violence sector but may wish to make a submission include general practitioners and other health professionals, social workers, disability workers and advocates, teachers and community or religious leaders.
2. The purpose of this issues paper is to provide general guidance to individuals and organisations in making their written submissions. The Royal Commission is also accepting submissions that address its Terms of Reference<sup>1</sup> without responding to the particular questions in this issues paper.
3. Written submissions are just one of the ways in which the Royal Commission will gather views and information. It will also be examining more detailed questions through its research, community engagement and public hearing activities. Updates about the Royal Commission's activities will appear on our website: [www.rcfv.com.au](http://www.rcfv.com.au).

#### Your submission

4. Your submission will help to improve the Royal Commission's understanding of gaps and problems in the response of our system, and our society, to family violence. Where possible, it should highlight solutions to these gaps and problems. You may want to suggest short term and longer term solutions. You may also want to indicate which approaches you believe will have the greatest impact in reaching the goals set out above.
5. We have put forward some themes to guide you in making your submission. These themes, and the questions we raise, are provided as a guide only. There may be issues or ideas that you want to share with us which go beyond the scope of this paper, and you need not address all or any of our themes and questions.
6. The due date for all submissions is 29 May 2015.
7. The preferred method of receipt is via our website [www.rcfv.com.au](http://www.rcfv.com.au), followed by email at [enquiries@rcfv.com.au](mailto:enquiries@rcfv.com.au) and then post at PO Box 535, Flinders Lane VIC 8009.

8. Each submission must include a cover sheet, which can be found on the Royal Commission website at [www.rcfv.com.au](http://www.rcfv.com.au). There is no particular length or format required for submissions.
9. If, for accessibility or other reasons, you require assistance to make a submission, or you have any queries about the submission process, you can call 1800 365 100, or email [enquiries@rcfv.com.au](mailto:enquiries@rcfv.com.au).

### Royal Commission goals

10. Your submission will assist the Royal Commission in making recommendations for change. In keeping with its Terms of Reference, the Royal Commission aims to make recommendations which:
  - foster a violence-free society
  - reduce and aim to eliminate family violence
  - prevent the occurrence and escalation of family violence
  - build respectful family relationships
  - increase awareness of the extent and effects of family violence
  - reinforce community rejection of the use of family violence
  - ensure the safety of people who are or may be affected by family violence, by:
    - facilitating early intervention before violence occurs
    - providing fast, effective responses to those who report family violence
    - providing effective protections to adults and children who have been affected by family violence in the past, and remain at risk of family violence
  - support adults and children who have been affected by family violence
  - hold those who have been violent accountable for their actions
  - help people who use or may use family violence to change their behaviour
  - develop and improve the means by which solutions to family violence are implemented and assessed.

#### Question One

#### **Are there other goals the Royal Commission should consider?**

Australia-wide input to assist in attaining less violence;

Restrict violence on televisions as this desensitises;  
Hold perpetrators to account with NO time limitation;

Re-educate lawyers & barristers (& Courts) & hold to account;

Address flaws of legal system, we need to

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make the law more accessible and affordable by a system overhaul (look @ EUROPE).

