

██████████ May 2015 ██████████

Submission to the Royal Commission into Family Violence under category of 'Anonymous'

Key focus of royal commission:

Overview (Part of an email sent by me to the Premiers recently)

The Family Law Court judges don't understand family violence and they have consistently refused to have 'professional training', whereas social workers and now even some police do have an excellent understanding of the scenario.

Judges are some of our highest paid most highly educated people but they are even more to blame for the terrible things happening to many women and children; the psycho male perpetrators often have many mental problems but the judges are in a way our *creme de la creme*. THEY are the ones who are failing us.

Do we not have enough prison space and personnel? I suspect that is the real reason behind the ridiculously light sentences handed out to so many violent men. If an offender does get off with a 'community services' order, it should instead be an order to attend a long, long and controlled session on violence - how to understand it, how to control it.

If nothing else convinces that the current domestic violence situation is absolutely unacceptable, then consider the costs to the nation: I raised 2 beautiful children after running away from violence in our home with just the clothes we stood up in ██████████. I dodged (legally but at huge emotional and monetary cost to us) the Family Law Court who I did not trust and do not trust today with the lives of my precious children. I am Australian of ██████████ decent. My ex-husband is ██████████, living and working in Australia (legally) since ██████████. We were married in ██████████ and our two children were born in Australia in ██████████ and ██████████.

They are now adults and excellent citizens contributing to this country, with their own houses, jobs, husbands, children. I was a ██████████ professional and had to leave my job, my home, my city. Now a grandmother I have nothing, no resources, no home of my own, no retirement to look forward to (with no money).

██████████ years later I still cringe at making my name public even now that my children are grown, and I do not want my ex husband to find me, but my name is here in confidence.

Domestic violence costs so much. We have the Australian Government to thank for being able to survive, but we could have had a far better life and I could have earned enough to pay out our house or even buy another house and raise my children without government help if I and my children could have been kept safe from my violent husband.

My husband was not a criminal as many are. He could possibly have been changed with a lot of professional help (in a foreign language) but it was not available in ██████████ in Melbourne. I spent ██████████ years with him trying to help him, trying to eliminate every single thing that set off his violence.

We left. We survived. You know you can change all this Mr Premiers. FIX the Family Law Court. EDUCATE the judges who earn so much and do not deserve their positions. Help violent men to change before it is too late for their families.

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Preventing family violence

If it had been possible in [REDACTED] – [REDACTED] to get serious long term counselling for my husband, in his native language of [REDACTED], by people who really understood the nature of domestic violence we very probably could have safely stayed together with our two children. (Many groups at that time, including clergy, saw domestic violence as something provoked by the woman's behaviour)

If at least it had been possible to get intervention orders with real power to stop my husband from coming back to the house I could have worked and paid off our home.

Improving early intervention to identify and protect those at risk

I had to run away from my husband six times – once in [REDACTED], then in Australia when I was 7 weeks pregnant with our first child, three times with our first child and the last time with two children. On the last occasion we drove around Melbourne all day trying to find somewhere safe to go to. It was not safe to go to my mother's house where my husband could find us. Women's shelters that I telephoned said that they could tell by my manner of speech that a shelter would be too rough for us to cope with.

Exhausted I said [REDACTED] that we would have to return home. I said we could pretend that nothing had happened and in the morning I would take them to their grandmother's house (my mother) in [REDACTED]. The older child just refused to return home. I explained to both little girls that if we left home we would have to disappear, that they would not be able to return to their schools or to their [REDACTED] or see their friends again. I said we could no longer stay in our home and that I didn't even know if I could get their toys and their pretty clothes out of the house. The older girl said 'Mummy I would like to get my toys, but I am not going back home'. At that point I realized that far too much damage had already been done to our children and that I would have to have the courage to leave with them.

At the time we left home I had had a lot of counselling regarding my husband's violence to me and my children; I had been advised to leave him on a number of occasions. I sought legal advice. I wanted to get the best advice possible and I had heard the name [REDACTED].

