

Royal Commission in Family Violence Submission.

- With regards to the definition of family violence no body at the [REDACTED] Magistrates Court including Legal Aid, Court Volunteers or [REDACTED] Lawyers asked me about economic violence. My abusive ex. became a typical dead beat dad on Newstart Allowance and working cash in hand and I was receiving at times as little as \$7.53 in total per week for [REDACTED] children with disabilities. Child Support Agency makes you go through hoops in you report that the ex. partner has more money and you have to do a Change of Assessment form which takes you quite a lot of time to complete and your income gets re assessed on top of the ex partners.
- The police at the [REDACTED] police station took 2-3 weeks to interview the perpetrator of violence about breaches.
- The perpetrator of violence said to [REDACTED] Lawyer [REDACTED] that on the [REDACTED] at the [REDACTED] Magistrates Court that the police at the [REDACTED] Police Station were on his side. This did not make me feel good about reporting further breaches.
- The perpetrator of violence said to the Magistrate of [REDACTED] at [REDACTED] Magistrates Court on the stand in court [REDACTED] that the police at [REDACTED] Police station said that in relation to the perpetrator twisting the arm of my son and hurting him that the perpetrator had a duty of care to grab my son's arm and merely dust it off. The police obviously believed the perpetrator over my son's statement made to the police and backed up by his older brother's breach statement as a witness to their father twisting my son's arm. The police at [REDACTED] Police Station did not do a thorough job of interviewing the perpetrator at any time. This sends a very bad message to my [REDACTED] sons who can independently tell the truth to a Police woman in a formal interview at the station without me (the mother) present and they will not be believed by the Magistrate or by the Police at the police station. This also sends a bad message to the perpetrator that he can do these breaches and get away with them. That telling lies works for him. That telling lies in fact rewards him as the outcome was that on the [REDACTED] my [REDACTED] children were removed from my Intervention Order my Magistrate [REDACTED].
- I was told by the Law Institute that I had a good case for an extension of my existing Intervention Order because the perpetrator didn't need to have done anything within the previous year of the (VO). The court just needed to be satisfied that he would breach again. I had at least 6 breach statements in that year against the perpetrator. One for twisting or wrenching my [REDACTED] year old [REDACTED] son's arm while parked stationary in a car and another statement by me that my ex followed me in my car for approximately 300 mt. and that he was approximately over a metre away in his car behind mine. The Magistrate [REDACTED] was not satisfied by all these breach statements that my ex. was likely to breach again. I am incredulous.
- Magistrate [REDACTED] who presided over my extension of my Intervention Order on [REDACTED] [REDACTED] in [REDACTED] Magistrates Court in court room [REDACTED] was called in as an extra Magistrate even though [REDACTED] Magistrates Court was fully aware it was scheduled for a contested hearing. Magistrate [REDACTED] looked bored and unimpressed to be presiding. He had his head in his hand at times. I thought he was going to be a progressive Magistrate understanding of

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the impact of domestic violence on victims and children but he did a 180° on the Intervention Order by the end of my case removing all my children from the order.

