

# Sustainability Australia

## Social Sustainability

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### **Royal Commission into Family Violence: Submission Paper**

#### **Submission background**

I have been working in the field of family violence and child sexual abuse since 1989, firstly at university and later as an Independent Researcher. Since 2002 I have focused on intergenerational transmission of abuse within families. I make this submission as a Sociologist, with a Master in Public Policy and counselling qualifications.

#### **Submission outline**

Part A of this paper focuses on systemic failures of the family violence system. This includes increasing the scope and breadth of data collection in Victoria, legal impediments preventing access to family resources, and perpetrator accountability.

Part B of this paper focus on systemic gaps in service provision for people experiencing family violence, and the need for long term strategic planning. I have investigated the current Family Violence System and I wish to make some recommendations based on different assumptions and priorities.

#### **Submission overview**

I believe that restoring financial security to survivors of family violence should be the first priority that the Royal Commission into Family Violence (RCFV) should consider. This will enable survivors to have adequate access to housing and health care within their communities.

While the psychological and physical impacts of family violence will still leave scars, it is the proposition of this paper that addressing these issues are of secondary importance. A family's overall health, wellbeing and resilience will primarily depend on their immediate material needs being met, especially safe and secure housing and from that base, then their ability to access appropriate services. Therefore, this paper positions a number of priorities and recommendations towards this end.

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## **PART A**

### **Systemic Failures**

#### **Question 1. a. The prevention of family violence**

**This section also relates in part to Q.4 and Q.9**

##### **1.1 Complete Data Coverage**

Data collection, to be accurate, must be gathered from the whole of the population. However, there is currently a significant gap in data collection of information relating to middle and high-income families (those whose incomes are over \$78,000 per annum). This segment includes educated people currently perpetuating family violence and/or child sexual abuse. When the data is accurate about who is being affected by and seeking resources to deal with the effects of family violence, better decisions can be made in relation to all relevant policies and laws.

Rather, the focus has been on specific vulnerable population groups, who have been from predominantly lower socioeconomic backgrounds (ABS, 2013). This approach has been replicated in the terms of reference into the Victorian Royal Commission into Family Violence (RCFV). It is this paper's contention that this bias leads to false assumptions about the causes of family violence and child abuse.

While data on these vulnerable groups is vital to determine the number of people who might require services in Victoria and to collect population group specific data, it does not assist in understanding who is subjected to family violence, nor the extent of a major problem faced by the State, that of middle and higher socioeconomic families continuing to externalise the costs of their own family violence onto the State and the community.

Existing figures on family violence from Victorian police records are approximately 65,000 reports of domestic violence across all postcodes but do not include socioeconomic and professional status of the perpetrators. Najman et al. (2005) published national figures on child sexual abuse and revealed that one third of women, and approximately one sixth of men, reported a history of child sexual abuse (Najman et al., 2005).

We cannot just assume that all these figures relate only to lower socioeconomic families, especially in the case of child sexual abuse. For example, data collected by the Australia Relationships Survey (1977) found that when they opened their telephone lines for people to report family violence, there were a disproportionate number of people reporting abuse from middle and higher socioeconomic groups, who also had white-collar professional backgrounds.

#### **RECOMMENDATION 1**

##### **Whole of population data coverage across Victoria.**

##### **1.2 Data collection and resource allocation and externalising family violence costs onto the State**

The key issue here is there are currently various groups competing for scarce resources and those resources are not necessarily going to the people who most need them. Low income, disadvantaged groups do not have any resources

available to them and so genuinely depend on what is available from the State. More advantaged groups often have resourced families and are generally better educated and more confident, but in situation of abuse, can often be dissociated from their families and cut off from those resources.

Therefore, all those who could be supported by the resources of their own families, end up competing for State resources. The sense of confidence and entitlement that comes along with their upbringing often means that they are very successful in finding and accession all available resources. Conversely, the disadvantaged groups of people who are in dire need of welfare and support services often miss out.

Therefore it is imperative that data on the socioeconomic and professional backgrounds of survivor families, and extended families be collected, to prevent scarce resourced being unavailable to needy families. If perpetrators have engage in family violence and have the necessary resources to pay for the material needs of survivor families, then we need to look at how people can access those family resources. What systems barriers and systemic failures have been set up to dissuade perpetrators from being held to account needs to be clearly understood, and ways to access family resource for survivors housing, food, education and health needs have to be considered.

Also it is not only lower socioeconomic families that do not have the resources to move out of their homes, it is also a problem across all socioeconomic groups. Family resources appear to be one of the major tools of control used by perpetrators of family violence (Camilleri, 2014) with the other major tool being psychological, through the use of fear and intimidation tactics.

## **RECOMMENDATION 2**

The main priority of the RCFV should therefore be to increase the scope and breadth of data collection across Victoria, to gain a whole of State perspective by collecting economic and profession status details of survivor families of family violence and/or child sexual abuse to prevent costs being externalised onto the State.

The prevention of intergenerational abuse must be a major priority. To stop the cycles of abuse, a survivor requires the material resources to rebuild their lives and the lives of their children, free of fear and to build up their economic security, prior to focusing on their psychological and physical needs. Otherwise they will be in a perpetual state of crisis and fear and unable to take any benefit from the provision of psychological services.

The Personal Safety Survey (2012) has been one of the few surveys to capture some of this data, when it dealt with the socioeconomic background of families from people who identified as experiencing family violence prior to 15 years of age. However, this information was not in the general release of data and can only be gained by a payment of \$460, limiting access to it.

### **RECOMMENDATION 3**

#### **Whole of State audit**

Existing data collection survey within the State of Victoria could be used and expanded to include family violence survey questions, including type of abuse, relationship to the perpetrator, number of survivors, sex, age, housing status and socioeconomic and professional backgrounds of family members and extended family members.

#### **Adding socioeconomic data into existing surveys**

1. Existing surveys that could include a section on family violence with socioeconomic data on families and extended families during 2016.

- Victorian Personal Safety Survey 2016 & release of 2012 information on under 15 year old children that have suffered family violence and their socioeconomic family data.
- Victorian Census data collection (August 2016)
- Victorian Annual Household Income Labour (Hilda) data collection 2016
- Victorian Centre link data 2016

### **RECOMMENDATION 4**

#### **Executing a compulsory anonymous whole of State audit**

2. A compulsory anonymous audit urgently needs to be carried out across the State of Victoria in 2016. The audit would include data on suspected family violence survivors and confirmed family violence incidents, including all socio-economic data, the professional status of family members and extended family's material resources and assets where possible. This survey could be sent to the following organisations and others for completion in 2016.

- Single parent organisations
- Family violence support organisations
- Seniors organisations (such as COTO, local councils and neighbourhood houses that run senior programs).
- Schools – private, state and independent
- Tertiary institutions – Tafe, colleges and universities
  
- Doctors, psychologists, psychiatrists, dentists, and social and health workers, including anonymous private patient information. These surveys need to be expanded into the private system to include all socioeconomic and professional data where possible.
  
- NB. I have included dentists on this list as United States dental literature reveals that as early as 1960, 50% of cases of physically abused children were recorded. The average age of the child subjected to family abuse was 14.3 months, was noted by dentists and paediatric dentists, with half the children experiencing injury to the orofacial structures, significant in cases of child abuse ((Needleman, 1986). Links were also made between children with ADHD, teeth grinding, and extreme fear in dental clinics and child abuse (Murray, et. al. 2012) There is no corresponding data in Victoria, with the majority of patients accessing dentists for their children coming from middle and higher socioeconomic groups.

