

SUBMISSION TO ROYAL COMMISSION ON FAMILY VIOLENCE

The ever increasing public expenditure on curbing family violence (FV) and the large amount being spent on commissions and enquiries has prompted me to put in "my two bob's worth". The efforts made so far appear to have been in vain at least as far as the statistics show.

I do not have any expertise in the area as my 50 years as a country solicitor were all but the first two or three spent in other areas. So all I am doing really is giving yet another opinion.

I strongly believe that the reasons for the increase in the incidence of FV is due primarily to:

- Involving lawyers from the outset
- Letting the ruction in the family becoming an adversary situation
- Giving legal aid to either offender or victim
- Being obsessed with gender issues

At the outset or first occurrence of any violence BOTH parties should immediately be brought before a Magistrate of the same gender as the alleged offender with neither party having any legal representation. The Magistrate would then:

- Enquire as to how the relationship (which once existed between the parties) broke down and obtain each one's advice as to what could be done to remedy the relationship
- Explain that although there would be no direct conviction arising out of the proceeding, assault charges could later be laid but anything said would be without prejudice
- as necessary obtain written agreement or undertaking from one or other of the parties
 - to undergo a drinking rehabilitation course (as for drink drivers)
 - to enrol for anger management course and failure to attend or complete same could be cause for comment on subsequent proceedings
 - to vacate the home
 - to facilitate the resettlement in housing of one of the parties and/or children

Obviously this procedure would not be available on serious offences but it is worth a try to stop parties using the resources of the law as a sword instead of a shield. Many men feel that Legal Aid granted to women but not men unless they retire from work, the preponderance of women in practically every Government department dealing with children families and relationships only show that the system is against them and the only way they know to preserve their rights is to hit out. It did upset me to learn that the Commissioner and all her staff were women but that may have been a mate trying to wind me up.

Robert Every

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