

Victorian Royal Commission FV Submission

1. Prevent family violence

Restructure society and all systems and agencies that have “power over” women. This includes the courts, the law, police and welfare agencies. “Power over” systems are male dominated and therefore automatically based on rules and systems that advantage men and disadvantage women.

Family Violence (FV) is a power issue that occurs within the context of community and social structures. It is impossible to discuss this issue without looking at the social structure that allows it to happen and promotes its use. When I say “allows it to happen and promotes its use”, I am assuming that the prevalence of and deaths caused by FV in Victoria and Australia could ONLY occur if this is a fact. In the most simplistic scenario, when a woman (as is usually the case in FV) is being assaulted, bullied, victimised, financially controlled or psychologically abused by her partner, ALL the other people in her life must be doing nothing if it continues to happen. I believe that in order for DV to happen on such a large scale, this is the reality for most victims. Most victims have friends and family who do nothing, and government agencies, police and courts that do nothing as well, or worse, side with the perpetrator. If the roles were reversed and it was predominantly men that were being killed and bashed by their female partners, I am sure that there would have been a system wide backlash against those women based on severe punishment and retribution.

In any social structure there are written and non-written codes of conduct for individuals. The written codes include our laws and government regulations and the non-written codes include such things as the expectations of others in your behaviour and relationships. Some unwritten codes of conduct have more influence over the behaviour of the individual than our penal code does. An individual may be far more afraid of the consequences of breaking the “laws of conduct” imposed on them by their family, friends and society than the consequences of breaking the penal code. In our society a woman is supposed to be loving and nice and a man is allowed to be aggressive and powerful.

If the “law” states that FV is a crime and most cases are surrounded by people doing nothing, then it is the unwritten laws that are operating. “Laws” such as, “I shouldn’t interfere”; “it’s no good going to the police because they won’t lock him up and he’ll be even more dangerous”; “she asked for it”; “he’s under a lot of stress lately”; “he really loves her” and “he’s really a nice bloke”. These unwritten laws apply to the police, courts, judges and welfare workers. The pervading “law” in these institutions is that men have “rights”. One of the most dangerous and destructive of these non-written laws is that the male perpetrator of FV has a RIGHT to have access to his children even if the acts of violence were directed towards the children or were witnessed by them over an extended period of time.

If the State is serious about preventing DV, then the precursors or multiple risk factors must be identified and acted on in individual cases. It is a useless exercise for a woman, who is living in fear, to go to the police and ask for help *before* she is physically assaulted because the police and indeed the courts will say that they can do nothing *until she is assaulted*. This is what I was told during the 1980’s and as recently as 20██ when I applied for an Intervention Order. In 20██ I was told by the duty solicitor that I couldn’t get an

Intervention Order against my ex- husband, even though he had assaulted me in the past and I had a previous Order against him, because he had not physically attacked me in the intervening [REDACTED] years. He had started threatening me with a court action for libel because he didn't approve of a statement I had made that was published in the press. I didn't say "husband" or mention his name. Court action by the perpetrator is simply a method by which the legal system is used to continue the assault long after the parties have separated. He had just resurfaced, still angry and still dangerous after [REDACTED] years! I still live in fear of him.

I clearly remember my lawyer telling me sarcastically in the 1980's that, "Next time he hits you, make sure it's good. I want to see lots of bruises." The last time he hit me was [REDACTED] years after we separated. I had moved 150KM away from him and he drove that distance and physically assaulted me in daylight in the street outside my house. He was angry with me because he wanted access with my sons and as soon as they had seen him, they had climbed over the back fence and had disappeared up the bush. It was my son's birthday.