**RECOMMENDATION 5****Options for increasing the data systems infrastructure**

One suggestion is to expand the independent crimes statistics agency for Victoria, which has been set up by the Department of Justice and Regulation, to collate all 2016 new data. Another suggestion is to collect the data through an agency linked with collecting Public and Private Health statistics. Or a third suggestion is to access a public or private independent data collection agency. Who is selected however, will impact significantly on how questions are framed, based on their professional bias, so this needs to be a well thought out decision.

## **Question 2. Investigate the means of having systemic responses to family violence, particularly in the legal systems and child protection.**

### **2. 1 Understanding Legal Systemic Failures**

The second priority of the RCFV should be to review the major laws that impact directly on survivor families material wellbeing and that will assist in reducing intergenerational transmission of abuse. An examination of our legal systemic failures in our current laws that are fostering an environment that perpetuates and strengthens family violence, rather than ameliorating family violence is urgently required. Without a definitive law changes that takes into account family violence and/or child sexual abuse then we have no equality before the law, nor will perpetrators be held to account. Further, the issues raised above regarding appropriate access to and allocation of available resources to survivors of family violence is essential.

### **2.2 Required Changes to Law**

Recent changes to our laws both Federally and at a State level, will profoundly affect the majority of families across Victoria. The introduction of these new laws has failed to protect the family unit as the foundation of our society. They prioritise the rights of perpetrators of family violence over the rights of family violence survivors. Family violence is therefore maintained and perpetuated through our current laws, by denying family resources to those middle and upper income survivor families. Economics also plays a major role in intergenerational abuse of children. The Laws that is of major concern and require change are as follows: -

#### **2.2.1a Family Law Act (1975)**

Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014

The Family Law Act (1975) is the major recourse for families that have been subject to violence and are needing to divorce and move away from a perpetrator. Of major concern are the recent changes in the Family Law Act (1975) that have facilitated a shift towards the use of private contracting as the preferred way of ordering economic domestic relationship. A new amendment to the legislation makes pre-or post-nuptial agreements binding, without any avenue for family survivors of violence having recourse to the law.

Our current Attorney General stated in a media release outlining the reason for a shift to private contracting for couples that “The parties will be free to agree ‘whatever they like’ subject only to a requirement that the parties first obtain legal and financial advice The virtue of the change is that it enables parties to take control of their affairs so disputes can be resolved away from Court”. According to Dewar (1999) “one of the major dangers for increasing the scope for private autonomy (contracts) is that human rights are more easily abused or overlooked behind closed doors” (Dewar, 1999). Also judges in cases of family violence, or child sexual abuse can no longer overturn pre- and postnuptial agreements. They are binding.

To go to a private lawyer now costs a retainer of \$5,000 for survivor families of violence. However, one of the major tools used by perpetrators to control and terrify survivors is through denial of access to money by freezing bank accounts,

shifting joint money to others, or through the use of trust accounts, so that there are no resources to move out of the marital home, or to pay the required legal retainer.

Therefore, many family law litigants are only able to access the legal system with some form of assistance from legal aid authorities. These changes in our laws, which penalise survivors of family violence, have been passed at the same time that Legal Aid budgets have been drastically cut. Recent research has noted that over 50% of requests for funding are from cases which are family violence related, and they will find that they will now only be eligible for limited forms of assistance, such as legal aid conferencing. This will widen the gap between family violence survivors who are forced to go to legal aid and perpetrators who may have the necessary finances to employ a private lawyer, or barrister.

The systems changes towards private contracting also takes no account of the fact that it will place men in a stronger bargaining positions than women and may overpower any bargaining power provided by the default rules according to Dewar (1999).

Therefore, the only current recourse to law may now be through the use of domestic legislatures by human rights norms. In Victoria this is through Human Rights Charter and Australia wide through our signatory to International Treaties, Covenants, or from domestic constitutional guarantees (Dewar 1999). In particular the following Human Rights obligations that relate to family violence and/or child sexual abuse are; -

- The Convention on the Rights of the Child (CRC),
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and
- The Convention on the Rights of Persons with Disabilities (CRPD)

However, it needs to be noted that you cannot take court action from the Human Rights Charter in Victoria alone, but you require a trigger to use in combination with Human Rights Charter. The possibility that children will end up being a pawn in these cases that involve family violence and/or child sexual abuse is high, and a completely undesirable outcome.

This recent shift in the family law system to a rights model is due to a growing perception that women have faired poorly under a discretionary regime, and may be significantly worse off under the new private contract system. Either system still does nothing to redress the power imbalance within families, especially where violence exists, as survivors still do not have immediate access to family resources to assist in escaping violent perpetrators.

The Australian and Victoria State Government have indicated that they wish to follow a path of non-violence in future and that they will no longer tolerate past practices associated with family violence. Yet at the same time they have recently enshrined laws that actively reinforce family violence and the intergenerational abuse within families.



**RECOMMENDATION 6**

That a new Family Law Bill be introduced into the Federal Parliament that takes into account family violence and/or child sexual abuse claims and that all MP and members are informed of the consequences of the current Act in relation to family violence survivors and/or child sexual abuse survivors.

**2.2.1b Child Support Scheme (2008)**

The child support scheme does not recognise the costs associated with family violence and/or child sexual abuse. In particular, housing and medical costs.

Dewar (1999) suggested that the Family Law Act (1975) “by exercising discretion, judges decided that it was appropriate to frame order for property distribution and child maintenance in a way that maximised the State’s contribution to family income. However, the Government became concerned, according to Dewar (1999), “at the public costs of supporting the economically weaker members of separated families and sought to transfer the burden of support back to the family itself” (Dewar, 1999).

Thus we saw the introduction of the Child Support Scheme. However, this system is completely inadequate to the task of compensating and paying for the impacts of family violence and/or child sexual abuse. It is a bureaucratic and rule based system that does not recognise the housing and medical costs associated with family violence.

**RECOMMENDATION 7**

That the Child Support Scheme (2008) be revised to take account cases of family violence and/or child sexual abuse cases, with a review of the maintenance payable, that includes the need for families to access housing, education and health services.

**2.2.2 Victorian Justice Legislation amendment (Succession and Surrogacy Act) 2015**

This new Act will affect every family in the State of Victoria, particularly those with family assets over \$25,000, as it relates to family legal relations in particular, and the relations between parents and children. According to Mikakos however, the Victorian Law Reform Commission (VLRC) and a number of other stakeholders have expressed very strong opposition to the family provision amendments, saying they go far beyond what the VLRC recommended (Hansard 2014).

The eligibility requirements are too strict and will leave most adult children unable to contest a will because they are not dependents at the time of the testator’s death. Testators will too easily be able to avoid responsibility for their adult children, stepchildren and grandchildren” (Hansard, 2014). This new Act also makes no mention of exceptions in the case of family violence and/or child sexual abuse, or appropriately deals with relations between siblings, or other extended family members, who engage in physical, or sexual abuse. This Act completely denies survivor families the right to challenge a will on the basis of sustained material deprivation, nor gain any family resources for costs already incurred by acts of family violence.

Also according to Mikakos “It seems as though the Napthine government prefers to force adult children, in terms of the original guise of this bill, to rely on government benefits, or sink into poverty rather than seek reasonable provision from a parents estate”. Mikakos also stated “that many concerned members of the legal community – barristers, solicitors and the law institute – contacted us to inform us that this bill will create injustice and make Victoria’s laws on succession the harshest in the country. One barrister said the bill would take Victoria back 100 years” (Hansard, 2014).