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I went to the Family Law part of the firm of [REDACTED]. I was told 'you can leave your husband at any time but your children can never leave him'. I was told that the Family Law Court of Australia would automatically give him unsupervised access to the children, and probably for some entire weeks of the school holidays. When I questioned this advice the lawyer I spoke with said 'There's no way out of that. Just last week we had a man who had been jailed for six months after he admitted to incest with his 8 year old daughter. As soon as he got out of jail he applied for access to his daughter. The mother protested, the daughter did not want to see her father, but the court gave him unsupervised access regardless'.

My husband certainly was not guilty of incest although I had some concerns about his behaviour in that respect. But I knew that he could never be trusted with the children – there had been too many instances of him being prevented, by myself and by my mother, from attacking them in anger, and instances when he had lost his temper and driven the car dangerously with myself or my mother and the children inside. I had no choice but to stay in the abusive relationship so I could watch over my precious children. By this time I didn't care very much if he hurt me (which he had done on a number of occasions) but there was no way that I would allow him to hurt my children.

But it was not enough to stay, not enough to try to help him, not enough to try to remove from our daily lives every single thing that might cause him to lose his temper and become violent.

If it had been possible to get serious long term counselling for him, in his native language of [REDACTED] we very probably could have safely stayed together.

If it had been possible to get intervention orders with real power to stop my husband from coming back to the house I could have worked and paid off our home. We bought it for \$[REDACTED] in [REDACTED]. Now it would be worth at least \$[REDACTED] ([REDACTED]). Instead it had to be sold as part of our separation in [REDACTED]. I have never owned a house since.

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Better support for victims

Where could we go?

We could not stay home in Melbourne – no-one would be able to protect us all the time

Not to my mother's in [REDACTED] – my husband knew where she lived.

We went to [REDACTED] – we had no money. A friend and neighbour – who had hidden us overnight - loaned us money to get there. We had help to remove clothes and personal things from the house with the aid of the Community Police, when my husband had gone to work, and put them into storage. We drove to a friends in [REDACTED]

The [REDACTED] helped me to get the Sole Supporting Parent's pension – I did not know at that time that there was a pension for people like me; I had expected to find work to support us. The living conditions at that shelter were horrendous with several families sharing the facilities, with old dilapidated pieces of furniture and mothers who swore constantly, unfortunate people who had had poor education and life experiences.

The Catholic shelter, run by Centacare, was more attractive but again shared with families who were even more unfortunate than we were, using rough language and behaviour. We were very lucky in that we were able to live with a friend and her young family.

I received good help from Centacare who provided qualified marriage guidance counsellors. I was already considering returning home again – it was just too hard to find anywhere to live that we could afford. I was frightened at the prospect of having to bring up my girls without a father. One day a marriage guidance counsellor said that she had been speaking with someone and realized that I was then in a difficult situation, that in fact I could not simply disappear with my children to escape violence and that if my husband had decided to go to court in Victoria to obtain custody of the children, the Family Law Court would look favourably on his application because I myself had not gone to the court. She advised me to make application for custody immediately.

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I have never been so frightened in all my life. To have to put my precious children under the jurisdiction of men who had demonstrated so little understanding of domestic violence, as described to me by the lawyer at [REDACTED]s, was absolutely terrifying. I spent many harrowing weeks preparing my submissions and communicating with my mother in Victoria who was one of the few people who had ever witnessed my husband's acts of violence. They always took place in a closed house or car when no-one was around.

I was lucky to have been recommended an excellent lawyer but it took weeks of preparation for the hearing, on top of all the troubles we had with accommodation. Fortunately my older daughter was keen to resume school and I was able to get her into an excellent primary school.