- My Legal Aid Barrister Mr. [REDACTED] told was not effective at cross examining and bumbled getting information wrong. And at the end of the case when he'd contributed to losing my children off the intervention order, turned to me and said "You get what you pay for".
- No body seemed to understand how important this case was to me. I was made out to be a spiteful, vengeful, vindictive and jealous ex wife by the ex's barrister who used gutter tactics of goading me, telling me in a nasty tone that I was "lying aren't you? Your lying aren't you?" and saying "He's moved on he is divorced now and he's in a relationship now – he's moved on!" when I was the one that applied for and paid for the divorce and had encouraged my abusive ex to get himself a relationship with another woman as he continued to remain in the family home for [REDACTED] years after we separated living under the same roof and he was making my family's life miserable and we were afraid of him. I was glad that I had purposely got the divorce while he was still in a relationship. I got out while the going was good. His barrister made me look bad and the Magistrate obviously bought this even though I remained calm on the stand.
- My Legal Aid barrister Mr. [REDACTED] never explained to me that if I continued to get on the stand and testify that I could risk having the children come off the current Intervention Order. Magistrate [REDACTED] said that he thought my [REDACTED] year old son should come off and would I accept the Intervention Order with just the [REDACTED] younger children on it. If I'd known that I could accept concessions while the going was good and that to have the courage to get up on the stand and testify to try to fight for my children's safety could prove a costly mistake just because of the whim of the Magistrate then I would have accepted having the [REDACTED] youngest remain on the Intervention Order and I wouldn't have testified but I thought I should do the right thing and get up on the stand and tell the truth. I thought that was what it was all about. The perpetrator was going to contest the extension of the Intervention Order so I felt I had no choice and must testify. I didn't have this explained to me by anyone including Mr. [REDACTED] – my legal aid barrister though he said to a lawyer [REDACTED] of [REDACTED] later that he had explained that to me. He never did and if I'd had it explained I would have accepted just having my youngest [REDACTED] remain on the extension of the Intervention Order. It would have at least afforded them more protection even though the Intervention Order was not really protecting us as the perpetrator continued to breach the order throughout the previous year despite it.
- The Magistrates Court does not provide victims with Intervention Orders a safe room. While I was at the [REDACTED] Magistrates Court on [REDACTED] the perpetrator got his friend to walk up the corridor to where Women's Legal Service Victoria Office is. This is where I was hiding out of sight. This friend [REDACTED] walked up the corridor to the dead end of it and

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turned around and walked back clearly to sight me and see if I was there with anyone and to menace me. [REDACTED] Magistrates Court should have safe rooms for women and should have Court Security to escort women from the 1st floor where I had to wait all day on the [REDACTED], to the 6th floor where the hearings are conducted.

- It may take a perpetrator a minute to breach an intervention order – to make a phone call on a home phone and contact the victim or to leave a text message on the victims phone but it will take the victim over an hour on average to report a breach. This is a hell of a hardship for victims. It penalizes us further.
- I was told to report every breach – it didn't matter how big or small. On the day of the [REDACTED] the perpetrator's lawyer read out my last breach statement which was that the perpetrator was simply at a supermarket within 200mt of my work. The perpetrator knew this supermarket was within 200mt of my work because I had breached him for being there before. Yet he kept going back there despite there being other supermarkets in the same suburb. His lawyer made it out as if all my breaches were of such a trivial nature. This was not a fair portrayal of the breach history. And a breach is a breach. If 200 mt. is what is on the order then the perpetrator should stick to it. The Magistrate [REDACTED] was diminishing the 200mt rule by saying that it is an arbitrary distance. And besides there were plenty of other breaches that were more significant and pertinent to the extension of my Intervention Order.
- The Police at the [REDACTED] Police station sometimes interviewed the perpetrator at his home. How convenient for him that he didn't have to come into the [REDACTED] Police station. No one made my making a breach statement convenient for me.
- A victim of domestic violence often doesn't have evidence of violence so I had very little evidence of violence when I got my first Intervention Order. It was only after gaining that first IVO and being told by the Court Network worker that I should report every breach no matter how great or small, that I would report any incidents. You are behind the 8 ball so to speak not having gathered evidence of your history of violence but most women try to make relationships, marriages work and it is the ethos that a victim of domestic violence learns that it is her fault that the violence is happening and no one will believe her and the perpetrator is so nice and well liked out in the community that no one is going to believe the victim. So a victim often doesn't gather evidence from the start. I lived [REDACTED] years of it before I started gathering evidence.
- Married women often don't qualify for legal support and I tried to run as much of my family law court case by myself or with the help of a para legal. I didn't get very good advice because of this and didn't submit a Form 4 to the Federal Circuit Court with my first affidavit and therefore Judge [REDACTED] never addressed or took seriously my allegations of violence towards my children. Getting proper legal representation that is affordable prohibits women getting adequate and professional good legal support and representation. We are usually disadvantaged financially and therefore legally. This was the case for me.

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I didn't know everything I had to do and what to submit to court and how to serve someone legally myself.

