

**For Consideration by
The Victorian Royal Commission into Family Violence.
Level 11, 222 Exhibition St,
Melbourne**

My name is [REDACTED], I have [REDACTED] aged [REDACTED] and I have always been [REDACTED] primary carer. I have survived [REDACTED] years of domestic violence, [REDACTED] months in the relationship and [REDACTED] years out. The police attended on the night I walked out and put in an IVO application for me. Support from CASA, family, friends and neighbours, has helped me rebuild my confidence and life. I am in my [REDACTED]'s, self employed and live in a rural environment in regional [REDACTED]. My experience with domestic violence is personal. I am not going to relate all of the details of the abuse so much as my experience with the response agencies and Courts involved. I am relating my experiences and thoughts to you in the hope that they can be used to improve a system that is failing to protect families and as such is tearing apart the fabric of our society.

[REDACTED] was [REDACTED] months when fear and dread drove me to terminate the relationship with the perpetrator. I have a current IVO against him. It is the [REDACTED] in [REDACTED] years. The most severe reprimand he has received from a multitude of breaches is a suspended sentence.

When [REDACTED] turned [REDACTED], I was still being stalked both in person and by phone. I had survived the most dangerous period, he was marked as someone most likely to do something lethal (but I had survived, [REDACTED] years). My concern was that I was still being stalked, he was working the system and his delusions escalating. The perpetrator made regular in person contact with me in the street and claimed it accidental. A combination of his pleading remorse to the police, a bullish duty lawyer, inexperienced police prosecutor, his mother imploring police for sympathy and the worst he gets for a multitude of breaches is a suspended sentence. He walks away taunting me with his knowledge of how to work the system and how he had them on his side. I was receiving in excess of 30 abusive and threatening call messages and text messages daily. The police knowing that a conviction was unlikely, because there was no physical violence at this point were reluctant to charge him. The [REDACTED] intervention order was then put in place and included a stop to phone and text contact from the perpetrator. The relief was bliss. I was not aware, initially, of how damaging constant harassment through these modems could be. I wrongly thought that if I no longer felt physically threatened, then a phone call wouldn't hurt me. The decline from normal self is insidious, you don't realise it's happening till it's almost too late.

He wasn't ready to relinquish his control so readily though, within two months he had me in the FLC. Freedom as I knew it was over, and now as stated by the ICL, I belong to the Family Court, and through them he can legally exert control. In this court family violence is rarely recognised. Decisions are blindly made that can jeopardise the well being of the victim and children in favour of the perpetrator. This is supposedly under the guise that all children need their father, regardless of the risk he poses to them or their mother.

With the support of appropriate services to help both perpetrators and victims, it is absolutely imperative for family wellbeing and safety that law reform is implemented in both the Criminal courts and Family Law Courts.

Criminal Courts

Magistrates must stop being lenient on offenders when they commit family violence or continuously breach orders. Often perpetrators of domestic violence are committing crimes against their partners' basic human rights, that would result in sentencing if committed on a stranger.

Sentencing perpetrators, of domestic violence, on a par with non partner violent crimes would also send the perpetrator a clear message that domestic violence is not acceptable and there will be consequences. If this intervention is carried out early and support services are available, then the perpetrator will be getting the best help that is available and the victim will feel better supported. Perpetrators at present use the current "soft" attitude of magistrates to further torment their victims and justify their actions. In their leniency, the magistrates give power to the perpetrators and undermine the victims, adding to a loss of confidence in the system and thus adding to the under reporting of abuse.

The Family Law Courts (FLC) require some serious reform.

1. There is too much power and no accountability for those involved in the decision making process within the FLC. It is time that the activities within these courts became transparent and the representatives with the most influence (Independent Child Lawyer (ICL's) and Report Writers) be subject to the same scrutiny as anyone else who provides a product or service to the community. They are making decisions about a family's futures that place women and children at risk. I have witnessed and have evidence of collaboration and corruption between Lawyers, ICL 's and Report Writers.
2. There appears to be very little real experience in domestic violence with these court workers. There needs to be a qualification standard, that includes first hand, real life experience at the front line, obtained by everyone in the decision making process. It is very important that all the parties involved know how to recognise family violence and address it in a manner that protects the victim. At present decisions made within these courts are posing the greatest risk to domestic violence survivors and their family's well being. In many cases the enforced contact makes the victim vulnerable yet again. Thus, many victims now distrust the court system so much that they remain in abusive/ violent relationships to avoid it.

3. Report Writers

1. Why are report writers ignoring police records and treating survivors of domestic violence with suspicion? It is not only my experience but seems to be a common occurrence with victims of domestic violence.
2. Report writers need to be accountable. My personal experience, and it seems that of many others, is of false reports being produced. Why is unfavourable information about a perpetrator (eg. police reports of violent history) omitted from the perpetrators report? Yet false histories are created about the victim that undermines her credibility. There seems to be no way of holding the report writers accountable.

3. As such, reports are being given undue weight by Judges and acted upon before cases go to final trial, putting victims and their children's wellbeing at further risk.

4. Important facts that are not being considered when orders are handed out.

1. The well being of the primary carer (generally a woman), is paramount to the well being of her children. How can forcing a victim of domestic violence into a fearful situation (accommodating child access and having contact with the perpetrator) be good for her or her children.
2. In my situation, as I have recently found out from police records, the father has a history of committing domestic violence, with [REDACTED] other women, prior to me. [REDACTED] was one of the offences committed on [REDACTED] of the women. He also has a record for drug [REDACTED] and alcohol related offences. Yet [REDACTED] years into the trial with increasing access granted to the father, these details have been suppressed. While at the same time my own experiences of domestic violence have been diminished by the court. I am extremely concerned for [REDACTED]'s physical safety and emotional well being, especially when [REDACTED] gets to an age where [REDACTED] challenges [REDACTED] father. In addition I am concerned that when [REDACTED] witnesses how [REDACTED] father treats women, there will be the added risk of [REDACTED] generationally perpetuating this violence.
3. How is it that someone who does not identify with the responsibilities required to be a father, be considered a father and have rights as a father. A father provides for and protects his family, nurtures and supports his children. If a man is not only negligent in this role but an active threat to his family should he not have these rights revoked, at least until such time as he is no longer deemed a threat. Perpetrators of domestic violence seem to be obsessed with their rights, with little or no recognition of their responsibilities.

Please consider this information relating to my experiences of domestic violence and use it to facilitate effective law reform and new support strategies with related agencies, in this matter.

In addressing this issue we not only improve life for many families of this generation but also for those to come.

Sincerely Yours,

[REDACTED]