I obtained full custody of the girls after weeks of living in fear of the outcome. But the court granted my husband unsupervised access 'to be agreed'. From that day until my younger daughter turned sixteen my life was lived in constant fear – not so much of my abusive partner and dangerous father of my children but of the Family Law Court of Australia. Those judges, all men at that time, some of the most highly paid individuals in the country, could not be trusted with the safety and welfare of my children.

After so much effort and many ordeals and accidents (to myself) too numerous for it to be appropriate to record here, I went to a well known family lawyer in [REDACTED] when finally my younger daughter turned sixteen and asked advice as to how I needed to continue to conduct our life. The lawyer's response – much to my amazement and dismay – was 'keep on hiding from the court (i.e. from disclosing our whereabouts to my husband, by then divorced). It has not got better, it has got worse'.

My husband had two possible ways of communicating with me immediately, one of them being via my mother, and I always responded to his communications – which were rare –but fortunately I was able to avoid requests for access by asking for him to pay the costs of airfares which fortunately for us, he did not wish to do. We moved to three other states in my quest to work and support my children but finally we had to secretly move back to the regional city where my mother lived. She was a huge support and comfort to my children and they were able to lead a fairly secure life and have a good education, but we did not dare live with my mother in her house.

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Making perpetrators accountable

As soon as we left home my husband increased the amount that had been being deducted from his salary into a private pension fund that was supposed to be our joint savings for our retirement so his salary showed as less. I didn't get compensation for the pension fund.

He stayed in our house and sold all our possessions for ridiculous prices and I didn't get any share in the proceeds of our possessions.

The solicitor negotiated a payment of \$10 per fortnight per child.

If I had pushed for more, the amount extra would have been deducted from my pension and he would have insisted on access.

We were lucky in that whenever he requested access I said he had to pay our airfares from [REDACTED] so he didn't insist further

I couldn't return to Victoria (and my mother) because of the Family Law Court of Victoria.

Earlier when we my husband was living in my apartment in [REDACTED], [REDACTED] about [REDACTED] he had become violent as had quite often happened. This time I escaped from him and hid in a building then got a taxi and stayed in a hotel for several days. The police in [REDACTED] helped me go back to my apartment to collect my belongings. I intended to leave and return to Australia. My husband was there and presented the charming and lovely behaviour which he could switch on for others instantly. The police stayed several hours. Finally they said to him 'You can't treat these foreign girls the way you treat your women in the mountains in [REDACTED]. If there is one single report of violence from you, you'll go straight to prison'. He seemed to heed this warning and for the time we remained in [REDACTED] his behaviour was exemplary; kind, charming, loving. The contrast in behaviour by him would have to be experienced to be believed but by now this swinging mood is well documented. I knew nothing of this sort of man at the time. I had had no experience of domestic violence apart from my father's behaviour at home but he was never physically violent like my husband. He practised a different form of violence which is also by now, well documented.

About 1990 the first forum on domestic violence (to my knowledge) was held in Melbourne at Parliament House. I was secretly living in

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regional Victoria by then where my children were going to school and I gave a paper on my experiences to date. Much has changed since then. There is far more information for victims but the brutal slayings of women and children continue.

These murders seem to be treated more lightly than the murder of people outside their home and outside a domestic relationship. In my opinion they should be treated in the opposite manner. A woman or a child is completely at the mercy of a violent husband or father. The woman has to sleep beside him knowing she is sleeping beside a man who is capable of killing her. Many men do not see their children in the same way that most women regard their children. Women tend to see their children as creatures for whom they are responsible. Many men regard their children as their possessions. They often apply for custody for the wrong reasons.

Improving the way government and society work together

I am now [REDACTED] years old. I was [REDACTED] when I had to run away from our home with my two girls, then [REDACTED] and [REDACTED], with only the clothes we stood up in. At the time I had been earning somewhere in the top 15 % of income earners. I had worked all my life, including through both pregnancies and from when my children were a few months old.

I have never had another job (except for [REDACTED]). We had to leave our home and all our possessions, my girls had to leave their schools and their ballet schools and all their friends. I had to leave my relatives too, as well as my job, to escape to stay in [REDACTED] with a friend from schooldays.