- The Child Inclusive Conference reporter [REDACTED] at the Federal Circuit Court did not know how to interview children with [REDACTED] disorders appropriately. She did not probe them enough to elicit all the correct information off them. She didn't appear to understand what domestic violence does to victims in regards to the [REDACTED] and children saying it was okay for their father to punch them and this court reporter not seeing this as a sign that the child is psychologically damaged. She made my children clam up instead of open up. She made them feel uncomfortable. She made me feel uncomfortable and insulted me and stood over me addressing me in a harassing belittling and unsupportive way just before I had to take my children home. She told me that I was the child abuser just before I had to take my children home after the day at court. What was the point of that? What was she hoping to achieve sending me home devastated and demoralised. If I was a child abuser my she not have just put my children at risk. She was horrible to me and it didn't help me at all but left me feeling like I'd just been slapped in the face and further abused.
- The whole court experience Magistrates and Federal Circuit Court is like a further experience of domestic violence. While court cases go on and they go on for such a long time it is like a continuation of the domestic violence and abuse. I felt so sick and demoralised and afraid and insulted and offended by the whole experience. I have come to tell my friends that the whole legal system IS NOT the justice system. I got no justice. I was abused by this system and my intervention order in the end got watered down to just an intervention order for myself, and the perpetrator got rewarded by gaining access to his children without having to do a Men's Behavioural Change course, Post Separation Parenting Course (which we were both ordered to do and I did straight away but he never ended up doing and Judge [REDACTED] never checked that he did it which I found unfair because I complied with everything I was ever asked to do because I always do the right thing), he didn't have a psyche assessment as I believe he has mental health issues and I am still to this day afraid that he might kill my children in a whim because he has consistently been sporadically and unpredictably explosively violent. We never knew when it was coming. He threatened to kill me and he threatened to kill himself if he ever lost his family. He has been out of work for such a long time now. And he doesn't have housing security any longer. He never had supervised access graduated before he gained some unsupervised access. No he got granted access despite the intervention Order I had for both myself and my [REDACTED] kids and he never had to prove anything to the Judge [REDACTED]. He just had better lawyers. He had a whole legal firm.
- Years before I took my children to the [REDACTED] Child and Mental Health Service in [REDACTED] and instigated family therapy where it came out that my family was living in a domestic violence situation and the Psychologist [REDACTED] did not try to help me. I had instigated this request for her to help my family and when she learned of the DV she threatened me with reporting my family to Child Protective Services. She didn't do it though. I didn't find her conduct helpful either way. I told her that Child Protective Services

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was not going to do anything with my family. I had come to her service for help. My children were all clean and well fed and healthy and attending school all as they should be. I said to her that this was no way for her to help me threatening me when I had come to her for help. That was not being helpful and would not encourage me to come back if all I was going to get from her was threats so she didn't not handle my situation well. Perhaps she should have reported my family as at least there would have been some evidence and maybe some truly helpful action might have come of it.

- When I first rang Child Protective Services on [REDACTED] to report the child abuse in my family I had already got an Interim Intervention Order and CPS said that they were satisfied I was protecting my children. I was not impressed or satisfied with this response from them at all. They didn't investigate my situation. They did not keep an active case. I was very dismayed that CPS didn't take the case seriously and I was frustrated every time I rang them that they would say that I had an intervention order and that therefore they were satisfied I was doing all I could to protect my children. I never had any confidence in the intervention Order in the first place. I was just getting it to try to make the perpetrator more accountable. He never took any responsibility for anything he ever did. He was always in denial that he did anything wrong. He always lied. He hasn't changed to this day. My only saving grace is that my children are growing older and I hope they will be safer because of that. My oldest is now not included in the family consent orders. He doesn't have to see his father.
- The [REDACTED] Child and Mental Health Service did not help us build respectful family relationships. They only ended up diagnosing my youngest daughter with [REDACTED]. This was all the help we got and then we were turfed from the system with no follow up.
- Each time I breached my ex. I would receive a call from the [REDACTED] Police about support for me and [REDACTED] would call. I had breached my ex several times and developed Post Traumatic Stress Disorder and was by now begging to get Domestic Violence Counseling as I had heart palpitations, shortness of breath, wanted to flee ever time my ex was near, extreme startle reaction, felt sick and hypervigilance just driving around in my neighbourhood where he also lived. I had to beg for the Domestic Violence Counseling and even then I had to wait weeks and weeks for it to start.
- I have worked as a [REDACTED] and a [REDACTED] worker in my late [REDACTED]'s and I knew that Real Estate Agents discriminate against single mothers. I didn't want to up heave my children from their schools and go to a women's refuge. I knew they were also hard to get into. This is why I never even dreamed of leaving. I felt I had no choice, no support and no help available to me.
- I had seen a community legal aid worker years and and she said that because I was married to him and he was working I would not be eligible for any free legal representation and it was cost me a minimum of \$5000 to end the marriage and do property settlement and family orders. So I couldn't afford this and was put off leaving yet again.
- I had seen a domestic violence service in [REDACTED] in about [REDACTED] and I had told them about my DV situation to then and they said I could try to get an intervention order

