

Submission to the
Royal Commission into Family Violence (Victoria)
Submitted by
Fighters Against Child Abuse Australia [FACAA]



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About the author:

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Adam has a Diploma of Community services (Welfare) specializing in child trauma counselling and has worked in the field for the past 10 years since completing his degree. Adam is also a martial arts instructor and has been teaching children how to defend themselves for the past 17 years.

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This submission was prepared by Fighters Against Child Abuse Australia (FACAA).
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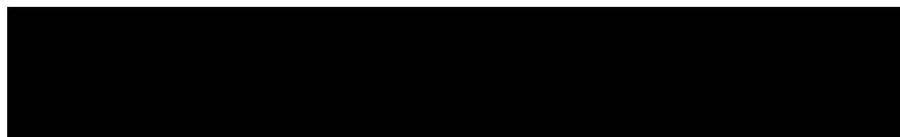




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About Fighters Against Child Abuse Australia

Our mission is to end child abuse once and for all within Australia.

Our vision is to make Australia the only nation on the planet that does not suffer from the scourge of child abuse.

Our guiding principals are to remain completely non denominational and non political to achieve our mission of ending child abuse once and for all by whatever means are required (within the laws of the land). If a program does not exist to meet the needs of our clients then we will make one to meet their needs.

FACAA has been working actively for the past 4 and half years to end child abuse within Australia. We are currently running a survivor's healing programs, educational and legal reform programs, domestic violence programs, anti bullying programs and a social media awareness campaign which regularly receives over 3 million unique views weekly making it the single most successful social media campaign of its kind in Australia.

FACAA is a national organisation that has full deductible gift recipient status as a public benevolent society. We have survivors in our survivor's healing programs from every part of Australia and we have members of our social media awareness campaign from all over the world.



Recommendations

1. The law must catch up to current technologies as all too often perpetrators are utilizing new ways to stalk and harass their victims including GPS tracking, hacking of mobile phones and social media pages as well as email accounts to gather information and generally menace the victim and all too often the courts have no criminal code to follow as the laws just have not caught up with current technology.
2. In situations where the victim's life is in credible risk of harm at the hands of the perpetrator intervention orders must not contain the victim's new address but rather the perpetrator must be fitted with a GPS tracking device and if they get too close to the victim, the victim is then warned by police to leave the area. A short time later the perpetrator is then asked to also leave the area so the victim can return to their home without the perpetrator ever knowing the new address.
3. Children of victims of domestic violence should instantly be included under the intervention order and should their be a family court order in place to say the children have visitation with the perpetrator, those visits will then become court mandated supervised visits to prevent parental kidnap and also remove the risk of the children being abused or worse in revenge style attacks.
4. A publicly accessible register of domestic violence offenders must be set up in order to protect new potential victims from starting relationships with repeat offenders. We believe that should a previous victim of domestic violence be armed with the knowledge of a person's past repeated offences of domestic violence they will not be starting a relationship with that person and this will help break the cycle of domestic violence from starting up again.

5. Survivors of domestic violence need to be given access to funds to help in their relocation away from their abusive partners and also assistance with debt relief from debts incurred during the separation from the partner such as relocation expenses and legal fees plus the cost of setting up a new home, furniture clothes (local charities such as the Salvation army could assist with this with adequate government funding increases specifically for domestic violence survivors).

6. Repeated breaches of intervention orders **MUST** result in a significant custodial sentence. Three strikes and you are behind bars !



Explanation of each recommendations

1. The law must catch up to current technologies as all too often perpetrators are utilizing new ways to stalk and harass their victims including GPS tracking, hacking of mobile phones and social media pages as well as email accounts to gather information and generally menace the victim and all too often the courts have no criminal code to follow as the laws just have not caught up with current technology.

Simply put the law is not up to date and family violence perpetrators know this and are exploiting this fact. At FACAA we hear of case after case where the ex partner (a family violence perpetrator) has used the internet to menace their former victims. They know full well that the worst charge they can expect is the use of a carriage device for menacing or stalking and that is such a light slap on the wrist it isn't even funny. Sadly though for the victim the impact is much more than a slap on the wrist. For the victim to have their emails hacked and have them read by their abuser or to have their social media account hacked and have their inboxes or even friends list read can basically equate to a very dangerous person gathering information about where

they go. Who they talk to, what they talk about and any future plans they may have. This literally puts their life in danger and it needs to have a full stalking charge attached to it. Otherwise we will continue to see perpetrators of family violence who want to further menace and stalk their victims utilizing hacking technologies to circumvent the laws and their intervention orders and do so with almost immunity from prosecution as currently it is very hard to prove. Giving survivors access to IP logging tools to help catch the person hacking their devices would increase the chance of catching the perpetrators significantly as well. Until the law catches up with current technology we will see perpetrators continue to flaunt the loopholes that currently exist.