I had always remained passive on previous occasions in an attempt to minimise the violence but when I moved to the country, I promised myself that if he ever hit me again, I would fight back. I knew that he was stronger than I was but I thought that if I could scratch his face at least he would have to go about in public with very obvious woman's scratches. I didn't manage to scratch his face but did manage to rip the buttons off his shirt and evidently scratched his chest. He continued strangling me, punching me and kicking me on the ground until a neighbour drove past, stopped and got out of his car. Instead of going out to the [REDACTED] with my sons, I went to hospital and got a body chart done mapping the fingermark bruises around my throat and kick marks to my ribs. I went to court and got an Intervention Order. The police didn't take me to hospital nor did they arrange the court application. I had to do it by myself. I found out I had scratched his chest at the court case because he complained about it during his testimony. I could not believe that he was upset and actually complaining about scratches when I had his fingers imprinted on my throat in bruises.

He was never charged. I couldn't get the local police to charge him. They refused to do anything even though there was a witness. When he broke the intervention order, they went and "spoke to him" because there was no "proof" he broke it, only my word. The fact that my children witnessed it did not count. On all previous occasions, they never charged him, despite my insistence that I wanted him charged. It seemed to me that they thought that I was a nuisance and kept bothering them and "we" were "fighting", rather than that I was being attacked. It was just a "domestic" and that meant that we were both being abusive to each other and I was just "claiming" he had assaulted me to be mean to him and to get him into trouble and that tomorrow I'd change my mind and back down. No amount of persuasion, logic, pleading or begging on my part ever changed their minds. I came to realise that as a woman, my experiences didn't count and what I needed to stay safe didn't really matter. Furthermore, my sons' experiences during all of this didn't even exist. My son was at one time asked what his relationship with his father was like. After some thought he replied, "I was a couch". His father treated him like a piece of furniture that he owned. The effect of all of this over years has had a devastating effect on both of my sons.

If the people in charge of enforcing the laws about DV are men in positions of power over women, then I seriously never believe that women will ever be treated with respect and due honour. The only way DV will be prevented is if the "fear factor" is acknowledged as a clear indicator of the *presence* of DV and a precursor to physical assault and more serious abuse, requiring pre-emptive action by the law and support services.

2. Improve early intervention to identify and protect those at risk

Identify the “fear factor” as the clear psychological indicator of FV that requires immediate and effective legal intervention, similar to mandatory reporting of child abuse.

FV starts off small and escalates. FV is not about the level of violence but the psychological effects over an extended period of time. It is the prevalence and the all encompassing awareness that you are living with something that is dangerous – life threatening. That fact slowly and methodically eats away at your self awareness and ability to make decisions. All your decisions are about self preservation and how safe you are from day to day and hour to hour. That is why you stay. It is safer to stay than to leave.

I remember my husband punching a hole in the wall in a rage and then turning to me and saying through gritted teeth, “Next time it will be your head.” I remember the pure hatred in his eyes and I knew that anyone who looked at me like that did not and could ever love me or my sons. That possibility was not in him. He was not drunk when he did these things and he was not on drugs. I don’t believe that he had a psychological illness. I believe he was consumed with hatred. Hatred for his parents, who used to hit him with a leather belt as a child, and his brother, whom he never spoke to. He had no compassion for other people. He only did things for people so that they would “owe” him. He hated other people. His rage against them was not political or religious. It was personal. It was all about his perception of what people had done to him. If he believed that they had slighted him or plotted against him, he could then justify his hatred of them. And all this rage was turned against me. I was his punching bag and the valve on his pressure cooker.

At the hearing in [REDACTED] in [REDACTED], the duty solicitor asked me what he looked like so she could go and see if he had turned up. She was quite bright and calm. I gave her a description and nearly added, “...and he has crazy eyes” but thought that was a bit subjective. She went merrily off and came back a short while later completely changed. She had found him. She looked scared and herded me through the court foyer and in behind the court front enquiry desk into the locked offices behind the desk. “You stay in here”, she said. I was locked up, not him. One brief meeting with him was all that was needed for her to identify the “fear factor”. She was afraid of him. She saw in him the precursor of violence and took action to protect me in the only place available - a staff office! But even with this evidence, I could not get an Intervention Order. An Order was the only way that police would protect me from him and take me seriously. After the hearing, she arranged for the police to escort me to my car. I was in so much danger [REDACTED] years after he left me that I needed a police escort but only until I was off the court premises. Then I was on my own.