## FAMILY VIOLENCE TODAY

### What is family violence?

11. Family violence includes a broad range of behaviour, often continuing over a long period.
12. The definition of family violence in the Victorian *Family Violence Protection Act 2008* is not limited to acts of physical or sexual violence, which constitute criminal offences. It also includes economic, emotional and psychological abuse; as well as behaviour that is threatening or coercive, or controls or dominates a family member and causes them to fear for their wellbeing or safety, or the wellbeing or safety of others. It includes conduct which exposes a child to abusive behaviour, even where the behaviour is not directed at that child. Actions like damaging property and limiting a person's liberty can fall under this definition.
13. Family violence may involve partners, siblings, parents, children and people who are related in other ways.<sup>2</sup> It includes violence in many family contexts, including violence by a same sex partner, violence by young people against parents or siblings, elder abuse, and violence by carers in a domestic setting against those for whom they are responsible.
14. Research shows that it is overwhelmingly women and children who are affected by family violence, and men who are violent towards them. For this reason, family violence is described as being 'gendered'. Although family violence is gendered, men may also be affected by it.
15. Because of the variety of behaviours which amount to family violence and the wide range of people affected by it, we have chosen to use broad language, referring to 'people who are affected by family violence' and 'people who have been violent'. At times we will also refer to the family violence 'system'. There are many systems that interact with family violence, and there is not a continuous single system of responses. However, for this Issues Paper we use this term when referring broadly to the array of government and non-government responses to family violence.
16. A comprehensive definition of family violence is important for both practical and symbolic purposes. Defining conduct as 'family violence' expresses our community's shared condemnation of that conduct. More practically, it may determine the availability of particular support services or legal protections.
17. The Royal Commission wants to ensure that we take account of the range of behaviour that amounts to family violence. For that reason we seek submissions from a wide range of individuals and organisations able to shed light on these issues and suggest improvements to the system.

Some judges/magistrates (usually male) do not understand family violence or its impact, even today, despite recent news & discussions in the media.<sup>3</sup>



### What do we know about family violence?

18. It is difficult to measure the precise prevalence and impact of family violence. A great deal of family violence is hidden. Many people do not report it to the police. Research on the occurrence of family violence defines it in a number of different ways, which are not always consistent.<sup>3</sup>
19. Despite difficulties in estimating its extent and effects, it is clear that family violence is widespread, and imposes substantial costs on the community. (Note that some research uses the term 'domestic violence'—for the sake of accuracy, we have used this term when discussing that research.) For example:
- Based on its 2012 Personal Safety Survey, the Australian Bureau of Statistics<sup>4</sup> estimated that:
    - 17 per cent of all adult women in Australia (and 5.3 per cent of all adult men) had experienced intimate partner violence at some point since they were 15
    - 25 per cent of women and 14 per cent of men had experienced emotional abuse (which incorporates a range of manipulative and coercive behaviours)<sup>5</sup>
    - Women were substantially more likely than men to experience fear or anxiety as a result of emotional abuse by a previous partner of the opposite sex:<sup>6</sup> 76 per cent as against 46 per cent
  - According to the Australian Institute of Criminology:
    - of the 479 homicide incidents<sup>7</sup> in Australia between 1 July 2010 and 30 June 2012,<sup>8</sup> the largest proportion, 39 per cent, were classified as domestic homicides
    - for the same period, 31 per cent of the 96 homicide incidents in Victoria were domestic homicides<sup>9</sup>
  - Victoria Police reported in 2013–14 that over 45 per cent of assault offences, and over 34 per cent of rape offences recorded by Victoria Police were related to family violence incidents.<sup>10</sup>
20. In addition to the individual harm created by family violence, the burden of family violence on the wider community is heavy and wide-ranging. For example:
- In 2013–14, some 35,135 family violence intervention order (FVIO) applications were finalised by the Victorian Magistrates' Court. That figure has increased by 83 per cent over 10 years<sup>11</sup>
  - Victoria Police attended more than 65,000 family violence incidents in 2013–14—an increase of more than 83 per cent since 2009–10<sup>12</sup>
  - The Australian Institute of Health and Welfare reports<sup>13</sup> that family and domestic violence is the main reason women and children leave their homes in Australia. Approximately a third of all clients who accessed homelessness agencies in 2013–14 sought assistance as a result of experiencing family or domestic violence—this was a 9 per cent increase on 2012–13 (including 14 per cent more children experiencing family or domestic violence), and Victoria accounted for 72 per cent of the increase.

