My name is _______. I separated from my husband in _______ as a result of domestic violence, during the marriage I was subject to Emotional abuse, Social abuse, Financial abuse, Sexual abuse and Physical abuse, both alone and in front of my children. Since separation and after divorce I have continued to be subjected to Emotional abuse, Financial abuse, Stalking

and Physical abuse, again witnessed by my children.

This submission is based on my experiences with the police, family and criminal courts and other supporting services throughout the ongoing abuse, which has gone on for nearly a decade, and the impacts of such abuse on my children and myself.

Early Intervention

- I had no idea where to go to for help. I was not aware of any services available to women in my circumstances. I was advised at one point by a friend I had confided in to seek help from the Women's Legal Service, however they did not link me into any other support services which may have helped support me in other ways.
 - I believe more awareness has been given to address this issue through recent tragedies which have allowed more attention to be given to the issue of domestic abuse and access to supporting services is more available.

The Police.

- The police officer who handled my case when I finally had to call for help after my exhusband threatened to stab me was excellent, he was supportive, action was immediate and the continued support I received from one officer being assigned the case helped me to find trust and security in the safety of my children and my self being taken seriously by the police.
- The speed at which the police attended my home was commendable.
- I believe there is a need to look into the possibility in these situations of the police providing domestic abuse victims with links to services who can offer support. Although I was free from immediate threat, I had no idea at the time what to do next and after so

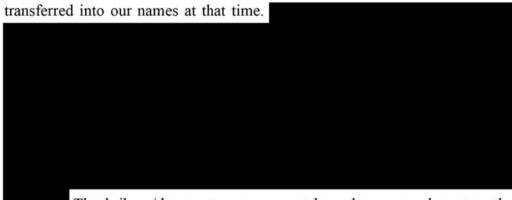
long in a controlling relationship I had great difficulty in making decisions, or even being aware of my choices.

- O I was not given any information about services who could help me, fortunately a neighbour who was concerned about the attendance of so many police at my house late at night gave me the number for our local family services office, which provided me with valuable support through this time.
- Another consideration is the shift work police do can lead to calls from police at inappropriate times. The night after my ex-husband was removed from the house, I was called by the police officer in charge of my case at around I was woken and in a state of hyper vigilance, he was apologetic about the time of his call when he realised how it had disturbed me. I was informed my court case for the criminal charges would be at the following morning. This lead to:
 - o fear from the late night call
 - o anxiety about the late notice and lack of preparation for a Court case
 - concerns for how I could arrange babysitting for my children, with attachment issues as a result of the domestic situation, on such short notice.
- The response I received from the police during this time was vastly different to the response I had on an earlier occasion, prior to changes to the way police responded to a prior occasion of domestic abuse, reported by a neighbour. On this occasion, when the police arrived, they found my former husband on top of me, pinning me to the ground, around us all of my possession had been thrown to the ground, some of them smashed. I was told I needed to leave my home for my own safety, I was not advised of any other option at the time.

Criminal Case

Family Violence is difficult to prove, as it is most often a crime without witnesses, this I understand. In my situation the police proceeded with my case as he admitted he had threatened to kill me. However he later retracted that statement on the basis he was drunk when he gave the admission. He was also drunk at the time he threatened me with a knife. Then after the criminal case was over he admitted to using a knife to threaten me. I do not understand how the admission and retraction and two following opposing statements could be accepted as evidence from him.

- The judge in this matter was not able to find him guilty, as there was no evidence, though I will commend her in her final statement, which she repeated twice, that it did not mean the event was not believed, it was just unable to be proved. It was some comfort, yet it left my ex-husband with the belief he could continue to abuse me, which he did physically for years even though we had separated.
- The criminal case was held at Magistrates Court. This facility provided no separate space for victims and perpetrators, everyone was thrown in together. Conversations between lawyers and their clients could be overheard, and heightened the anxiety of all attending.
- At no time during the criminal case were any other areas of domestic abuse raised issues of Emotional abuse, Social abuse, Financial abuse, Sexual abuse were ignored
 - o I had email evidence that I was threatened to be evicted from the family home unless I dropped the criminal charges. The house we lived in we had purchased through my ex-husbands business, however the house had not been transferred into our names at that time.



The bribery/threat attempt was not brought up as relevant to the criminal case.