3. Support victims

Believe women when they ask for help. Believe the women when they tell their story. Believe the evidence of the Fear Factor. Do whatever is necessary to keep them and their children safe.

I could not leave my husband. I knew that if I left him, he would come after me. He had threatened to kill me on numerous occasions and had on one occasion gone to get the gun to

shoot me. As a precaution, I had taken the gun apart and hidden the pieces around the house. He went on a frantic search to find the pieces and when he found the barrel he attacked me with that. I managed to call the police. They arrived and told me they couldn't do anything except guard me while I packed a bag and left with my children. I told them it was not safe for me to leave. They convinced my husband to go for a drive and "calm down".

In the end, he left me for another woman and set up home with her. I was so relieved. I thought that I was finally safe. I was also worried for his new woman. I knew that he would just repeat the same scenario with her. However it didn't last. She broke up with him and he came back, begging me to let him stay, telling me that he really loved me and that he couldn't live without me. I was not supposed to know about the "other woman". I knew I was in real danger. He would come at night and sit with me crying and begging me. There was no-one to help me and nowhere to go to be safe. I was terrified.

In the end he arrived with a mate and said that he was taking him to the station. I could see straight away that he was ready to "deal" with me. As soon as he left, I got my sons out and safe to a friend and I returned ready to face him. He returned and physically threw me out of the house, saying, "It's my house. You get out." I remember saying "I'm not going until I get the kid's teddies" and hanging onto the door frame. But he was too strong and he pushed me out the door and down the stairs. I drove off and went to collect the children. He must have followed me and he turned up just as I was leaving my friend's place. He chased me in his [REDACTED] all the way from [REDACTED] to [REDACTED] only centimetres from the back of my [REDACTED] car. I tried not to look in the mirror at the bull bar so close to the back of my children's heads.

I drove into the driveway at the [REDACTED] police station, locked the doors and stood on the horn. He drove in the driveway and blocked my exit. It was about 4 pm on a weekday. All the police cars were lined up outside the station. It was a fully manned 24 hour station. My husband got out of his truck and started raging at me and bashing on the window. My poor children were cowering in the back. No-one came out of the station. No-one came to help me and my children. A crowd gathered on the footpath across the road and he finally stopped, got back in his truck and drove off. Still no-one came out. I waited a while and then drove off too. I had no idea of where to go. My son asked me where they were going to sleep. I tried to make light of things and joked that we could go adventuring and sleep under the stars. I had no clothes for them, no food, no beds and they didn't even have their teddies. We were homeless for two years while he lived rent free in their home and there was nothing I could do about it.

He brought on a custody case against me to get even with me that he dragged on and on to run up my costs. As part of that case I was ordered to attend a reportable counselling session to discuss the welfare of the children. This was held at the Family Court in [REDACTED]. We were in a small room and I was sitting less than two metres away from my perpetrator. The court appointed counsellor, who apparently was supposed to be trained, sat between us. Within a few minutes my husband got up, leaned over me and was gritting his teeth and holding his clenched fist a few centimetres from my face, raging at me. The counsellor did nothing. I was shaking with fear but tried to speak calmly and looked past my husband at the counsellor and said, "My husband is assaulting me. I am not safe. If you cannot keep me safe I will have to leave." It was only then that she told him to sit down. Because he now knew the counsellor was ineffective, he did it again almost straight away.

EDIT: While I am writing this I am having a panic attack. My hands are shaking, I have a pain across my chest and I have palpitations.

I again looked directly at the counsellor and said, "My husband is assaulting me. I am not safe. I have to leave." I pushed past my husband and left the room and sat in the corridor. My husband was grinning. As I waited I knew that my husband was totally in control of the situation. I waited 45 minutes. Finally the door opened and he walked past me. As he walked past, he grinned at me and said, "Bitch!" I knew straight away that the counsellor was wrapped around his little finger.