*Family violence causes harm, damage, loss, mental illness, poverty, stress & long term ill-health.*

*It usually affects women & children who are particularly vulnerable to the effects of such violence.*

21. Against this backdrop, community attitudes towards family violence are of interest, and concern. For example, in a 2013 VicHealth survey:<sup>14</sup>
- Twenty-two per cent of respondents agreed with the proposition that domestic violence can be excused if people get so angry they lose control, 12 per cent agreed that it can be excused if people are under stress, and 9 per cent if they are heavily intoxicated
  - Six per cent agreed that violence against women was justified in cases of infidelity (the same figure as was recorded in the 1995 survey)
  - A majority agreed that women often invent or exaggerate claims of domestic violence in order to improve their case in custody disputes
  - Almost 4 out of 5 found it hard to understand why women experiencing violence stay in the relationship, and just over half agreed that women in violent relationships could leave if they really wanted to
  - Nine per cent agreed that it is a woman's duty to remain in a violent relationship in order to keep the family together.
22. This suggests that alongside the need to improve responses to family violence, and aim to eliminate it, is a need to increase public awareness of the problem, and to change attitudes that blame those affected by family violence and/or minimise the harm caused, to individuals and to the community, by family violence.

#### What has been done so far?

23. Over the past 30 years, reforms have been made at state and federal level to respond to the problem of family violence. Many groups, including government and non-government agencies, have worked to increase awareness of family violence and suggest more effective responses to current problems. The Royal Commission acknowledges the sustained and ground-breaking efforts of those who work in this field. We will be taking account of previous reforms and, as far as possible, assessing their effectiveness. Our terms of reference ask us to establish best practice in this area.
24. There have been many policy and legal responses over the past three decades. These have included, for example:
- public education campaigns to increase awareness of family violence and reduce its occurrence
  - development of a range of support services for people and families experiencing violence
  - introduction of programs to assist those who have been violent to change their behaviour, in some cases with court-ordered participation
  - establishment of family violence divisions in the Magistrates' Courts at Heidelberg and Ballarat from 2005, and provision of specialist family services at some Magistrates' Courts from 2005–06
  - in 2004, the launch of the first edition of the Victoria Police Code of Practice for Investigation of Family Violence; and in 2009, the adoption of the Victoria Police Strategy to Reduce Violence Against Women and Children 2009–2014
  - in 2006, the release of the Victorian Law Reform Commission's report on family violence laws,<sup>15</sup> which included recommendations intended to improve the legal remedies for people affected by family violence

*VERY LITTLE – The government (s) both  
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*State and Federal need to take a  
 hard line approach on their JUDICIARY,  
 and remove those "heartbeats" to addressing  
 the problems caused by perpetrators  
 of D. Violence.*

- in 2007, VicHealth's publication of a framework for the prevention of violence against women, *Preventing violence before it occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria*.
  - in 2008, the introduction of the *Family Violence Protection Act 2008*, which, among many reforms, gave police the power to issue family violence safety notices, which can result in the removal of a violent person from the home for up to five working days
  - from 2008, the establishment of a multi-agency panel (Extreme Risk Client Strategy or ERCS) involving Victoria Police, Women's Health West and other organisations working in Melbourne's west, to identify women at risk of serious injury or death from family violence and address their safety and welfare needs
  - from 2011, two demonstration projects involving Risk Assessment Management Panels (RAMPs), which are designed to encourage multi-agency co-operation in dealing with families at risk of violence
  - at a federal level:
    - the introduction of the National Plan to Reduce Violence Against Women and their Children 2010-2022, which establishes a wide-ranging framework (including education, employment, support and law enforcement measures) for coordination in Commonwealth, state and territory responses to violence against women and their children. Initiatives established under the first phase of the Plan include Australia's National Research Organisation for Women's Safety; Our WATCH, which promotes cultural and behavioural change; and 1800RESPECT, a national professional counselling service for women experiencing or at risk of family violence or sexual assault.
    - Following a 2012 Australian Law Reform Commission report,<sup>16</sup> the development of the Department of Human Services' Family and Domestic Violence Strategy, a framework for improving risk identification, information-sharing and training practices in government.
25. These and other changes have improved our response to family violence. They have contributed to an increased awareness of the prevalence of family violence, and its serious effects on families and communities. There has been a marked increase in the numbers of people affected by family violence who are reporting the violence to police, and seeking support from government and non-government bodies. Improvements are being seen on some important wider measures: this year, the Australian Institute of Criminology's National Homicide Monitoring Program (NHMP) reported that the homicide rate for women in 2011-12, 0.8 per 100,000, represented a decrease of approximately 40 per cent since the NHMP began in 1989-90.<sup>17</sup>
26. Nonetheless, there may be deficiencies in our family violence responses, and increasing demands being placed on the system. The terms of reference require us to identify gaps and deficiencies in current approaches to family violence, and make recommendations for change. In its final report, the Royal Commission will be considering how effective previous changes to policy and legislation have been, how their effectiveness has been measured, and how to build on and measure them in the future. Your submission can help us to do this, and to identify issues which require further examination.

