

Royal Commission into Family Violence

Submission by [REDACTED] survivor of domestic violence and founder of [REDACTED] group supporting women facing adversity.

How green I was when I left my abusive partner of [REDACTED] years. I believed through the media and general discussions with professionals that my decision to leave would be supported by a system and community that I had been a strong advocate for as an educator.

I received opportunities for counselling till it was coming out of my ears but all rhetoric and advice in the world was not to make a dint in the pile of trauma I fell into once I left my abuser. What I realised was that without law reform no woman was supported effectively.

My abuser spent the next few years post separation using whatever government system he could family law, child support, civil law and even the criminal law process to exacerbate my trauma and reduce my capacity to be the best mother I could be to my children.

He contested every IVO, every judgment made and every assessment given disabling me by having to constantly prove myself as a victim of crime. In fact by the time our criminal proceedings were finalised I had spent more time in front of a magistrate and judge than he had. I had child protection in my home [REDACTED] times to ensure I was a protective parent. (Not once did they visit his residence for an assessment.) How far I fell, how ashamed I felt at having to discuss my intimate story with so many and so publically.

[REDACTED]
[REDACTED] I had no criminal history and had been a strong participant in community development. I was someone who had worked hard for my family. I was however also for [REDACTED] years a silent sufferer of severe domestic violence where I was raped beaten and emotionally stripped. My confidence and sense of self eroded over those [REDACTED] years and resulted in my being diagnosed with PTSD. It is a condition that causes me frequent challenges in my day to day life and has made the last five years post separation unbearable. I was frequently triggered by having to be a participant in multiple court hearings and appearances. Constantly having to confront my abuser and justify myself to the powers to be. [REDACTED] later I am only now at a point where with some fear and trepidation I can start to move forward.

[REDACTED]
[REDACTED] I have orders that require me to co-parent with my convicted abuser and alleged rapist. I have no protection of an IVO or restrictions put in place by the court. He is free to continue to manipulate and bully within the boundaries of the law.

I have been let down by both the state and commonwealth governments but have survived my ordeal due to fragments of hope within the system. There have been Individuals within the system I have been lucky enough to meet and who have advocated on my behalf. I cannot help but wonder how those women who do not have an education or vital financial resources can navigate their way through the complex minefield of civil, criminal, and federal law once they leave their abuser. These three systems operate in isolation of each-other and are incongruent to each-other, making it near impossible to survive the post separation journey.

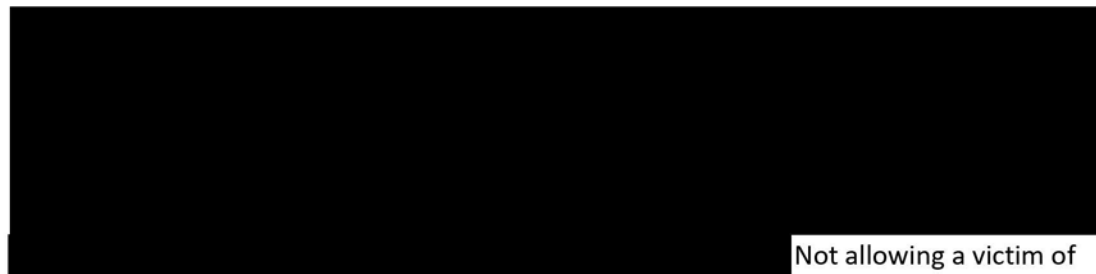
The pathway back to your abuser is so much easier than the one to leave. The shame and vilification I endured post separation was horrendous and came from directions I never anticipated as someone who was a kind and a loving mother and educator I actually believed the community and system would be on my side.

I have often said that leaving a violent relationship is like jumping out of a plane and the system is your parachute, but for me no matter how hard I pulled on the chord the system would not open for me. But I am lucky, I survived the fall and now have the opportunity to highlight the obstacles I faced and the system flaws I survived in the hope that changes occur to protect those unable to survive that fall.

I will try to detail the specific challenges faced and the flaws that need reform.

The key issues and obstacles I have faced have been

1.



Not allowing a victim of domestic violence tell their truth is a devastating experience after years waiting for the day to tell their story. The judge should not have separated the charges. I should have been allowed to tell my story chronologically and in it's in entirety. In criminal proceedings charges should not be separated in family violence cases. If you separate the charges you lose the context of the events.

2. Time: My case took [REDACTED] years to get to a sentencing hearing the process is long emotionally exhausting and traumatising.
3. Child Protection need to be activated when a person first alleges violence and put in place supportive mechanisms to support the whole family. A risk assessment at this point is vital and a safety plan put in place. At this point behaviour programs should be implemented and support and counselling provided alongside an interim IVO without prejudice to protect both parties.
4. To decrease homelessness. Many women I have met have all discussed that fear of homelessness and their resistance to leave their perpetrator due to having nowhere to go and not being able to afford to leave. When they have left they are then deemed homeless and their perpetrator is then awarded the children as he is residing in the family home.