This Bill was rushed through parliament in the last week that the Liberal Government was in office and the amendments were negotiated behind closed doors between both the Liberal and Labour party and a select few people, rather than allowing for a full debate in the senate. A request for the Bill to be referred to the Legal and Social Issues Legislation committee for inquiry and report, due to the fact that it would affect most families in Victoria, was rejected (Hansard, 2014). This Bill was to take affect on the same date as the RCFV began.

According to this new Act, testators can now do what they wish. If the testator is a perpetrator of family violence, they are also able to pass all the family resources onto other perpetrators within families, possibly providing a direct feeder-line to grandchildren. This Act forces mothers and some fathers to choose between the material needs of their children, or the physical needs of their children for protection from predatory behaviour. That is not a choice, as either choice will have significant long-term repercussions and damages, especially in the likely perpetuation of intergenerational abuse of children.

We also now have the bizarre situation where testators under this Act are able to deny survivors of family violence and/or child sexual abuse access to family assets, but are free to give money to philanthropic organisations without being questioned (Hansard 2014). The result being that a family member now has to go to a philanthropic organisation for material assistance, to effectively gain access to their own family resources that they have been denied through our laws.

The impact on families across Victoria of this law, who have a history of family violence, will be significant. For example, the increase in number of women over 60 who will be rendered homeless due to family violence (COTA, 2015) could be expected to rapidly increase, with the recent introduction of this Act. By giving primacy to testator’s rights, over the rights of survivor families, through the denial of access to challenge in a court, will logically increase the number of family members accessing State resources. This law also condemns them to poverty, homelessness and will increase family’s reliance on welfare, at the same time that welfare provision is also being reduced. Again we see the externalisation of family violence and/or child sexual abuse costs onto the individual and/or the State.

It may also result in the severing of family ties, as it will be impossible for children and grandchild to be brought to unsafe boarding houses to visit their grandparents, or elderly relatives living in poverty. If there are material wealth divides between family members, then this may also significantly influence family relationships and not necessarily in any positive way. The likelihood that adult children will align with a perpetrator who has control over all the family’s resources is currently high, unwittingly placing their children in danger from

further predatory behaviour from a testator and possibly causing intergenerational abuse. The most worrying aspect of this legislation is that perpetrators of violence can also affectively pass all family's resources in the form of inheritances onto the next generation perpetrator, thus proving a feeder line to grandchildren and other children within the extended family.

Mr. Newton Brown noted that the Bill was deigned "to reduce the potential for opportunistic claims... Most adult children will fall outside these categories" (that can now make a claim) (Hansard, 2014). Classifying survivors of family violence and/or child sexual abuse as 'opportunistic' for trying to gain access to family resources that by right should be theirs, is perhaps an unfortunate use of language that demonizes survivor families and elevates a testator status and rights, even if they have perpetrated family violence and/or child sexual abuse.

### **RECOMMENDATION 8**

That the Royal Commission into Family Violence advise Victorian MP's that a new Bill be introduced into Parliament, as the current law has not taken into account the case of family violence and/or the sexual abuse of children.

Despite the rhetoric to the contrary, this current law is also not compatible with our Victorian charter on Human Rights section 17, nor is it compatible with the right to equality before the law in section 8 of the charter Act and section 24 right to a fair hearing by making it more accessible for application to be made for people with an intellectual disability, or cognitive impairment (especially in the case of trauma induced impairments). It also breaches our International treaties obligations and it is discriminatory on the basis of age and gender.

#### **2.2.3 Jury Directions Act 2015**

This bill needs to be examined to ascertain if it takes away the rights of two members of the same family to submit evidence together in the case of family violence and/or child sexual abuse. Does this Act instruct judges that they are to discount evidence provided by two siblings, or two members of the one family who have experienced family violence and/or child sexual abuse?

Does it dissuade family members from supporting each other's claim, weakening the case of probability that perpetrators have engaged in family violence and/or child sexual abuse. If this is the case, then an amendment to the Jury Directions Act 2015 also needs to be brought before Parliament that takes into account incidents of family violence and/or child sexual abuse.

### **RECOMMENDATION 9**

Review of the Jury Directions Act 2005 as detailed above.

All the above Acts discriminate against women and some men, particularly those subjected to family violence and/or child sexual abuse by reducing their right to economic security and placing them at risk of poverty and homelessness.

### **2.3 Child Protection**

For many families where adult, or sibling violence becomes dangerous, the option of contacting police and risking intervention by the child protective services is not a viable option. It has been found repeatedly that the protection services in Victoria have failed in their duty of care and have in some cases failed to protect

children that come under their jurisdiction. The psychological damages caused by multiple placements (a practice that linked funding to bed turn over numbers) have been well documented since the 1990's. The need for attachment in the early developing years is well documented (Bowlby, 1971, Siegel, 2009). Issues surrounding the contamination rates of younger children by older children, were also firmly established many years ago in the research literature (Rivers, 1996).

As the Victorian Ombudsman stated in 2010 "Despite ongoing reforms of the *out of home care* system, some children do not experience *out of home care* placements as the secure and safe environment they should be. Rather, they are subjected to further abuse and neglect. It was also noted that some foster carers and kinship carers from extended families, were also engaged in ongoing abuse and shows a lack of understanding about intergenerational abuse within families (Victorian Ombudsman, 2010).

Twenty years later, after a refusal to act on advice, the Department of Health and Human Services (DHHS) are now seeing the horrific outcomes for many of these children, of bad public policy. The current Attorney General recently released a report into the child protection system, stating that contracted out new early intervention service for at-risk children, with a 37% increase in demand since 2008, have no framework for assessing the effectiveness of services provided (Doyle's report 2015)

This particular population group are particularly dependent on the quality of services and the relationships they form, for their developmental needs (Siegal, 2012). Thus early intervention services must be assessed on both quality and cost, with quality making up the largest component of the assessment. Currently, many children engaged with the protective service until they leave at age 18 years are at significant risk of entering the welfare system, susceptible to suicide, drug and alcohol abuse and rape. Doyle's (2015) recommendation for a statewide audit of early interventions and statewide performance analysis is most welcomed.

Currently, protection services have repeatedly failed in their duty of care (Ombudsman report 2010; Doyle's 2015 report) families have little option other than to remain with their family of origin, who are subjecting them to violence; leave that family and go it alone, often joining with peers in the same predicament for safety in numbers; or enter the protection services, who do not protect, nor produce good long term outcomes for children. As one can plainly see none of these options will reduce family violence in the long term.

#### **RECOMMENDATION 10**

- Statewide audit of early intervention organisations and a performance and outcomes analysis, rather than relying on the traditional measures of inputs and outputs.

#### **RECOMMENDATION 11**

- That the Department of Health and Human Services protection services be incrementally disbanded and replaced with contract agencies that have better quality with more successful outcomes with children and adolescents. A different culture around caring for children and adolescents is required. For example, those used by the Lighthouse Foundation and The

Australia Childhood Foundation may be adequate to the task, and they could be funded to expand their services.

#### **2.4 Family Violence and the Court System**

Because of the complexity of family violence, those that work as judges cannot be expected to take a short training course and develop the appropriate skills necessary in detecting and understanding the complexities of family violence and/or child sexual abuse. Perpetrators are very skilled liars and manipulators and are able to hide behind multiple strategies as documented in the Royal Commission into Institutional Child Sexual Abuse (RCICSA, 2015). For example, Ridsdale stated “ The deceit, the cover-up, the trying to make yourself look good...that’s what I’ve been doing all my life” (RCICSA, 2015). Perpetrators of family violence are equally adept at the same type of behaviour.