Changes have not gone far enough. There is no time to wait, we need the problems in the courts being addressed now not "tomorrow". I think victims need to look at class actions otherwise.

## Question Two

*The Royal Commission wants to hear about the extent to which recent reforms and developments have improved responses to family violence, and where they need to be expanded or altered.*

## Question Three

*Which of the reforms to the family violence system introduced in the last ten years do you consider most effective? Why? How could they be improved?*

## IMPROVING OUR RESPONSE TO FAMILY VIOLENCE

### Reducing/preventing family violence

27. The above section, 'What do we know about family violence?', outlines some results from a recent survey of community attitudes to violence against women.<sup>18</sup> Some results indicate pervasive misconceptions about people affected by family violence and people who have been violent. Others attest to improvements: an increasing number of Australians recognise that non-physical behaviours may constitute violence, and there has been a 10 per cent reduction in some 'violence-supportive' attitudes among young men since the survey was conducted in 2009.<sup>19</sup> Initiatives to address family violence within our state's public and private institutions, organisations, businesses and in the media are crucial to fostering positive attitudes, addressing misconceptions, and dealing with issues that may give rise to violence before violence occurs.
28. The Royal Commission wants to hear about programs, public education campaigns, and other forms of community engagement in business, local government, workplaces, schools, sporting teams, local communities and community organisations which aim to reduce and prevent family violence and ameliorate its effects. We are interested in hearing about local, inter-state or overseas initiatives of this kind. We also want to hear about research evaluating such initiatives.
29. The Royal Commission is also interested in addressing the wider circumstances and conditions—within relationships and families, institutions and communities—which are associated with family violence. We want to hear from individuals or organisations who have sought to identify and address these circumstances and conditions. Family- or relationship-specific circumstances and conditions may include, for example, attitudes and values, experiences, mental health or substance abuse issues. Community-wide circumstances and conditions may include economic, social, geographical or cultural factors. These circumstances and conditions may be ongoing, or may arise from specific situations or events and include intersections between gender, age, race, disability and other factors.

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*Police, Courts and the Legal Profession  
are all responsible for the terror &  
evil of family  
violence as we  
knew it today –  
these organisations need to embrace TRUTH,  
ACTION & RESPONSIBILITY NOT IGNORE THE FACTS.*

## Question Four

**If you or your organisation have been involved in programs, campaigns or initiatives about family violence for the general community, tell us what these involved and how they have been evaluated.**

*Most women are very active but men remain in power.*

## Question Five

**If you or your organisation have been involved in observing or assessing programs, campaigns or initiatives of this kind, we are interested in your conclusions about their effectiveness in reducing and preventing family violence.**

*Until you address men in powerful positions in the Police, Courts & legal profession then the changes won't occur as needed.*

## Question Six

**What circumstances, conditions, situations or events, within relationships, families, institutions and whole communities, are associated with the occurrence or persistence of family violence?**

*Anyone is impacted, affected & associated at various degrees & levels.*

## Question Seven

**What circumstances and conditions are associated with the reduced occurrence of family violence?**

*Action, diligence, changes to laws & attitudes.*

### Ensuring the safety of people affected by family violence

30. The Royal Commission wants to hear from individuals who have been affected by family violence about the adequacy of current responses to family violence. You may be someone who has sought an intervention order against a family member who has been violent, or given evidence in criminal proceedings involving family violence. You may be someone affected by family violence who has not pursued these measures.
31. We also want to hear from individuals who have assisted those seeking help for family violence. You may be a family member, or someone who works in an organisation which provides specialist or general services to people affected by family violence. You may be someone who, for professional or other reasons, comes into contact from time to time with people who are affected by family violence.