She called me inside and started with, "First of all, I would just like to know why, on the (date) you did..... (purported action)? I asked her how she knew I did that. She said my husband had told her all about it. I asked her how she knew that the incident was true. She said my husband was very upset about it and she asked the question again. As we were there for a COURT ORDERED REPORTABLE COUNSELLING ABOUT THE WELFARE OF THE CHILDREN in a custody case, I asked her if in the 45 minutes he was with her, had he discussed anything about the welfare of the children. She said no, he was too upset and they hadn't got on to discuss the children. I was amazed that she had no idea she was being conned. I knew that my husband's favourite saying during and after the marriage when I tried to discuss any problems the children had was, "You wanted the kids. That's your problem!" I quietly explained to her that the only thing we were there to discuss was the welfare of the children and that anything that may or may not have happened in the past was irrelevant. I told her that as my husband had decided not to discuss the children and that she had complied with his wishes, there was nothing for me to discuss with her and left. My lawyer had to get her testimony struck out as a hostile witness. The end result was that I was assaulted in the Family Court by court order and that the welfare of the children was never considered.

This case was dragged out by my husband for more than a year to rack up costs and to perpetuate the fear factor. On the night before the final court hearing my lawyer rang me and said that my husband had sacked his lawyer and that he had said he wasn't going in the morning. I and my legal team still had to appear, and sure enough he didn't turn up. It was all a vicious game to hurt me and abuse me and run up my costs.

4. Make perpetrators accountable

When FV occurs the perpetrators must be charged. The perpetrators must be removed from the family home. The victims and their children must be offered support and systems to keep them safe. The voice of the children must be heard and acted upon.

I have lived for [REDACTED] years knowing that there was someone in the world that hated me, that wanted me dead and that wanted to and was capable of killing me. I have also lived knowing that the father of my children was not interested in their welfare and that they had grown up knowing he didn't love them, while at the same time he was their male role model. I was not responsible for my husband's actions or his belief systems. These were already present before I met him. There was nothing that I did or didn't do that could *make* him assault me. That was his own choice. I did not provoke him. He enjoyed hurting me and making me scared. He enjoyed breaking my things and screaming at me. He believed he had a right to do it. I belonged to him.

I had no voice. My children had no voice. They said over and over that they didn't want to go with him for access. They had good reason not to want to go with him. They were terrified of him. During the marriage when my husband would go berserk and start throwing furniture, I would take the children into their bedroom and hide. I would sit on the floor with my back against the door and my legs out straight braced against the set of drawers that was against the wall on the other side. By bracing my legs like this I knew the only way that he could break the door down was if he pushed hard enough to break my legs. I would tell the children that we would stay here while daddy was "behaving" like a bulgy bear. I always tried to separate out their father as a person from the actions he was doing. I have a clear picture of my younger son curled up in a foetal position on the floor in the furthest corner, crying as quietly as he could. This memory will stay with me for ever.

I could do nothing to protect them from him. When we separated, I was ordered by the court to send them for access with him. I was told that my husband had a right to see them and it was good for the children to have a relationship with their father even if he had been abusive. I was told by a court counsellor that research had shown that a bad relationship with their father was better than no relationship at all. I thought that she was mad and asked her if the same rule applied to child sexual abusers. She said sexual abuse was different. I think it is exactly the same.

There was one occasion after we had separated when he was ringing and abusing me over the phone. I would hang up and take the phone off the hook. As I was waiting for an important phone call, I would put it back on the hook and he would ring me again. This process went on for hours. I realised that the children were aware of all this and were getting very upset. I tried to make light of it and put on a funny voice and made an act of declaring a "royal decree". "Henceforth the name of daddy, father or [REDACTED]... is never to be used in this house on pain of being paddy wacked on the bum!" The children laughed. The problem was that I kept forgetting afterwards and the children had great delight in smacking me! I objected and they told me that I had made the rule so I had to obey it. I told them it was a silly rule and that we couldn't keep calling him "him", "thing-me-bob" or "it" and that we should have another name for him. My son said, "[REDACTED]". (after [REDACTED]) My heart went cold. They have called their father [REDACTED] ever since.