The failure of the current court system can be seen in the following example. A recent case brought before the Supreme Court financially rewarded a possible perpetrator of family violence and awarded costs to possible survivors. The lack of understanding of the issues around family violence did not signal a red flag in this case. The judge did not have the experience to ask the right questions, or even consider that this may be a case of family violence. Therefore, the call to better educate judges appears to be highly problematic unless they are willing to undertake several additional years of education, to enable them to recognise a potential case of family violence.

However, while the call for a new court system for family violence has some merit, it is also highly problematic. There is a possibility that there has been a major underestimation of the demand that may be placed on such a court. One judge would not be sufficient to the task. The probability of massive cost blowouts involved with setting up another court system would also need to be factored into it’s design, with a minimum of three judges, just to begin the process.

The Centre for Innovative Justice has made significant inroads into the introduction of a specialised court system for family violence and perpetrator accountability, over the last year (CIJ, 2015). However, assumptions and principles, that underpin their approach, may still rely on Truth and Reconciliation assumptions and principles, which are not appropriate in cases of family violence and especially in cases of child sexual abuse. In particular, perpetrators of family violence and /or child sexual abuse need to carry out the following tasks:-

1. Admit the wrong
2. Pay an appropriate restitution, according to ability
3. Agree to have their ongoing behaviour monitored, to eliminate the chance of reoffending.

There is also a question of family survivors of violence being pressurised into face-to-face contact with their family perpetrators, before the above tasks have been carried out. There can be no reconciliation until this point of time, as there is still the danger of intergenerational abuse of children and further re-traumatisation of survivors.

**RECOMMENDATION 12**

- Further review and analysis of the likely costs associated with a new court and the principles and criteria that would form its basis.

**RECOMMENDATION 13**

- That perpetrator tasks, mentioned above, are carried out before survivors engage in any form of reconciliation.

## **Question 1.b Perpetrator Accountability**

First it must be understood who the perpetrators are. According to many media portrayals, they are more likely to be violent, drug addicted, uneducated, unemployed and evil. This image, however, does not appear to match reality. Perpetrators of family violence can be men, women, or adolescents across all socioeconomic and professional groups.

Perpetrator characteristics mentioned at the RCICSA found that they often included a lack of emotional affect, sadistic, perhaps cold and detached, or overly effective, with issues of power and control at the centre of their behaviour. Many were subjected to violence and abuse as children. They are not control freaks for any reason at all. Survivors however can choose to perpetuate that same abuse onto others, or they are often targeted as victims themselves. As we have seen with the RCICSA, many of those identified as paedophiles also had above average educational backgrounds and were not unemployed, drug addicted, or outwardly violent. Many were priests in our churches, high status individuals, teachers in our schools, doctors in our health systems, child minders and protectors.

In the area of domestic violence, the need to control has come to the fore in many research reports. The need to control finances, movement, employment and the behaviour of the survivor, with physical violence appearing to be used more than sexual violence in the case of domestic violence. Children witnessing these acts learn that there is little perpetrator accountability, and if there is, then it is likely to be short lived and ineffectual. An Intervention Order does not stop violence and completely misses the family dynamics that is in place to ensure its continuance. Intervention orders could be used in more effective ways, as will be described below.

### **1.1 Understanding Perpetrators Through Neuroscience**

One of the most important debates that have underpinned the recent shift towards medical interventions, rather than legal interventions that directly impacts on our decisions in relation to perpetrators comes from neuroscience. How we deal with perpetrators of family violence very much depends on whether it is believed that people freely choose their actions, or that they are neurologically predetermined towards violence based on their lived experiences. Even if it is believed that child sexual abuse and family violence is a learnt behaviour, with certain changes in neurological functioning occurring, it still does not answer the question as to whether behaviour in these circumstances is a choice.

Neurological studies conducted by B. Lisbet (1983), and follow up studies by J. D. Haynes, suggest that the way we are wired will determine how decisions are made. Their studies revealed that decisions are made up to 10 seconds prior to an actual decision, however, these studies do not take into account that decisions relating to family violence and/or child sexual abuse are more likely to be categorised as 'torn decisions' (Balagur 2014) and therefore may not be cognitively predetermined due to the severity and consequences of such decisions.

One off reactive acts of violence may have a predetermined component, but sustained and ongoing violence suggests that cold and calculated decisions are being carried out, that may also require whole of family ongoing support to sustain it. This takes considerable control and high executive planning functions. Even if

we are prewired to take a certain path, we still have free will when it comes to 'torn decisions', as the type of cognitive processing will differ significantly from decisions that are routine and of low value to a family, or child's survival and long term wellbeing. Children as young as 6 are able to make choices about the path they will tread for survival, to assume that adults are not capable of understanding they have committed a crime, due to their neurological functioning requires further ongoing research

This appears to be a research failure within neuroscience and those working in the health profession. They may not have factored into their research designs, that decisions may not be predetermined when it comes to 'major decisions'. Family violence and/or child sexual abuse are examples of 'major decisions', where perpetrators are clearly aware of the wrong in these situations 'and have deliberately decided to proceed regardless, believing that they can act with impunity. Ridsdale confirmed that not only did he know what he was doing was a crime and wrong, but also that he had been abused as a child by his extended family, a cousin and an uncle (RCICSA, 2015)

Therefore, based on the above assumption that people do have free will to determine their choices about whether they engage in family violence, or child sexual abuse, we then need to determine how they will be held accountable and by whom. Traditionally in Australia we have favoured a legal approach towards adults and where possible a medical approach to underage perpetrators, based on the assumption that they will be more impenetrable to change, than an adult.

However In the case of Community Correction Orders that replace some jail terms, we see the start of an approach that combines both punitive and rehabilitation, with a mix of legal and medical interventions as the best course of intervention for both the perpetrator, the family and community. This is a very fraught area, as getting the balance wrong has significant long-term consequences for all.

### **1.2 Adult Perpetrator**

Despite which approach is taken, legal, medical or mixed, if adult perpetrators of violence are not confronted immediately after a criminal act, not only do they gain confidence that they can do what ever they want with impunity, but children witnessing these behaviours will also learn that this behaviour is acceptable; that the adult can get away with it and that there are no consequences. The possibility of intergenerational abuse in this instance has just been increased dramatically through this one systemic failure.

Another problem is the logistics of rapidly responding to reported abuse. Even if police are able to confront perpetrators immediately, survivors will often not follow up and press charges. The consequence is that the family's physical and material wellbeing is at great risk, as documented by recent research, through the actual act of reporting. Consequently, an alternative way around this problem must be found if we are to reduce family violence and child sexual abuse and increase the material and psychological security for families.



**RECOMENDATION 14**

For perpetrators of physical abuse in the case of domestic violence, immediate short-term incarceration should not be an option but mandatory. Perpetrators should also not be able to pay their way out of short-term incarceration through the use of legal specialists.

**RECOMMENDATION 15****Rapid response crisis unit**

1. Place-based triage teams consisting of police and mental health specialists informing perpetrators of their short term incarceration, with a follow up a week later to ascertain if they can return home, or alternatively organise accommodation for them while decisions are made in relation to intervention orders.