32. Some areas you may want to consider include:

- the availability of information for people affected by family violence
- health and community service system responses, including those which seek to improve safety for people affected by violence, or prevent violence occurring in the future
- court responses, including across the civil intervention order scheme of the Magistrates' Court and in other areas of the courts
- police responses
- child protection responses
- whether specialisation in policing, the courts or the provision of services improves outcomes for people affected by family violence
- the challenges presented to service providers because of the large number of people affected by family violence
- the extent of co-ordination and co-operation between different parts of the family violence system
- the extent of co-ordination and co-operation between different agencies in assessing risk and assisting people affected by family violence
- the risks and challenges faced by people in particular groups and communities (see 'Family violence and particular groups and communities' below).

Question Eight

**Tell us about any gaps or deficiencies in current responses to family violence, including legal responses. Tell us about what improvements you would make to overcome these gaps and deficiencies, or otherwise improve current responses.**

Judicial officers do not comprehend F.V. at all. Usually male judges/magistrates. Appeal more women. Make everyone accountable.

**Does insufficient integration and co-ordination between the various bodies who come into contact with people affected by family violence hinder the assessment of risk, or the effectiveness of (early intervention, crisis and ongoing) support provided, to people affected by family violence? If so, please provide examples.**

Women are trying to integrate & support but are being undermined by the Courts, the legal system, police & others in power.

**What practical changes might improve integration and co-ordination? What barriers to integration and co-ordination exist?**

Attitudes, laws, lack of accountability & transparency. Our entire legal system is failing women & children (all victims) in family violence situations.

We need to commence serious reform of our justice system, & the Parliament (despite reputation of fewers) MUST enforce its intentions clearly.

### Supporting the ongoing safety and wellbeing of people affected by family violence

33. Family violence can affect people's lives in a variety of personal and practical ways. Support for people affected by family violence may include medical and psychological treatment; the provision of housing, training and financial support; accessing and keeping employment; and other approaches which seek to foster resilience, safety and independence, and redress the damage caused by family violence. The Royal Commission wants to hear from individuals and organisations about the current framework for supporting the ongoing safety and wellbeing of people affected by family violence. We are particularly interested in how different services are delivered, how progress within the system is measured, and how the system could be improved.

#### Question Eleven

**What are some of the most promising and successful ways of supporting the ongoing safety and wellbeing of people affected by violence? Are there gaps or deficiencies in our approach to supporting ongoing safety and wellbeing? How could measures to reduce the impact of family violence be improved?**

*A victim never gets over the harm caused by F.V. It's physical & psychological!*

### Making people who have been violent accountable and helping them to change their behaviour

34. The Royal Commission wants to hear about any processes which are intended to or may change the behaviour of people who have been violent. This could include involvement of community leaders as mentors and role models, community engagement initiatives, behaviour change programs and use of conditions attached to sentences for a criminal offence.

*Police should look at the overall situation, background, and look towards changing the male perpetrator in the first instance.*

**If you, your partner or a relative have participated in a behaviour change program, tell us about the program and whether you found it effective. What aspects of the program worked best? Do you have criticisms of the program and ideas about how it should be improved?**

*Men rarely accept the need for such changes unless they are suddenly facing imprisonment!*

**If you, your partner or a relative have been violent and changed their behaviour, tell us about what motivated that change. Was a particular relationship, program, process or experience (or combination of these) a key part of the change? What did you learn about what caused the violent behaviour?**

*Male clients have reported programs have been useful to changing their attitudes but its usually only when facing it as a last resort to remain out of prison.*

## Question Fourteen

**To what extent do current processes encourage and support people to be accountable and change their behaviour? To what extent do they fail to do so? How do we ensure that behaviour change is lasting and sustainable?**

*None are acceptable. Courts make a wrong decision in error, who can afford appeals, then appeals are evenly funded & costly.*

**If you or your organisation have offered a behaviour change program, tell us about the program, including any evaluation of its effectiveness which has been conducted.**