It took [REDACTED] years after we separated for me to gather enough "evidence" to have the access order removed. It was only when I got the Intervention Order that a judge finally agreed that access with him "was not in the best interests of the children." After [REDACTED] years of abuse, we could finally not have to face him and he had no rights over us. But we never had justice. He has never been called to account for his actions. Society has never told him that what he did to me and my sons was a crime. I have never felt that society has supported me. I cannot ever trust the courts or the police to protect me. I still have no rights in this matter.

5. Improve the way that Government and society work together

I have thought about this a lot over the past. Given my belief that a male dominated society run by a male dominated government would not have the slightest interest in helping women and children, I believe that anything that the government does will be token gestures and ineffective. But if I am wrong and this and subsequent governments are actually interested in FV rather than the billions of dollars it costs society to mop up the mess it leaves, perhaps FV victims could take on an ongoing role as government advisors. If the rulers actually

personally listened to these women, as case after case is presented to them, they might actually feel some empathy. Think of this as politician's in-service training. The government ministers however are only a small part of the problem. The actual power lays with the government departmental staff. They will never give up their power and do something that might affect their own personal power base with their wives and their jobs.

The most important thing that the government can do it to take a leadership role and set "codes of conduct" for society that over rides all the un-written laws. For every reason offered for not interfering, set a new code of conduct that society must follow. For example, to the law "I mustn't interfere" there needs to be a new law that states, "A true gentleman would help a lady in distress". I think there could be a whole campaign based on the word "gentleman". The word is simple but has value in our society. Male role models who behave as gentlemen should be extolled. The violence of the football heroes needs to have some competition. That may be a great problem with Murdoch and Packer filtering our news. I don't see them stopping their thirst for scandal and gore and violence and power to promote "feminism".

There needs to be a whole re-think about the role of courts and how easy it is for the perpetrator to bring on court cases against their victims as a means of continuing the assault under the guise of their "legal rights".

There needs to be mandatory reporting the same as for child abuse. Police need to be better trained and selected so that the "power over" bully boys are weeded out of the police services dealing with women.

There needs to be community based agencies in regional areas that are properly funded to cope with the huge numbers of victims. There needs to be funding to provide safety houses where women can go or monitoring and surveillance systems set up at their homes with a panic button connected to the police.

A registry of perpetrators needs to be set up so that police can keep track of where they are and if they have started a new relationship. Police computer systems are now capable of identifying a person from the car registration. This can then be set up with a warning to the police that this person has an intervention order in place and they are within the precluded distance from the victim's home. It would be a simple procedure to write an app that would do that.

In rural areas, perpetrators should be ordered to leave town, irrespective of employment or family ties. At the moment it is still the woman who must flee and leave her job, her friends and uproot her children from their school and their friends. This begins a whole cycle of poverty, trauma and homelessness. Society sees this as simply a necessary thing to do to keep her safe. I think that this is just victimising the victims. If the government is really serious about FV and really believes it is a crime, make the perpetrator move and not go within 5km of the town.

There are an infinite number of suggestions I could make but I am sure there are others who will fill the gaps in this submission. I have tried to be hopeful but I cannot. My experiences preclude that.

I have tried to think about what I want personally. That's far simpler to explain. What I want is recognition that what I and my sons have experienced is FV and is a crime. I want financial and emotional compensation for these crimes. I want an apology from the Family Court and the Police for their roles in these crimes. I want my ex-husband charged with assault and I want financial compensation from him for his crimes against us. These are all perfectly reasonable requests if the perpetrator was unknown to me. My case should not be any different just because he was my husband.

I hope that I have been of some help to you and I hope that something comes of this Royal Commission. I thank you for the opportunity to have a voice.

Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

PS So that you realise that my story is still happening to others today, I am currently helping a friend who is right in the middle of enduring FV. I would like the opportunity to discuss this with you in private.