**RECOMMENDATION 16**

- Notification that legal system will no longer support perpetrators of violence by allowing the freezing family resources until they can go to court, if divorce is pending. The delay of court cases should not be allowed, as they are a strategy used by perpetrators to deny family resources, so that survivors have less bargaining power.

**RECOMMENDATION 17**

- Known sympathetic judges towards perpetrators of family violence should be disbarred from serving on family law court cases, based on their historical record of material outcomes for women and children.

The work carried out by the Good Shepard has seen pioneering work on economic abuse take the spotlight and we see the importance of material security to family's wellbeing. Camilleri (2015) has suggested that the Magistrates Court maybe able to support women who have "experienced economic abuse, as the range of consequences of economic abuse are not dealt with in the Family Violence Protection Act and tend to be dealt with through consumer law and/or the Family Court of Australia" (Corrie, 2013, Camilleri, 2015). Camilleri (2015) also suggests that the return of property can be made as part of the order and the act of economic abuse as a form of family violence can be grounds for a breach of an intervention order (Camilleri, 2015). Another approach would be to use Intervention Orders as an economic trigger rather than just as warning.

**RECOMMENDATION 18**

- If an Intervention Order is placed against the perpetrator then this should automatically trigger the survivor's ability to access family's resources including joint bank accounts and wages, rather than the perpetrator being able to continue to control family resources and undermine the survivor families financial and psychological security.

**1.3 Adolescent Perpetrator**

A rapid response crisis unit is also important if the abuse concerns an adolescent perpetrator who is abusing a parent, or another sibling. Evidence is gaining that the figures of adolescent abuse maybe actually higher than adult perpetrators, especially in the case of single mothers and in the case of sibling sexual abuse, which has recently entered the research data (CASA, 2014) Many police call outs result in later refusal of survivors to press charges especially in light of the

financial, physical and emotional outcomes that are the likely result when a perpetrator is in control of financial resources. This should not be seen as a failure, rather a success that they reported it in the first place, despite the odds against reporting.

#### **RECOMMENDATION 19**

- Follow up if a triage team is involved, they can ascertain if the abuse is ongoing and if the adolescent perpetrator may be best managed by health specialists, rather than the criminal justice system, or a mixture of both. Either way police presence should be part of the triage team for adolescents also.

#### **1.4 Sibling And Youth Perpetrators**

Where family violence has occurred already within a family, then the priority question for a child safety then becomes one of sibling relationships. Have their siblings learnt that behaviour and will they continue with family violence on their younger siblings, or will they become a support for each other in their joint endeavour to thwart family violence? Siblings can become another major source of fear, as they may be the next possible person to inflict harm on a child, or alternatively they will become a possible support for a child who is being harmed. While many children will acquiesce to family demands in order to avoid further harm, a few will choose to go it alone, especially if they do not have support from siblings.

Those that do choose to go it alone have often been labelled as having an Oppositional Defiant Disorder (ODD), mainly diagnosed in primary school in children as young as 3 years, they are unlikely to gain any support from the medical, or health professions unless they are willing to submit to the family, or school authority, and in some cases they are medicated. If the perpetrator of family violence is not held accountable in anyway, it only reinforces children's need to engage in ongoing defiant behaviour for their survival. Many conduct disorders, including Obsessive Compulsive Disorder (OCD) are trauma induced and many will be linked to family violence and/or child sexual abuse.

#### **RECOMMENDATION 20**

- Psychological assessments should be carried out to include sibling relationships.

#### **RECOMMENDATION 21**

- The consequence of this type of labelling needs much closer examination, as does the over medication of both adult and young survivors. Labelling can be a very destructive and limiting practice if a young child is saddled with that label early in their life.

#### **1. 4b Youth Perpetrators**

Adolescent perpetrators may also be highly detached, high cognitively functioning, cold and emotionally immature, or emotionally dissociative due to their own abuse. In schools some of them will be part of a group of alpha males and alpha females. Many of the popular kids, are making decisions about who is in the 'out-group' and who is in the 'in-group'. These alpha males and females like to have control over all aspects of their life and are also prone to want control over other

people's lives. The power that comes from making decisions about others can also be addictive.

These budding bullies are rarely the source of psychological interventions at school. Interventions are not directed towards this cohort, nor are schools putting prevention policies in place to curb their violent tendencies in early adolescence. They are deemed untouchable, with good employment possibilities, no matter what their socioeconomic status is.

The school tends to nurture this cohort and reinforces a sense of privilege and untouchability. While dissociation can be a survival strategy for this cohort, the impact on those children around them is anything but dissociated. They are on the receiving end, so they tend to get a little emotional and become the target of interventions, rather than potential bullying and violent school leaders.

#### **RECOMMENDATION 22**

- Intervention by family friends, who play a significant role in children's life, will have a significant affect on the reduction of adolescent violence, if the adolescent is confronted about their violent behaviour. It is also cost free. Whether people will get involved depends on whether a culture of community help is promoted, or one where 'it's none of my business' attitude.

#### **RECOMENDATION 23**

- School counselling interventions focus their intervention efforts more equally and apply direct interventions at possible high achieving and controlling adolescent perpetrators, rather than continually asking the adolescent survivors of bullying to do more about curbing perpetrators violence by not responding to the bullying inflicted upon them.

## **PART B**

### **Systemic Gaps In Service Provision**

#### **Question 1.b. Early intervention to identify and protect those at risk of family violence and prevent the escalation of violence.**

There are many successful programs available currently, but choosing which ones should be expanded, which new ones should be implemented, and which ones should have priority is a very difficult task, especially as major cuts by the Federal Government will have a significant affect on the State budget.

Victoria cannot run every program that is needed to reduce family violence and/or child sexual abuse. Short term, middle term and long term strategies are therefore a priority. Below are some suggestions towards this end, as opposed to the systemic failures that were addressed in the first half of this paper. This section is concerned with prioritising those programs, which will likely have the greatest impact on reducing family violence and/or child sexual abuse.

It has been noted in the research that a significant number of mothers have experienced the first signs of family violence during pregnancy. Therefore, it would appear that greater support is required during this time, as a preventative measure. It would appear logical that the inclusion of fathers into their own pre-natal and postnatal programs should be a major priority.

#### **1.1 Parenting Programs For Fathers**

Parenting is not a women's issue, it is a whole of family responsibility. There is an urgent need to provide all fathers and mothers access to pre-natal and post-natal training programs using best practice models, rather than the current mixed approaches used across Victoria. Local groups will address diversity issues, but there is a need for some sort of quality standards for teaching new parents about children's development needs and their role and their responsibilities as parents, including to each other.

Of all the violence triggers, baby crying may unleash fearful memories of their own childhood and/ or unrealistic expectations from parents. Babies in the first year have the highest rate of negative response, especially from those parents who have experienced family violence and/or child sexual abuse in their own childhood.

#### **RECOMMENDATION 24**

The inclusion of a father's in pre-natal and post-natal programs, with specialist programs for fathers, as needed.

#### **1.2 Program On Children's Developmental Needs (1-3yrs)**

An ongoing program for parents and about children's developmental needs, and a simplified course on neurological development between the ages of 1 -3yrs. Free training courses could be offered through Skype, or through specially designed MOOCS course through universities, similar to the recent course for parents with children who have autism, that is run through Swinburne University. E-line courses are cost effective but they also do not address the importance of relationship formation and trust that can occur in one-to-one counselling. Thus,

for many people e-line programs will be adequate but there also needs to be flexibility built into the system, for people at high risk to be referred on to face-to-face assistance when required.