Family Court

- Finding a Lawyer this is difficult to do, when you have no experience with the Legal System. Finding a lawyer experienced in Family Law, who will take the time to explain the system, your options and allow you to make informed decisions is very difficult.
 - I tried to use Legal Aid when our Family Law matter began, yet I was advised that it would be a conflict of interest as Legal Aid had represented my exhusband in the criminal case. Instead they gave me a number of a lawyer in my

area that I could use. I assumed the lawyer they recommended would be experienced in Family Law/Domestic Abuse cases, as they recommended his services to me, at the time I did not realise they had just taken his details from the phone book as a lawyer nearby. This lawyer provided me with advice the Legal Service Commissioner later described this particular lawyer as "guilty of unsatisfactory professional conduct". While the Legal Service Commissioner agreed the lawyer acted unprofessionally I still had to pay the fees from my settlement of at a time where I was primary carer of a and without a house or a car or in receipt of child support. To add further insult, I have since found much of the information I provided this lawyer about the abuse and alcoholism was left out of my initial affidavit, this has continuously been brought up as proof abuse and alcohol abuse never happened, on the grounds that if it did it would have been recorded at the time.

- Understanding of the Court system when leaving a relationship for reasons of domestic violence you do not have an understanding of the Court system, yet often you are swept into it and are not given information to know what is happening, what the results are, and how limited you can become by the Orders made, "just do as you are told" as you have been conditioned to do through the abusive relationship.
 - Orders drawn up, initially it was not explained to me that if circumstances change, including risk to my children or myself I would have to apply to the Courts to make provisions for our safety.
 - At the time our first Final Orders were made I did not want to deny my children a right to their father, despite his ongoing abuse and alcohol troubles. At the time he was living with his parents, giving me some assurances for my children's safety, as they would have their grandparents available to them.
 after the Orders were made he moved out of his parents' home into an apartment by himself, it became apparent that they were at risk, but I had no recourse to ensure their safety.

- Lack of ability to protect your children when events change that may pose risk to your children you are faced with a dilemma to protect your children or follow the orders of the Courts. There are no immediate responses available to you and the Court system is a slow system, even if your matter quickly in many cases the Courts are so overloaded and cannot respond immediately.
 - An example was when the father of my children refused to return my children on the appointed day, instead sent me dozens of abusive and threatening text messages. I called the police only to discover there was nothing they could do, it was a matter for the Federal Police as it was a Family Law Matter. When I attempted to contact them I discovered they were not available to assist me at evening. I was left desperate, anxious and unsupported while waiting for the return of my children. Support is required in these matters, even if police cannot intervene, it is cruelty to leave a women in this position, not knowing if her children are safe, if they will be returned, or if they will become yet another victim. It took —— without any legal or other support for me to get my children home. —— without sleep, food or knowledge that they were even alive. I discovered later the only reason my children's father returned my children to me was my youngest wouldn't stop screaming —— until he was brought home, his elder brother told me when I finally got them home.
- Disempowerment If you are represented by a barrister in Court you have no voice, you have to rely on what your barrister says, based on what your lawyer has deemed important enough to include in your affidavit. You are again placed in a relationship with a power imbalance. Their word is the one heard, not yours. Often facts which are important, but were not included by a lawyer, or noticed by a barrister who may have only received your file on the morning of Court case.
 - O An example I witnessed in court was a barrister who was obviously unfamiliar with the case and got the names of the children wrong several times, eventually the mother was so distressed she called out the correct names of her children, and was asked to be silent.

- Time The process of listing 30 or even more matters at 10am is time consuming, particularly when you may not even be called until after the lunch break, around 2pm. This lets you know nothing will happen that day, you will be called back the next day, you need to find arrangements for the care of your children for another day and arrange yet another day off work.
 - Often primary carers are working part time hours, or casual work to fit in with the children, if your abusive relationship has involved Financial abuse you are not in a position where you can afford to lose a day's work or pay for childminding if you have been Socially abused you may not have the family or friends to call on to help, particularly at such short notice.
- Privacy more privacy is required within the Court room itself and in the waiting areas. The process of listing up to 30 matters at 10am is not only time consuming, but completely ignores the right to privacy of those attending Court. Privacy can be further compromised by the attendance of students, this has occurred on several occasions in my many appearances in Court, not once have I been asked for consent. The issue of privacy is of more significance in Regional areas, where you frequently come in contact with people you know.
- <u>Safety</u> no efforts are made towards ensuring the safety of people leaving the Court, particularly at the end of the day, when there isn't many people left.
 - O For example, on an occasion, when leaving the Court my exhusband stood outside the glass door with his arms crossed, glaring at me, waiting for me to leave. After half an hour of waiting anxiously he remained, I asked the security guard to help me get to my car. She was more than happy to oblige, but I feel I should not have been put in a position where I needed to ask for that assurance to my safety. I also question how that event as witnessed by the guard was not presented to the Court the following day, when I had to go through it all again.
- Courts the Courts again do not allow for separation between the parties, often you have to walk past or sit near your abuser.