2. ***In situations where the victim's life is in credible risk of harm at the hands of the perpetrator intervention orders must not contain the victim's new address but rather the perpetrator must be fitted with a GPS tracking device and if they get too close to the victim, the victim is then warned by police to leave the area. A short time later the perpetrator is then asked to also leave the area so the victim can return to their home without the perpetrator ever knowing the new address of their victim.***

It seems perfectly logic to most people that an intervention order not contain the address of the person taking out the order. Why give the address of someone you are trying to protect to the very person you are trying to protect them from ?

However how can someone stay away from somewhere if they don't know where it is they are meant to be staying away from ?

This was the quandary faced by FACAA when writing this recommendation. We asked several survivors of family violence for their thoughts and together they came up with what we believe is a viable solution.

The perpetrator is fitted with a GPS tracking device, if they get close to the victim the victim is then rung by the police and alerted to the perpetrators location and given time to leave the area. Then once the required time has passed the perpetrator is asked to leave the area so the survivor can return to their home safely and without the perpetrator ever knowing their new address.

3. Children of victims of domestic violence should instantly be included under the intervention order and should there be a family court order in place to say the children have visitation with the perpetrator, those visits will then become court mandated supervised visits to prevent parental kidnap and also remove the risk of the children being abused or worse in revenge style attacks.

Sadly all too often it is the children who end up bearing the full brunt of revenge attacks by jilted family violence perpetrators. How many times have we seen parental kidnappings that have ended in abuse, tense stand offs or worse child murder.

These revenge style attacks must be stopped, all too often it is found that they were an attack of convenience as the perpetrator was legally prevented from getting to their real target their former partner and family violence victim, so they lash out of what they can get easy access to and what they know will hurt their former partner the most, their children.

A good way to lessen the chance for these attacks occurring is to firstly include all children of the victim in any intervention orders even if the violence was not committed against them personally they need the same protections afforded to them legally as the victim did as they are then at a high risk of being attacked themselves.

Also if there is a family court order in place that includes visitation orders pertaining to people with intervention orders placed against them, then any visits with that person should become supervised by the court supervision system. This is done to prevent parental kidnappings from occurring or revenge style abuses happening and protect children's safety above all else.

4.A publicly accessible register of domestic violence offenders must be set up in order to protect new potential victims from starting relationships with repeat offenders. We believe that should a previous victim of domestic violence be armed with the knowledge of a person's past repeated offences of domestic violence they will not be starting a relationship with that person and this will help break the cycle of domestic violence from starting up again.

One of the major issues that several of the survivors of family violence that we spoke to at FACAA was the fact that being a single parent they kept getting charmed by other family violence perpetrators. It is well known that abusers seek out victims so they can continue to abuse and it is with that in mind that we at FACAA request the formation of a family violence register. The way it works is a single person at the start of a relationship gets their new partners name, birthdate and current address. They take this information down to the local police station and the police run it against the database. If there are any red flags that get thrown up the officer informs the person and they then know of the perpetrators past and can make an informed decision to continue or not to pursue the relationship any further.

The advantages of this system over a conventional internet style database is people can't sit there and randomly search it so the whole concept of vigilantism is taken out as they must have the information of the person in their hands when they go to the police station. The police also take the identification of the person searching the database down so should anything happen it will be a quick search.

The only people who will be detrimentally affected by this system are those on the register which is those who are convicted of family violence. If they didn't want to be detrimentally affected by their past then perhaps they should not have committed family violence.

5. Survivors of domestic violence need to be given access to funds to help in their relocation away from their abusive partners and also assistance with debt relief from debts incurred during the separation from the partner such as relocation expenses and legal fees plus the cost of setting up a new home, furniture clothes (local charities such as the Salvation army could assist with this with adequate government funding increases specifically for domestic violence survivors).

Sadly all too often we see survivors of family violence left with no way of relocating away from the violence that plagues their family. One of the main jobs of the FACAA domestic violence campaign (FACAA being one of the only charities to recognize domestic or family violence as a form of child abuse) is to evacuate families away from their abuser and into a new location but all too often all we can do is get them out with literally the shirts of their backs and not much else. When we get them to a safe house they have literally nothing and are more often than not up to their eyeballs in debts occurred during the abuse process. Part of a family violence abuser's tactics include complete isolation of their victims from their families, friends and outside world. They do this in many ways one of which is financial. They cut them off from their earnings and basically give them an allowance. When they need to get out often they have had to borrow the money from quick cash sources or credit cards and the interest on the repayments alone is more than they can afford.