### **RECOMMENDATION 25**

Parenting help lines and training courses regardless of gender, due to the fact that women and girls also engage in family violence and/or child sexual abuse.

#### **1.3 'Labelling', 'identification' and intervention programs**

An existing program between Beyond Blue and Movember (man therapies) is an excellent attempt to try and engage with men. However, there appears to be a major problem in labelling information under the title of 'man therapies'. Many men will state that they do not have any emotional problems, especially those who are high cognitive functioning and have little, or no emotional affect.

For these males (and it needs to be noted that the same problem occurs with their female counterparts) pride in their object rationality and pride in their lack of emotional response to issues, is a major barrier to them gaining the emotional intelligence that would help to keep their families safe from them.

This paper is suggesting that both male and female perpetrators of family violence are more likely to be high functioning cognitively, who plans how to control others in advance and take pride in this ability. Therefore, engaging with anything therapy related that takes them out of their comfort realm is not particularly appealing to those that most need to be reached. Unless in the case of a perpetrator who is using psychological sessions and training as a means to control their victim.

These same perpetrators, or potential perpetrators may be fixated instead on bodybuilding and physical strength based activities, especially those that have experienced family violence and/or child sexual abuse themselves.

### **RECOMMENDATION 26**

- Promotional material and violence assessments require a different language and labelling system if they are to engage with possible perpetrators.
- Programs that run through local gyms and sporting associations could provide men and women with additional information that may be of assistance. However, just saying 'no to violence' will not work without discussion about the following issues.

#### **1.4 Debates And Discussions Needed**

##### **Also Relates To Q.7**

##### **1.4.1 Intergenerational values, family violence, and access to resources.**

Earlier generations have not been the beneficiaries of either primary or secondary schooling curriculums of respectful relationships classes. Neither have the current crop of parents. For young parents that are trying to make the change towards non-violent practices, they maybe faced with the impossible situation of hostile elders, who want establish cultural practices maintained.

Elders, including elders in our extended families, may also be pressurising younger parents to retain cultural norms that are more linked to 1950's concept of family life and what constitutes masculine and feminine norms, than 2015 concepts of masculinity and femininity and respectful relationships that are equal. The psychological and economic sanctions that can be applied by this older cohort on today's families are of major significance, especially if they hold the purse strings to family resources. We are also a multicultural society, where different cultural norms exist and this need to be separated out from issues of masculine and feminine identity.

Young parents are no longer assured of a full time job as casualization increases and many young families cannot buy their own homes, as was the case for previous generations. With limited opportunities to work, housing difficulties and increasingly large education debts, this young group of parents are particularly dependent on family resources. Whether they be psychological, material, or having access to workplace networks that their parents have established (80% of jobs are sourced through informal networks and a large proportion of those are directly connected to their parents, or peers) they are considerable.

Without access to financial resources, or inheritances, from this older group, younger parents material wellbeing will be in jeopardy and thus the material wellbeing of their children. This situation is a recent phenomenon in Australia. Before, most families were able to work and build up their own resources. Recent research suggests that over 86% of parents are now providing some form of financial support, guarantees for home loans, purchases of white goods, subsidising rent, or allowing adult children to avoid paying rent by staying longer at home (The Age, 2015).

Our elders' financial security has dramatically increased at the same time that young people and young families' economic security has dramatically deteriorated. The two are interconnected and have profound implications for family relationships and questions of safety, especially in the case where family violence and/or child sexual abuse has occurred.

#### **RECOMMENDATION 27**

- There needs to be ongoing discussion in the media about these intergenerational issues mentioned above and those mentioned below.

#### **1.4.2 Entitlements**

Men's traditional sense of entitlement is another issue that requires wide discussion. We are now asking our young men to give up their entitlement to have women do what they are told, as was the case with in their mothers and fathers relationships. Many men do not wish to lose that entitlement and may choose to marry partners who are younger, or less educated, to try and maintain their control over family members and family resources. This is not a solution to dealing with the issues surrounding power and control, whether it is with women or with men.

However, in the case of young men, a sense of entitlement that they learnt from their father, is that women's work should be for free, especially domestic and childcare. That woman should forgo her opportunity for work, income and

superannuation to support her partner's opportunity for work, income and superannuation. These material benefits are then often classified as his resources, rather than family resources obtain through joint decisions to maximise family income. This issue then becomes the basis of a major source of conflict and violence, particularly if it leads onto divorce.

#### **RECOMMENDATION 28**

- Further discussions of the economic and psychological impacts to young parents, men in particular, and why they should be predisposed to give up their entitlements as head of a family and have more equal relationships with women. These discussions should include the costs involved with taking such action, such as possible disinheritance. The case has not been made as to why entitlements should be forfeited and why all the material resources are not exclusively his.

#### **RECOMMENDATION 29**

- Some young women in families also take this head role on and in this case their need to control is just high as it is with men. They may also choose significant weaker males to mate with, the same as some men do. They may however use different types of strategies to hide their need for power and control, such as collaboration, which aren't really collaboration, passive aggressive strategies and constantly lying. The case has not been made as to why they should give up their power and control either.

### **1.4.3 Fear of Intervention or Being Ostracised**

Many families will not seek help or provide family information due to the fear of being judged, or the possible removal of children. Antidotal evidence suggests that all socioeconomic groups hold this fear. Cultural change made public, towards being rewarded for seeking help, rather than punitive approach's to infant and child wellbeing is required.

We do not currently reward those that come forward to try and address questions of family violence. People are aware that in some instances people who have disclosed information about family violence, or sexual abuse have lost their children, especially lower socioeconomic families.

We currently have a conflict of interest in the case of family violence, with two opposing objectives.

1. That people who have committed crimes of family violence be incarcerated and punished for perpetuating family violence and child sexual abuse and
2. That people who have experienced violence come forward and report so that they can get the assistance they need to deal with family violence and break patterns of violence with their children.

Both these objectives are interdependent in the family violence situations that are different if a non-family member carried out the abuse. If someone goes to jail, a family's material needs may not be met, and they may also be isolated from the

community for speaking out, as occurred recently with the Waks family when their son Many Waks spoke out at the RCICSA. The failure of the community to protect this family was a very strong warning to others not to come forward and report abuse.

We need to be clear about what exactly is being offered for people who speak out. Once they do speak out do they have any control over the process, or is it completely taken out of their hands by people who have no knowledge, or experience of that particular family dynamics and therefore maybe unaware of just how they could escalate the situation and place survivors in even greater risk.

Action taken by a survivor to report may also result in greater harm to their children than no action at all. It's not a simple matter of 'just lock them up' or 'she should leave'. The whole family's material needs may be dependent on the perpetrator and there are currently no guarantees that they will be able to access any resources for their daily material needs, and the State does not necessary supply sufficient material resources for basic living standards. It certainly does not provide housing, which is the biggest problem for families fleeing family violence, except among a very few.

### **RECOMMENDATION 30**

- Public discussion about the fears that people may be having in relation to family violence. Insight is one television series where this discussion could begin but there is a need for others TV series that will have greater appeal for young parents and young single men and women.

#### **1.4.4 Self Identity and Group Identity**

One of the other major barriers to reporting family violence, apart from material and physical safety, is the psychological barrier associated with issues of self-identity and group identity. To prevent another generation of children from being subjected to family violence and/ or child sexual abuse, a person must come to terms that their family is engaged in these practices and they are not who they thought they were. During the RCICSA one witness suggested that even though his son-in-law had been convicted of child sexual abuse, he wouldn't believe it. He suggested that this might mean that his grandchild had been abused (RCCSA, 2014).