- O In my case, my ex-husband was fond of standing in the stairway. This allowed him to cross his arms, stare me down and stand over me each time I needed to go downstairs to use the bathroom. This intimidation, which I saw others subjected to, should not be allowed to continue particularly inside the Family Court.
- Court Circuit locations considering the ability of the parent with care of the children to attend Courts at a great distance from their home needs to be given. This effects people in regional areas where their matter is assigned to specific judge on the Court Circuit. Often after ongoing Social Abuse you do not have the resources to assist with children when attending Court in faraway locations or in the case of Financial Abuse the money to provide you with the means to get there and back.
 - O An example was when I was ordered to appear in Court in at I I live km away from which is a hour drive (not accounting for traffic). No consideration was given to how I was to care for my children and attend at the time of or the financial impact this would have on me.
- <u>Children in Court</u> needs to be handled with more sensitivity. Do they really have to spend a whole day in Court to have a 1 hour consultation with a Family Court Reporter?
 - My children had to spend an entire day, from 9am to 5pm in the Court Child Care to give their report. After they had finished I asked if my sister could take them home and I was refused. No reason was given. Even after the childcare had closed my children and I were not allowed to leave the building until the papers had been drawn up and stamped by the judge. That was not until 5.30pm, 8 ½ hours in the Court, for my already traumatised children that day. The effect of the hours of travel on the children on top of this long day in the Court childcare and building was also not considered The impact of this stress of this day on my children was immense. My demanded that I promise never to make do that again, I could not offer that promise.
- <u>Witnesses</u> I have had on occasion witnesses to abusive behaviour towards me in front
 of the children. These people were known to me, so their statements were dismissed on

that basis. This encouraged my ex-husband's belief that he had the right to treat me in any way he saw fit, he admitted as much to me after one Court case, and stated "the Court won't believe what you or anyone else you know says about me anyway".

- O How do you prove domestic abuse when it usually happens behind closed doors, and on the occasions that a witness is present it will be someone you know and they will be dismissed because you know them?
- Education of Judges in the matter of sensitivity of domestic abuse, in all of its forms while some judges have acted with empathy and understanding, others have not shown such in matters I have appeared in and matters I have witnessed.
 - On one occasion in Court my ex-husband had admitted in Family Court to attacking me (relating to the matter of the criminal charges mentioned earlier, and contradicting his statements and testimony of this matter), then the ex-husband excused his behaviour as defence, that he was warding off an unarmed attack by myself. I did not attack him, I was smaller, weaker and very much afraid of him by this time. But the judge in this matter never sought my story of the events on this occasion. The Judge found this plausible and acceptable behaviour. He wrote in his reasons for findings that his reactions were reasonable, and I "had painted the story in the darkest light and upon which the police had to act by way of laying charges".
 - This inappropriate statement made by the judge in his reasons gave my exhusband the belief, which he was happy to share with me on many occasions that he had Court sanctioned authority to attack me or threaten me and there was nothing I could do about it.
 - On another occasion I felt mocked by a Judge when I explained I was only able to afford a pre-paid mobile phone and could not afford unlimited calls to my exhusband, who was not paying any child support at the time, I did however agree to him calling them when he chose as I always had. An understanding of Financial abuse, and the effects would have been appreciated, rather than the question, to the effect of, what you can't afford your kids make a call to their Dad every week, what's the longest they could spend on the call 10 minutes?

The answer to that question was no, I couldn't afford to make phone calls at that time.