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- but they didn't think I had a strong case. That put me off doing anything about my situation as well.
- Recent events have seen the stripping away of accommodation options for society's most vulnerable. Being aware of this does not encourage a woman and family to leave a domestic violence situation.
 - I also think it is despicable that I have a gag order on my while going through the family court not to be able to report things in a newspaper or facebook or anywhere I chose to seek support. It is my life. Why can't I talk about it? Why can't I question it? Why can't I seek support?
 - I recall a doctor at the [REDACTED] in [REDACTED] administering anti depressants to my ex. And I had to ring the doctor myself to tell him that at the time my husband was drinking excessive alcohol and was becoming even more violent and aggressive and had the doctor explained to my then husband that he shouldn't drink while taking anti depressants. I asked the doctor to tell him this. I don't even know if the doctor follow up. He put us all at risk by not dealing with my husband's situation appropriately considering I had informed this doctor that my then husband was rageful and aggressive.
 - I really think that there needs to be a change to the Federal Circuit Court family law system that makes it so patriarchal and gives abusers rights to their children supposedly in the best interests of the children because they have the right to time with both parents. Children do not thrive being away from the primary care giver. My children didn't enjoy having to sleep at a strange place that was not their home.
 - Police need to believe women more. If we take the time to come in and spend over an hour in the police station making a breach statement then there is a good reason for that. And we women in these relationships are more likely to know that this perpetrator is deliberately making these breaches of their intervention orders to see how far they can push us. To test us to see if we will report them. To try to still control us. To be in our faces no matter how slight it might seem to the police.
 - The Police need to interview the perpetrator much more immediately so that they learn that there will be a fairly immediate consequence to their breaching the intervention order. Not leaving interviewing the perpetrator till 3 weeks later. That also made me the victim feel like it didn't matter to them.
 - My son had his arm wrenched by his father on [REDACTED] and I had my [REDACTED] oldest boys make breach statements the very next night when I learned of this. I went to FCCourt on the [REDACTED] and Judge [REDACTED] put up her hand to stop me from trying to tell her that I had breach statements from my sons that he had committed another act of violence against them. She said even if I had an application in case on my desk right now your matter would not be heard until after the final hearing. So she stopped me from telling her about the violent act to one of my children. She didn't want to hear it. This makes me feel like the whole system is futile and doesn't care about the victims. It is all about following formal rules. It affords my children no protection and renders me powerless when a judge holds up her hand and tells me she can't hear it.