Accepting that our own family has been involved with family violence and/or child sexual abuse not only affects their group identity but also changes their perceptions of their own self-identity. The psychological need to be a 'normal' family, not one of those 'others' is very high. High enough that they may even dismiss, or minimise the danger that their children are in.

If they accept that this is indeed true, then the psychological cost to themselves and their children is extremely high. You can see this same dilemma being carried out in post war Germany, where families accepted State depictions that they were all responsible for the crimes committed and must remember and make sure it does not occur again. At the same time, Welzer (2002) study showed that there was non-acceptance by individual families that it was actually their family, grandparents, aunties and uncles, that carried out these crimes (Welzer 2002).



When it comes to the personal, crimes were committed by 'other' families, not their own. Consequently, patterns of family violence have not been addressed, just the outward signs that they have. The result is that intergenerational abuse may be higher with those families where denial still exists.

Another major finding of the Welzer (2002) studies was that, "The third generation, the grandchildren, showed a distinct tendency to perform what the authors called *Heroisierung*; they turn their grandparents into everyday heroes of this time period, fulfilling an obvious need to dissociate their grandparents from the "bad Nazis" they know so much about. This finding has far-reaching implications, calling into question the effectiveness and usefulness of official policy concerning memory work on the war implemented in Germany in the last decades" (Welzer 2002). This study is also of major importance to the family violence system in Victoria in that there is a complete lack of services or even discussions about the impact of confronting family violence and what that means in relation to a person's self-identity, or their concept of their group identity.

This research also has far reaching implications when dealing with how children and adults reconstruct their family image, so that they are not label as 'one of those bad families' but rather a 'normal family'. Interestingly, the higher the socio economic and professional status of the family, the greater the need to hide to their own history of family violence is likely to be. Knowledge of family violence possibly will have dire impacts on their marriage and work prospects due to the current stigma and moral panics, and thus their long term material and psychological wellbeing.

More importantly the need to silence survivors of violence will be high with the possibility of family and extended family members closing ranks on any potential family whistle blower. This will lead to ostracism of the survivor of family violence, unless they agree to the concocted family narrative, and the externalisation of all the survivors housing and health care costs to the State.

### **RECOMMENDATION 31**

- Public discussions around the reality that all families have some aspects of violent behaviour embedded in their structure and that now we are wanting to change these behaviours and structures and move towards a path of non-violence. To do this people are going to have to be rewarded for coming forward.

**Question 6. The needs and experiences of people affected by family violence with particular regard to:**

- 1. Regional and rural communities and,**
- 2. People with disability and complex needs (particularly cognitive disabilities)**

The most cost affected approach to supporting victims of family violence include any doctor, or family relative that steps forward and informs perpetrators of violence, that that type of behaviour will not be supported or condoned within their family or community. This will have the most impact on curbing family violence. In not confronting the perpetrator, or in the case of supporting them, people are an accessory to the crime of family violence. Therefore, the most cost effective and long lasting impact will be if male member of the family, or the dominant female of the group speaks out immediately after any violence has occurred.

**6.1 Regional And Rural Families**

Any family member wishing to leave a violent home will in rural or regional towns will have significant family pressure applied to them to prevent them from leaving due to the shame that would be attached to the family's name, in a small community. However it is not the survivor's shame that doctors, psychiatrists and psychologists in particular, need to be publically discussed, it is the perpetrators and communities shame. For too long this issue has been defined in terms of a survivors shame, with some of them often internalising this message.

Reporting of family abuse will endanger the whole family, including the children. Consequently there needs to be a point of help, where a survivor can discuss what is happening, without it triggering immediate intervention in rural and regional communities, due to the higher dangers associated. Most professions are under mandatory reporting requirements but in regional and rural communities they rarely report anyway.

Also as mentioned in Camilleri et. al. (2015) often perpetrators families are involved with abusive and violent practices against a survivor. In these cases it is impossible for survivors to gain assistance within their own community. This is especially the case in regional and rural families who are threatened by survivors who come forward. Also as mentioned in Camilleri. et. al. (2015) often perpetrators families are involved with abusive and violent practices against a survivor. What is not raised is the likely involvement of survivor's own families in supporting perpetrators, rather than survivors, where family violence and/or child sexual abuse occurs. In these cases it is impossible for survivors to gain assistance within their own community.

Due to the small size of these communities barriers against reporting family violence, or child sexual abuse has been reinforced by leaders in the community holding the same views 'that what happens in the home is no one's business apart from the family'. Due to the tight-knit characteristics where people have close social and economic ties within the community and family violence or child sexual abuse matters are extremely difficult for survivor to gain community support.

Families economic, employment, social and school wellbeing may be threatened as soon as anyone comes forward.

### **RECOMMENDATION 32**

- That outside help lines initially link to other provincial cities, or the city of Melbourne, be made available to regional and rural communities, rather than calls being routed to their local support services.

In regional and rural communities counsellors are often male and have direct links with the family, socially, through employment, and in some cases financially through businesses (CWA, 2015). Therefore it may be inappropriate for survivors to have those discussions with locals initially, unless an outside reference is made putting a check on those that will be offering assistance to survivor families.

### **6.2 People & Children With A Disability And Complex Needs**

This section is concerned with early trauma induced cognitive impairment on children rather than those with physical disabilities. The implications for this population group on their future earning potential are significant. When children experience family violence and/or sexual abuse, many who have been able to maintain some emotional affect (effective) may sustain greater cognitive impairments, including reduced processing abilities. The children who were able to detach emotionally (dissociation) from the abuse appear to have better academic outcomes and the opposite result, of higher than average cognitive skills and incomes.

Those with somatic impacts will not necessarily have affective impacts and may be more likely to higher cognitive skills also. Herman, (1992) created the category of Complex PTSD (C-PTSD) to refer to prolonged and repeated trauma. In the case of child family related trauma, there is likely to be ongoing and repeated trauma over the person's life time (Arata 2000 & Classen et al 2005) who found higher rates of re-victimisation and rape in adolescents and adulthood and higher rates of divorce.

Most of the children in the first group are the ones that create a high cost to the community in terms the support services required, while undergoing their education. Therefore, this is not just an issue for the individual child as it grows up in relation to loss of income, it also impacts on the costs of supporting those children through school and the transference of costs by some families onto the State in adulthood, in terms of unemployment support. In earlier times this issue was not as pronounced, as a student's employment opportunities were not tied necessarily to acquiring a high level of education and superior cognitive skills, but rather were linked to hard work and perseverance.

Current research has found that families in Australia are currently paying up to 22 billion to subsidise their adult children due to their inability to access jobs housing, various goods and services (The Age 2015) but whether it is the children with cognitive impairments due to earlier childhood family trauma is currently not known. While the National Disability Scheme was to provide for the long term care of people with a disability, the possibility that this cohort will be supported, especially if their impairment is at a low level cognitive function, does not appear

to part of the Government remit, as it falls outside their focus mainly on people with physical disabilities.

In other words, there appears to be the need to make a new category of brain trauma caused by family violence and/or sexual abuse. Each time a perpetrator engages in family violence, the shocked brain appears to go into a power saving mode of hibernation reducing, or slowing down their cognitive functions linked to talking, understanding, reading or writing. It can involve all of these functions slowing down, or just some in particular. The net affect is that the survivor's ability to work will be put in danger, creating a further reduction of their economic security.