5. Police officers must be given the power to take out intervention orders in historical sexual assault cases. When a victim finally gets the courage to make a complaint if the event is historical it is near impossible for that victim of the police to be able to protect their victim. An interim order for the victim police witness will ensure that they are not subjected to harassment and bullying by their perpetrator. Obtaining and maintaining an IVO against my ex-partner and perpetrator was difficult and expensive. Police should have the ability to take out interim orders on behalf of their vulnerable witnesses particularly in sexual assault cases for the duration of the criminal proceedings. Historical sexual assault cases can take years in my case ■ years to conclude for most of that time I was unprotected. When a person discloses sexual assault they become vulnerable to their perpetrator and their perpetrator can elevate their behaviours once a complaint is lodged. It is impossible to get an IVO if specific incidents of harm have not occurred within 12 months.

6. All officers should have a script they can follow when a victim presents at a police station and a clear pathway of assistance they can give. Intervention orders are expensive and difficult to attain. There needs to be some protective measure that a victim can take post separation that enables them to be safe without having to spend thousands of dollars and hours away from their family and workplace to attend the hearings involved in attaining an order. An interim order without prejudice should be attainable for all persons leaving a violent relationship with a 12 month duration. If a perpetrator is given the opportunity to harass their victim they will either go back or have further experiences of violence. Police attitude is pinnacle when a person first presents at a police station. The first officer I disclosed to respond by saying "what do you want me to do about it" I walked away and didn't return to the station till some months later. It was then I met an officer from ■ who was empathetic and willing to help me stand up to my perpetrator and have him charged. This process was excruciating but she was with me right to the very end. She was determined to see that I was able to take control of my journey and ensured I was communicated to frequently throughout the process. It is this type of commitment that is a strength of the Victorian police force but it should not be isolated flashes. Police training needs to help officers develop a script and there should be a clear pathway or procedure for when a person presents at a station alleging a sexual assault.

7. Family court proceedings exacerbated my ability to be a strong police witness as my perpetrator was given permission to cross examine me directly in court. Victoria changed its law so that alleged perpetrators could not do this to their victims in civil IVO proceedings which is something that has made a huge positive impact for women escaping their perpetrators. No victim should be cross examined by their perpetrator. I have been rallying to get the federal government to align with the states and territories and stop this from occurring in family law courts. In the Victorian courtroom I was granted an intervention order ■ after a contested hearing. One of the conditions was that he was to remain no less than 200 meters from me. ■ I was in the same courthouse for a federal family law hearing and he was permitted to cross examine me directly. The federal government gave my perpetrator his power back over me.

8. Sentencing of perpetrators. [REDACTED]

[REDACTED] He walked away that day of the sentencing with a conviction but really not at all challenged to change his behaviours against women through an intensive course that all men and women should undergo if they are found guilty of family violence offenses.

We need...

To have laws that explicitly protect the vulnerable when escaping a violent relationship

To have laws that reduce the harm perpetrators can cause post separation.

To increase police authority to give vulnerable sexual assault witnesses interim protection for the duration of their case when they disclose an historical sexual assault

To be able to have better communication and influence with federal authorities in family law proceedings to protect vulnerable victims of violence. (In the Victorian civil proceedings I was granted an intervention order and it was deemed my perpetrator could not come within 200 metres of me [REDACTED] I was in the very same court room in family law proceedings and my perpetrator was able to cross examine me directly)

To embed anti violence strategies and supports in education to encompass emotional intelligence strategies, restorative practice positive relationships and explicit domestic violence training for all school principals so that they can be key in understanding the cycle of violence and make an impact at a school based level.

Improved police response, Police response is improving but further training in the complexity of DV and how to respond is crucial.

Victims of DV need personal alarms this was an effective program which sadly I could not access as funding ceased and my investigating officer could not get me one. This would have given me some sense of security and safety.

All workplaces should be able to give leave for those leaving a violent relationship without my long service and sick leave I would not have financially survived.

A woman should be able to relocate to be near family support regardless if there are children or not. Too many women are stuck isolated and within 5 minutes of their perpetrator due to being unable to move closer to family post separation.

To educate people on the complexity of Family violence. The biggest mistake that can be made is assuming that family violence does not discriminate social class. It is prevalent in all classes all cultures and all regions of Victoria.

To ensure that women are protected despite family laws orders that force women to co-parent with their abusers. Family law currently is a massive factor in derailing any good the Victorian government attempts to achieve in preventing trauma for women escaping violence.

To have a body an independent advocate that acts as a navigator for women escaping violence where services can be activated and sensible and safe pathways made for both perpetrator and victim.

Power balance and inequity!

When a woman leaves her perpetrator her cup is empty his is full he has the power he has the upper hand. The government needs to support women when they leave, to balance the scales and enable women to feel they have some chance of surviving post separation where violence can increase and financial hardship impacts significantly.

We know that violence escalates when couples separate but when family violence is already prevalent conditions are unimaginable for the victim once they leave.

The only answer is law reform and better alliance of the branches of the government to ensure that all are working together and not against each-other in achieving positive outcomes for victims of this insidious crime.