

A lot has been said recently about domestic violence and violence against women in our community. However, the majority of those people only work with women who are allegedly victims of domestic violence. They never see the other side of the story.

My name is Richard Meyer and I am a retired public servant. I worked for the magistrate's court in Brisbane and Southport on the Gold Coast. During my time in Brisbane, I held the position of Domestic Violence Officer for 14 months. I was in a unique situation in that I saw both sides of the story. I interviewed the applicants (those claiming to be victims) and assisted them to complete their applications. When the matter came to court, I interviewed the respondents (those accused of domestic violence against their partner), listened to their stories, and advised them of the procedures and the court system. Now although my experience is in Queensland, I believe the system in Victoria is very similar.

What I found was that the gender bias in the system often caused the frustration which led to violence. Let me give you an example:

- When attending court, the women have a room at the courthouse where they can go while waiting for their hearing. In that room they are supplied with tea, coffee and biscuits, a social worker and when they go into the courtroom, a police prosecutor to represent them. Sure the room is a safe room to protect so called victims, but where the victim is a man, they are denied these benefits.
- The men wait in the corridor. A community volunteer talks to them for a minute and explains the procedure and then leaves them to their own devices. In court, the men have no chance against a trained prosecutor.

Even if they have legal knowledge, the men have no chance as there is no defence to domestic violence accusations. This is because the domestic violence court is a civil court. Domestic Violence is not a crime, despite the false posters displayed in police stations around the country. In a civil action, there is no need for evidence or proof. The rules of evidence do not apply. The applicant merely has to convince the magistrate that, "on the balance of probabilities, domestic violence may have taken place, and may happen again in the future." To do this many applicants cry and use the buzz words of, "I am in fear of him," etc. Domestic violence orders are so easy to get. Magistrates are fearful of not giving an order and being blamed if something happens. Very few, if any, applications are refused.

I remember one man accused of domestic violence took his wife's pot plant off the table and deliberately dropped it on the floor. He told me that he had had enough. She had been at him and at him relentlessly. He was 72 and he got an order against him and became one more statistic.

The Family Law Act 1975 tells the court that the presumption of equal shared parental responsibility for the child does not apply where one parent has engaged in Domestic Violence. This is indicated by the presence of a Domestic Violence order. Thus the presence of an order against a father can, in effect, deny him full access to his children. I spoke to two Barristers who both told me that when they are dealing with custody cases, the first thing they do is to, "send the mother down to the magistrate's court to pick up a domestic violence order." It is that easy. Men are victims too, and there are thousands of men in Australia today, frustrated and desperately trying to get to see their children. Many of these men are also

victims of domestic violence but most men do not complain nor apply for an order. They put up with it and try to defend themselves the best they can. As domestic violence is a civil matter, men can't defend themselves when accused. There is no provocation defence and self-defence is not an allowable excuse. Many just do not bother going to court and the order is made in their absence. The police serve them with the order at their home or place of work.

I attended a Domestic Violence seminar some years back where we were told that we were to get a perpetrator to talk to us about his view of the incident in which he was involved. I complained that the correct term was "respondent" not "Perpetrator" as being a civil matter the man had not been charged with anything. They ignored me and continued. The respondent told us that he had thrown his wife into the wall and left an impression of her body in the wall. He was sorry and remorseful for what he had done. I did not believe it. I did not believe that a man could wake up one morning and decide to throw his wife into the wall. At lunch time, I found the man in the local café and joined him. I asked him what the true reason for his actions was. He told me that his wife had stabbed him in the shoulder blade and was pulling the knife out ready to stab him again. I asked him why he didn't say this. He said, "that that wasn't what they wanted to hear." I found out that his wife was in prison for attempted murder. Men can't defend themselves without committing domestic violence.

A recent incident in late 2014 illustrates this phenomenon. A man and his partner were having a fight. He did what men are told to do and removed himself from the situation and went into his bedroom, lying on the bed to read a book. His partner followed him and jumped onto him, punching him repeatedly. He threw her off forcefully and left the house driving away. He returned some time later to be met by two police officers. He explained the situation to them, but they said it didn't matter and that, "we always take the man." They took him back to the cells for four hours, removing his belt and shoes, treating him like a criminal. Upon release, they gave him an order and a date to go to court. He didn't know how to defend himself. They didn't care why he did what he did, but only wanted to know whether he threw her across the room or not. He admitted it to the police and in court, accepted the order without admissions. However, after receiving advice, this man became one of the rare males who applied for a domestic violence order, citing his female partner as the aggressor. His female partner, the respondent, did not wish to go to court and instead sent to the court an email detailing her wish to accept the order without admissions. The magistrate did not accept this and rang the woman from the court asking if she was sure that she wished to accept the order. The magistrate asked, "Are you sure?" several times and when the answer was in the affirmative, she suggested to the respondent that she collect her order from the police station, rather than suffer the embarrassment of having it served by the police at her home. The gender bias was alarming. The system is riddled with gender bias.

Even the discussion about violence against women has gender bias. We should be talking about violence towards ALL Australians. I believe that domestic violence should be illegal, but that will never happen, as if it were illegal, the accuser would have to prove the accusation with evidence. The accused would be able to claim self-defence or even use provocation as a defence. The women's movement would not like that. They wish to continue finding men guilty by accusation and I fear the politicians so far have agreed as it would have been unpopular to do otherwise.

The current system, with its gender bias, creates such helplessness, stress and desperation in men, that it exacerbates the problem, leading some men to carry out of dreadful acts. The victims of these acts are heroised by our society and the men condemned. It takes two to

tango. I have found that in every civil domestic violence case, there are two victims. Any support should be given to both parties, not determined by gender. We must not demonise men who are accused of domestic violence. If they commit a crime like assault or murder etc, then charge them with that crime, not domestic violence. If they are accused of domestic violence, then make it equal support for both parties. Equality is the only fair way. Let's stop the gender bias and in doing so, halt the violence.

Magistrates are very wary of NOT giving out an order, for fear that if something happens, they may be blamed. As I have said, very few orders, if any, are refused. Imagine if you, by way of an order, were told that you can no longer live in your home or see your children, due to false accusations. I found that there are many men who have found themselves in this position, where their ex or current partners have used the system to get their own way. These men have nothing to lose and often resort to violence as there is no way to defend or vindicate themselves.