What causes one survivor to have this response to family violence and/or child sexual abuse and another to have high cognitive functioning appears to be linked to the survivor's ability to shut down their emotional affect to events, as opposed to survivors who are flooded by emotional stimuli. This appears to take place originally around the ages of 6 or 7 years and may be a choice based decision linked to neurological strengths and survival mechanisms.

Importantly there may be a link between children who have developed early C-PTSD with reduced cognitive faculties, due to family violence and/or child sexual abuse and the later on set of certain types of Aphasia, Dementia and Alzheimer. The link between family violence and/or child sexual abuse may be significant linked to early trauma brain injuries as a child. The current number of new cases around of Aphasia is approximately 18,000 a year in Australia with Dementia and Alzheimer growing by 1,800 a week. Due to the huge numbers further **research** to ascertain if there are any links between family violence and/or child sexual abuse needs to be undertaken.

### **RECOMMENDATION 33**

- Trauma induced cognitive impairment has long lasting repercussion on peoples school and employment opportunities. A greater introduction of learning specialist with a trauma informed background is put into schools across the State, especially primary schools. Cost may be directed at the parent if they have the capacity to pay.
- Further research needs to be done to look at the links between Aphasia, Dementia, Alzheimer and early trauma brain injuries, especially if family violence and/or child sexual abuse has occurred.

## **Question 5. The need to establish a culture of non-violence and gender equality and to shape appropriate attitudes towards women and children**

### **5.1 Work Place Change**

Most visible sign of women's value and worth in the community is now their production value. Mothers are still worth very little endangering many women. Recent cultural changes have created a shift toward valuing women's productive value, similar to men, as opposed to their roles as mothers. However, women generally have higher constraints on their time and less capacity to develop their workplace skills, due to the fact that women are still predominantly the primary carers of children, the elderly and the infirm.

Unlike the Nordic countries, which place the emphasis on equal parenting, with workplaces adjusting their structures and parental leave to both parents, Australia lags behind in incorporating these workplace structural reforms. Most families jointly decide that they will be better off if the male works full time and the women part time to do all the other work that enables families to function, due to systemic failures in the workplace. Part of this rationale is due to the fact that women are still being paid less for the same work done as by men, even though legislation was passed in 1969 banning this practice.

Federal law relating to equal remuneration is contained in the Workplace Relations Act 1996 and the Sex Discrimination Act 1984. According to the Human Rights Commission (1998) report "generally discrimination is not explicit, because often men and women do not do the same type of work. Sex discrimination is more likely to be indirect - that is, hidden by rules, or practices which appear to treat men and women in the same way, but which actually work to disadvantage one sex compared with the other" (HRC 1998). It is a culturally informed practice.

The failure to implement this legislation sends out a clear message in our society, women are not worth as much as men. This has profound implications for young girls, especially those who were subjected to family violence and/or sexual abuse. If they hope to escape the family violence and expect to be able to support themselves in current times, don't even bother trying. Many two-income families are struggling, and a one-parent family is doubly penalised for trying to escape family violence, if they were subsequently married into a family with similar tendencies.

#### **RECOMMENDATION 34**

- Equal Pay for Equal Work not enacted will have an immediate cost signal to the employer place discrimination against women will have an immediate cost price signal against the employer.

#### **RECOMMENDATION 35**

- Those part time workers, which are mainly women, receive pro-rata part time salary based on the full time salary rate. Often part time wages are calculated at a completely separate rate.

## **5.2 Women and Superannuation**

MP Adam Bandt has recently indicated the need to address the systemic failure in relation to women's superannuation in comparison to men. He has indicated the need for a new Bill to allow companies to top up women's superannuation. However, under current laws those who want to pay extra super to women have to apply for legal exemption, or risk falling foul of the Sex Discrimination Act. The current Attorney General has intervened to suggest the Bill is unnecessary and will not be introduced into Parliament (The Age, 2015).

This issue is also tied to the Family Law Act (1975) where superannuation has traditionally only been shared where the marriage lasts a long time, i.e. 30 years. Women who remove their children from violent homes at earlier ages are penalised doubly but losing superannuation entitlements and having to bear the housing and health costs associated with family violence and child sexual abuse.

### **RECOMMENDATION 36**

That all Federal MP are informed on the importance of women's superannuation and its impact on their long term economic security, placing them at risk of welfare dependency later in life and that the RCFV supports the introduction of this Bill into Parliament. This requires cultural change backed by legislation.

Current superannuation legislation allows employers not to have to pay superannuation until a person earns over \$450 per month. This law has a particular insidious impact on working mothers; in particular their long-term economic security is weakened, especially if they have been affected by family violence and/or childhood sexual abuse

### **RECOMMENDATION 37**

Superannuation Industry (Supervision) Act 1993 be amended to so that superannuation is payable to all persons who earn wages, regardless of the amount or whether they work as casuals, or part time, or as contractors.

## **5.3 Family Responsibility – the path to non-violence**

Major cultural change that focuses on individuals and families that choose to tread the path of non-violence and are willing to examine their own behaviour and contribution to family violence should expect the support of the State and society. A culture that rewards families who honour their responsibilities to their families should be visible and acknowledged in the media and within communities. A cultural change is required.

## **5.4 Peer Assistance**

Cultural change that rewards families who intervene to help people who are being harmed and reward peers who support survivors, especially in maintaining their social and professional networks after separation from violent partners. Peers currently, isolate such families and also continue to associate with perpetrators, not the survivors. This practice is usually supported by women, who are often responsible for selection of who comes to their house and invited to social events.

Often there is also an economic impact on a survivor's material situation due to the fact that information about possible jobs, contracts or business opportunities occurs through informal social events. A cultural change is required.

### **5.5 Single & Elderly People**

Loneliness is the psychological equivalence of death to elderly people and may be a catalyst for further family violence to be perpetuated. The person who supplies psychological support has almost complete control over the elderly persons life, unless an elderly person is holding all of the families' resources. The community needs to be more supportive of people on their own, so that the risk of further family violence is reduced.

The opposite may also be the case in that there are many elderly who are perpetrators of family violence and/or child sexual abuse. This cohort is more likely however to be already embedded within family systems and thus the family it's self is responsible for asking the necessary questions and monitoring elder behaviour.

Adult children are also currently not for filling their duties towards survivor parents and often shun them. There is antidotal evidence that some psychiatrist and psychologist are recommending that adult children distance them selves from survivor parents and engage more with perpetrator parents. The damage that is being caused by this type of practice is unconscionable and needs to be addressed within the health system.

If people working in the health system cannot differentiate between a survivor of family abuse and a perpetrator of family violence, then additional education is required, as they are supporting divisions within families that have been deliberately set up when children where young, to malign the survivor of violence and use a divide and conquer approach with children. The aim is to pit all family members against one another, so that none will be able to join against a perpetrator. This is a major strategy use within families who have a history of family abuse and/or child sexual abuse. A cultural and educational change is required.

### **5.6 Social Support**

Community building by two parent families especially is imperative to create a culture where people are not excluded, especially from social events. The role of social support that induces a sense of belonging is fundamental to a person's resilience after family violence and/or child sexual abuse (Rivers, 1996). It is also fundamental to their sense of self-identity and group-identity.

Families who have fractured due to family violence and/or child sexual abuse in Australia have often been isolated in the community. Especially in the case of single women, whether divorced, widowed or single. This practice also has a profound affect of children in these families, who are also isolated from social events. This places them at high risk of school bullying among their peers and predatory behaviour by men. A cultural change is required in this area.