FACAA would like to see two practical ways to help the survivors of family violence brought in. Firstly a way of helping them with the actual relocation of their goods, like a moving

truck voucher system or a truck hire system. That way they can bring their stuff with them and are not tempted to go back into a dangerous situation to retrieve their possessions. Further to this point we would like extra funding given to local charities such as the Salvation army or St Vincent De Paul society to give survivors of family violence who have been forced to flee their circumstances to escape from violence, free furniture, free clothes and whatever they need to set up a new safe accommodations for their family. Once again so they are not forced to go back to the dangerous place to get the simple things we need to survive such as blankets and sheets and plates and pots for cooking.

The second part of this idea is a government assisted debt relief. Basically put any debts the survivor of family violence has incurred as a result of escaping the family violence is then purchased by the government and a simple low interest payment plan is then put in place so the survivor can get back on their feet while paying off their debts. This would help survivors to cut ties with their abuser as they would not need to go back to them because they were broke and needed a place to stay with the children.

***6. Repeated breaches of intervention orders
MUST result in a significant custodial sentence.
Three strikes and you are behind bars !***

Why is there an intervention order system in place if breaking this order (which equates to the breaking of a direct court order) results in warnings by local police or summons notices to appear in court months from the time of the breach ?

No if you have an intervention order against you and you breach it three times you need to be put behind bars because you are clearly not safe enough to walk the streets free as you clearly show zero respect for the law.

Sadly most of the times that the survivors of family violence that FACAA spoke to were abused after seeking an intervention order, it was not the first breach of the order. The perpetrators are breaching the orders over and over again, so much so that victims are being labelled as “annoyances” by the local police because they are ringing so often saying things like “My abuser is doing laps of my block in his car” Because the police come out and warn them to move on when ten minutes later the survivor is ringing back the police often reply with “Well we warned them to not breach it what more do you want us to do”

No the intervention orders MUST have serious power with them and if they are repeatedly broken they MUST face severe consequences including but not limited to a prison sentence.

To break the court order once is a mistake, twice is getting a bit dangerous and three times is just a downright attack. If you have broken a court order three times not only are you showing zero respect for the judge who issues the order but you are showing a very clear desire to hurt or stalk the person who took the order

out on you. So we at FACA think it only fair that should the order be broken three times a custodial sentence follows. If the perpetrator gets out of prison only to break the order again they should be placed in gaol until the matter is sorted out and the survivor can be relocated to safety.

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Summary

In Australia family violence is on every street, in every neighbourhood, in every state and territory. Some streets more prevalent than others but make no mistake about it, every single “type” of person in Australia is either directly effected by or knows someone who is directly effected by family violence.

Sadly in Australia it is one of the many unspoken problems that plague this great nation. With so many victims each and every single week you would think it would be an epidemic problem that our media was reporting on front page and our politicians were fighting head on. Horribly this is not the case, family violence claims a life and the media barely raise an eyelid, 38 woman have been victims of family violence in Australia this year alone and the federal government’s response is to cut funding to family violence shelters. This is by no means good enough not even slightly. We must increase awareness of family violence and it’s impact on the future of our society, our children. FACAA runs the largest anti child abuse awareness campaign in the nation and we regularly run anti family violence campaigns aimed at educating people as to the real impact of family violence upon children. All too often we are told “Wow I had no idea it was like this” or “Who would have thought family violence was so bad” which tells us that the problem needs much greater awareness raised.

Sadly family violence is very much a cyclic issue by which we mean that all too often child aged family violence survivors grow up to become family violence perpetrators themselves. This could be due to their need for self medication with the use of drugs or alcohol to deal with their childhood trauma or it could be because this is all they were ever taught. Either way early intervention is needed to help

break the cycle of family violence.

Sadly if the future generations are being dragged into the cycle of family violence the future looks rather bleak for this nation. Unless we have a major paradigm shift away from family violence and away from hiding the problem away then we will see a worsening of the problem with no solution in sight. FACAA are standing up to help end family violence and all forms of child abuse once and for all but we can not do it without the support of government agencies and adequate funding.



References

Direct anonymous interviews with a dozen FACAA members who have had direct dealings with Families SA be it being investigated by them or being witnesses or care givers for them and interviews conducted anonymously with criminal lawyers who have defended child abusers successfully and gained custody for convicted child abusers from Families SA as well as interviews with various community workers including Dr Capelhorne of the United Gardens methadone clinic.

James, 2000; Center for Disease Control and Prevention, 2006.

National Child Protection Clearinghouse, 2005.

Council of Australian Governments (COAG) National Framework for the Protection of Australia's Children 2009-2020,

Bravehearts Australia in particular Hetty Johnstone

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