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- On this same day Tuesday [REDACTED] a duty lawyer told me that if I take my children to the police station all the time to make breach statements against their father I could lose my children. I was gobsmacked. This was the first and only time and I said that to her and asked her what was I supposed to do – nothing? Let the children's father get away with it. I had to try to protect my children. How would it be if my children told me what he had done and I did nothing about it. Do you think my children would continue to tell me when he does hurt them if they think it will do no good. This whole experience was heart breaking for me. And in the end it did do them no good to report the violence to the police and they were not believed. I cry to think of that. My children were honest and told of the bad thing their father had done and he got away with it at every turn when I tried to raise it. My children told someone – a police officer and they were not believed in the end. This sends a very bad message to children. Where is the mandatory reporting responsibilities.
- I was told my the second family court reporter that what the children's father was doing to them – things like punching a [REDACTED] y.o. a full on man punch to the stomach, heat butting my [REDACTED] y.o. son [REDACTED] in the head, dragging my [REDACTED] y.o. son along carpet 7 mt. giving him carpet burn on his back, twisting his [REDACTED] y.o. son's arm were all termed "lawful chastisement". It has a name other than assault. If these things were done by an adult to another adult they would be up for assault. Why is it seen as okay for a parent to do this to their child and get away with it? Why? It is wrong. I don't want my children treated like this. They don't want to be treated like this. My oldest son used to tell me that when I disciplined them it was fair and they knew they deserved the punishment but when their father did stuff they never knew when it was coming and it was 'brutal'. This is what I mean about the perpetrator's violence being unpredictable. How can brutal treatment be "lawful chastisement". There should not be a separate word for violence to children. It is not lawful. It is wicked to condone this with a legal word that doesn't take into any consideration the mental anguish of the child receiving this treatment and when the child does report it to not be believed is further abuse of the child. It is an outrage.
- Yes domestic violence counselling and services need to be better funded and DV workers should be listened to and allowed to help more with days in court. A woman having to go to court all on her own because she has a lack of support which is often the case, is despicable.
- My ex was not made to do a behaviour change program. He should have been. That might have given me some comfort. I think it should be given mandatory to every man that has an intervention order taken out and also men where family law court affidavits state that the man/father was violent. It is a legal document. If a woman states the man was violent he should have to do the course.
- I think my finally taking out an Intervention Order against my ex. was the first real thing that showed him that he could no longer get away with that behaviour but it was me that had to have the courage to stand up to him. My seeing that Intervention Order slowly being eroded by police not following up quickly on reported breaches and there being no outcome to those breaches and finally him winning via the children coming off the intervention order at the time of extention sends him a very bad message that he can get away with his bad behaviour. I can't continue on with all the court cases as it was making me sick. However if he hurts my children again I will have to go back and seek to gain a variation to include the

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children back on my order again. I may have to go back to the family court and get a variation on the Consent Orders. At least I have sole parental responsibility for the children but I am learning that that is pretty meaningless to as the schools seem to notify the father about every little thing and they are sending emails addressed to both of us in the same letter. The schools seem to have no idea of how inappropriate that is.

- I believe father's who are violent need to see that there are severe consequences to their violence like losing access to their children. It is a big wake up call. I believe after a period of separation, a psyche review, behaviour management course, parenting course for parents of children with disabilities and graduated supervised access they access can then slowly resume.
- Are you kidding me? Of course there are economic and social factors that tend to make family violence more likely to occur. Not having money to pay for lawyers because they are so expensive is prohibitive. And the social factor is that women are more likely to be subjected to that economic factor.
- My friend in England says that if men are aware that a man is beating up his wife they would take him aside and have a talk to him. I tried telling my ex's father but he just called it rowing and thought nothing of it and never discouraged his son from being violent to us. He turned a blind eye. I would like to see a campaign on television and everywhere else that sees men telling other men not to be violent towards women and children. Telling them that their behaviour is not okay. That they need to go and get help and to offer to help them find the help they need.
- We need more funding for DV services for men and women. Accommodation and counselling. Even if I was never in hospital for the violence that I and my children had done to us the psychological abuse was far worse, went on longer and was horrific and I am scarred and damaged goods now mentally and it may take me years if ever to get over what he did to me and I have had not validation from him. He never told me that what he did was wrong and that he is sorry. I think there should be 12 step programs for violent men. My ex always lied. I would like to hear him admit that and tell me all the things he did wrong and to say he is sorry. That would help me heal. If I can't have that then as a victim of violence I need an equivalent 12 step program suited to victims.
- Everyone but mostly magistrates and judges need to believe women and children more. Don't make it all so hard for us. We have been abused enough and when we aren't believed it is like we are being hit or abused all over again.