*N/A.*

*Not at all satisfactory.*

## Question Sixteen

**If you or your organisation have been involved in observing or assessing approaches to behaviour change, tell us about any Australian or international research which may assist the Royal Commission. In particular, what does research indicate about the relative effectiveness of early intervention in producing positive outcomes?**

*N/A.*

### Family violence and particular groups and communities

35. It is widely accepted that the experience of people affected by family violence is influenced by social, cultural, economic and geographical factors, including intersections between these factors and gender and other aspects of identity. The terms of reference invite the Royal Commission to consider the needs and experiences of children, older people, Aboriginal and Torres Strait Islander peoples, culturally and linguistically diverse communities, gay, lesbian, bisexual, transgender and intersex communities, regional and rural communities, and people with disabilities and complex needs.
36. There may be individuals in these groups and communities who find that the effects of family violence are worsened by pre-existing and multiple disadvantages, community perceptions, and/or geographical or social isolation. They may find that they face specific and complex barriers, for which some mainstream support services are not designed. They may have found particular services or approaches more useful than others.
37. Equally, service providers may have views on the challenges of providing services to people in these groups and communities, and on how service provision can be improved or assessed. They may also have views on factors which may increase the risk of family violence, or impede the wellbeing and protection of those affected by it from these communities.
38. The Royal Commission wants to hear from people affected by family violence, or people who have been violent, who identify with these or other groups and communities, and from individuals and organisations providing services to people affected by family violence, or people who have been violent, in these groups and communities.



## Question Seventeen

Are there specific cultural, social, economic, geographical or other factors in particular groups and communities in Victoria which tend to make family violence more likely to occur, or to exacerbate its effects? If so, what are they?

There are no boundaries or status lines affecting or limiting F.V.

## Question Eighteen

What barriers prevent people in particular groups and communities in Victoria from engaging with or benefiting from family violence services? How can the family violence system be improved to reflect the diversity of people's experiences?

Fear, distrust, cost, poverty, mental health, feeling overwhelmed by it all & fatigued by the stress.

## Question Nineteen

How can responses to family violence in these groups and communities be improved? What approaches have been shown to be most effective?

Parents being forced (despite separation of powers) to respond in a positive manner, lawyers also being told to abide by their duty to court for

## General questions

## Question Twenty

Are there any other suggestions you would like to make to improve policies, programs and services which currently seek to carry out the goals set out above?

Police being directed to respond appropriately, omitting of the truth, will not all assist in being effective towards preventing F.V. common sense.

## Question Twenty-one

The Royal Commission will be considering both short term and longer term responses to family violence. Tell us about the changes which you think could produce the greatest impact in the short and longer term.

Immediate nationwide response by Parliaments for courts, laws, police & lawyers to address the issue of TRUTH in justice to prevent family violence, and towards holding the perpetrators to account for their actions.

F.V. affects not only children's issues but also property settlement matters.

Both family courts, & state courts, both federal & state laws (variety of these) need an overhaul. incl legal Professional Act.

<sup>1</sup> The Royal Commission's website ([www.rcfv.com.au](http://www.rcfv.com.au)) includes a link to the Terms of Reference.

<sup>2</sup> See, eg, Victorian Law Reform Commission, *Review of Family Violence Laws: Consultation Paper* (2004), 14 ff; Stephen Fisher, 'From Violence to Coercive Control: Renaming Men's Abuse of Women' (Research Series – No 3, White Ribbon Campaign, 2011) 3 ff.

<sup>3</sup> Differences in definition also affect measures of the harm caused by family violence. For instance, statistics on family violence-related homicides may not capture suicides (of those affected by family violence, or those who have been violent) and negligence-related deaths (such as those resulting from elder abuse). Notably, the Victorian Systemic Review of Family Violence Deaths carried out by the Coroners Court of Victoria seeks to record and analyse these and similar deaths: see, eg, C Walsh et al, 'Victorian Systemic Review of Family Violence Deaths – First Report' (Coroners Court of Victoria, 2012); Coroners Court of Victoria, *Annual Report 2013-14* (2014).