At the time we left home I had had a lot of counselling regarding my husband's violence to me and my children; I had been advised to leave him on a number of occasions. I sought legal advice. I wanted to get the best advice possible and I had heard the name [REDACTED]. I went to the Family Law part of the firm of [REDACTED]. I was told 'you can leave your husband at any time but your children can never leave him'. I was told that the Family law Court of Australia would automatically give him unsupervised access to the children, and probably for some entire weeks of the school holidays. When I questioned this advice the lawyer I spoke with said 'There's no way out of that. Just last week we had a man who had been jailed for six months after he admitted to incest with his 8 year old daughter. As soon as he got out of jail he applied for access to his daughter. The mother protested, the daughter

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But it was not enough to stay, not enough to try to help him, not enough to try to remove from our daily lives every single thing that might cause him to lose his temper and become violent.

If it had been possible to get serious long term counselling for him, in his native language of [REDACTED], by people who really understood the nature of domestic violence (as distinct from many groups including clergy who saw domestic violence as something provoked by the woman's behaviour) we very probably could have safely stayed together.

If it had been possible to get intervention orders with real power to stop my husband from coming back to the house I could have worked and aid off our home. We bought it for \$[REDACTED] in [REDACTED]. Now it is worth around \$[REDACTED] ([REDACTED]).

It had to be sold. My husband sold our possessions for virtually nothing and refused to admit the true value of the house contents. He immediately altered his income by having a huge increase in the amount of his salary paid into a private pensions scheme which had been intended to benefit both of us, thereby reducing his salary significantly.

He continued to work fulltime and bought another house. I had to pay rent privately for many years – a third of our total income. I was truly fortunate to obtain a home under the shared home ownership scheme (about [REDACTED]) and I paid out the loan on my one fifth share, and I have paid rent on the governments four-fifths share all this time' as well as all rates and insurances, all maintenance and all replacements. If the government had allowed me to buy the other four-fifth shares at the purchase price I would have been able to buy out

apologies for repetition

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those shares when my mother died in [REDACTED] leaving me a small inheritance. But the government was only prepared to sell at the current market value which made it impossible for me to buy out any further shares. I had paid normal interest rates on the loan I was given for my one-fifth share and I had paid rent and maintained all the governments four-fifths shares – I think it should have been enough for them to get back the capital outlay. Nevertheless this scheme has made a massive difference to our lives; it enabled us to live in dignity in what appeared to others to be our own home. We were able to choose our neighbourhood and to stay in the one house for the duration of my children's lives at home until they left to work or go to university. It enabled me to continue to live in the house I brought my children up in even though it has always been a financial struggle.

The so-called poverty trap has always kept us in a position where every aspect of life has been financially difficult. I am a well-qualified person living in a regional city. I could have earned more than I did but the huge amount taken from my sole supporting parent pension made it impossible so I was not able to do for my children (and myself) what I wanted. I understand the need to prevent people claiming the sole supporting pension who really don't need it but I think the restrictions on how much a recipient can earn are far too stringent.

The shame of being a high-income earner suddenly having to join a 'dole queue' cannot be imagined by anyone who has not found themselves in this situation. I am eternally grateful to the government for the pension and child support we have received. My two girls have been extremely well educated. They both work and both have lovely partners and children, and live in nice houses. But I am left with nothing.

I have done my best to present my experience within the format required by the Commission, rather than in some free-form submission where I might have chosen to begin by saying 'We survived. We are extremely grateful for the government assistance we have had. I have tried to repay it with a lot of voluntary work done over the years. I am proud to have raised two wonderful children on whom I am continually complimented. But they carry their emotional scars and I have not been able to prepare for or provide for my old age. Having been a taxpayer all my life until we had to escape from violence I feel very sad that it has cost the government unnecessarily.

My apologies for any repetition or poor format in this presentation and I thank you for your attention.