<sup>4</sup> Australian Bureau of Statistics, *Personal Safety, Australia, 2012* (2013). The term 'partner' in the Personal Safety Survey is used to describe a person the respondent currently lives with, or lived with at some point, in a married or de facto relationship. Partner violence does not include violence by a "boyfriend/girlfriend or date".

<sup>5</sup> 'Emotional abuse' means one or more of the following, when repeated with the intent to prevent or control behaviour and cause emotional harm or fear: stopped or tried to stop them from contacting family, friends or community; stopped or tried to stop them from using the telephone, Internet or family car; monitored their whereabouts (e.g. constant phone calls); controlled or tried to control where they went or who they saw; stopped or tried to stop them knowing about or having access to household money; stopped or tried to stop them from working or earning money; stopped or tried to stop them from studying; deprived them of basic needs such as food, shelter, sleep or assistive aids; damaged, destroyed or stole any of their property; constantly insulted them to make them feel ashamed, belittled or humiliated; lied to their child/ren with the intent of turning them against the other family member; lied to other family members or friends with the intent of turning them against them; threatened to take their child/ren away from them; threatened to harm their child/ren; threatened to harm other family members or friends; threatened to harm any of their pets; harmed any of their pets; threatened or tried to commit suicide.

<sup>6</sup> 'Anxiety' was defined to include distress or uneasiness of mind resulting from apprehension of danger or misfortune. The anxiety or worry may be accompanied by restlessness or feeling 'on edge', difficulty concentrating or mind going blank, irritability, muscle tension or sleep disturbance; 'fear' includes fear of reprisals or the recurrence of a similar incident by either the person being violent or another person.

<sup>7</sup> Some 'incidents' involved multiple offenders and victims; the total number of deaths from homicide in this period was 511.

<sup>8</sup> Reporting periods vary between sources.

<sup>9</sup> Willow Bryant and Tracy Cussen, 'Homicide in Australia: 2010-11 to 2011-12 National Homicide Monitoring Program Report' (Monitoring Report No 23, Australian Institute of Criminology, 2015). Nationwide, 58 per cent of domestic homicides were intimate partner homicides, 18 per cent the killing of a child by a parent, 12 per cent the killing of a parent by a child, 3 per cent the killing of a sibling by another sibling, and 9 per cent were categorised as 'other'.

<sup>10</sup> Victoria Police, *Crime Statistics Official Release 2013-14* (2014).

<sup>11</sup> Magistrates' Court of Victoria, *Annual Report 2013-14* (2014).

<sup>12</sup> Victoria Police, *Annual Report 2013-14* (2014).

<sup>13</sup> Australian Institute of Health and Welfare, *Specialist Homelessness Services 2013-14* (2014). The data in this report is compiled from the Specialist Homelessness Services Collection (SHSC) which is conducted by the AIHW. The SHSC counts clients as having experienced domestic and family violence if, during the reporting period, 'domestic and family violence' was reported as the reason they sought assistance, or they required domestic or family violence assistance.

See attached 'personal'  
submissions →

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<sup>14</sup> Kim Webster et al, *Australians' attitudes to violence against women, Findings from the 2013 National Community Attitudes towards Violence Against Women Survey* (Victorian Health Promotion Foundation, 2014).

<sup>15</sup> Victorian Law Reform Commission, *Review of Family Violence Laws*, Report No 185 (2006).

<sup>16</sup> Australian Law Reform Commission, *Family Violence and Commonwealth Laws – Improving Legal Frameworks*, Report No 117 (2012).

<sup>17</sup> Willow Bryant and Tracy Cussen, 'Homicide in Australia: 2010-11 to 2011-12 National Homicide Monitoring Program Report' (Australian Institute of Criminology, Monitoring Report No 23, 2015).

<sup>18</sup> Kim Webster et al, *Australian's attitudes to violence against women: Full Technical Report, Findings from the 2013 National Community Attitudes towards Violence Against Women Survey* (Victorian Health Promotion Foundation, 2014).

<sup>19</sup> *Ibid.* A range of questions are designed to test for 'violence-supportive' attitudes: those which tend to justify, excuse, trivialise, minimise or shift blame for violence against women.