- The right of all to have their day in Court On several occasions I have been taken to Court by my ex-husband and he has chosen to represent himself. On these occasions, I have had to attend, had the matter stood down, adjourned and go on for months only to have it knocked out by the judge on the grounds that it lacks merit. What checks are in place to prevent vexatious litigation?
 - application after our last final Orders were made. He has not complied with the current Consent Orders, and rather than following the current Orders and seeing the children he has chosen to apply to change the Orders and not see the children in the meantime. Is there a way of implementing a system to ensure a case has merit before putting someone through the stress of an upcoming Court case? Of allowing someone to use the Courts in an attempt to control you?
- Affidavits requirement of proof. There does not seem to be any requirement for proof of the contents of an affidavit and there has never been consequences that I have seen for lies within affidavits or given under oath being discovered in the Courts.
 - o I have always tried to act with integrity in my dealings with the Courts. I may not always be content with the results, but I have always relied upon facts in my affidavits which can be backed up with evidence. My ex-husband has not done the same. In one particular case in Court, where he was accusing me of contravening current Orders, and not allowing me to see the children, when in fact he had cancelled 50% of his visits in a period.
 - On the witness stand he relied on evidence from his affidavit, which I had disputed in my own. I was able to provide the evidence from several text messages he had sent to me on my mobile phone, which I was able to produce to the judge at the time, showing there had been no contravention that he had lied about the events. There was no consequence for him for lying under Oath in Court or for providing false evidence in his affidavit, other than losing that particular case. I was not given any consideration for the stress the Court case

based on lies caused me, the impact on my ability to care for my children or the of travel. As there was no consequence for lying in either his affidavit or in the Court, he has continued to do so in the following years.

<u>Continuity of Court Cases</u> – when a matter has been proven in Court it should be considered as proven in subsequent cases.

In the above case, a few months later I was back in Court, and appeared before the same judge. The accusations that I had disproved in their entirety, that I had not breached the Court Orders by refusing contact between the father and his children, was again brought up in his affidavit. I did not realise I had to re-prove these allegations were false as it had already been proven before the Court, however I was wrong. The same judge heard the same allegations and as I had not understood that I needed to defend myself about a matter that had already been heard, I believed it would all be on record, I did not address these accusations in my affidavit. On this occasion, less than after dismissing the allegations, the Judge contradicted himself, and accused me of denying the father access to his children.

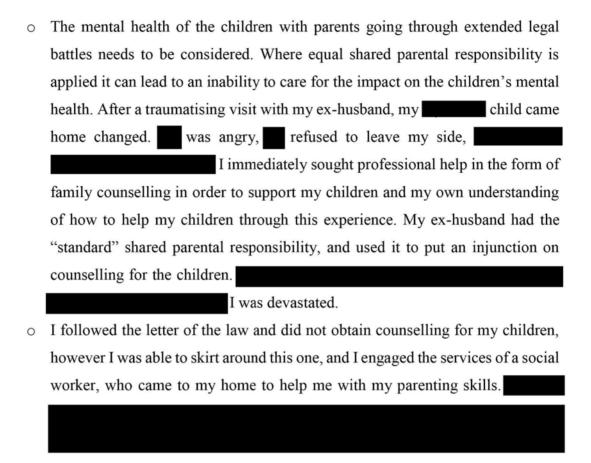
Intervention Order

- The process of obtaining an Intervention Order is stressful, for the defendant to have the power to drag out the process through adjournment in some cases up to a year or more, the stress of the situation becomes unbearable, and no support for the applicant is given in the meantime.
 - My most recent Intervention Order took and several Court appearances, even though many the threats and abuse were presented to the Court in the form of dozens text messages from my ex-husband, by this time, years after separation I had given up on attempting to get an Intervention Order based on the frequent physical and verbal assaults, or stalking, as they are far too difficult to prove.

While the process of applying for and obtaining an Intervention Order was highly stressful, I commend the two judges who dealt with my matter, both the adjournment and the hearing. They were the first to speak up for me and to tell my ex-husband in no uncertain terms that he was no longer able to abuse me. The Judge who eventually heard the matter made my ex-husband stand and told him that he could no longer treat his former wife, the mother of his children in this manner. The Judge repeated the foul, abusive and threatening words that had been repeatedly texted to me, to my ex-husband and let him know it was not acceptable. After over of abuse, these Judges were the first to acknowledge and articulate my right to be free from abuse, and I am grateful to them for that.

Children

- The needs and safety of the child need to be considered to be first and most important, over the needs of both parents maintaining a relationship with the children. While I realise in ensure appropriate action is taken to prioritise the safety of children in family law disputes.
 - o The continual appearances and disappearances of a parent from children's lives and their ongoing witnessing of abuse of one parent at the hands of another is not acceptable in order to satisfy the rights of the abusive parent. I left my abusive husband years ago, yet throughout this period my children have been subjected to the abusive behaviour toward me he has modelled for them. I would ask you to consider the behavioural effects on the child. I would ask you to consider the parenting skills they are learning from these experiences. I would ask you to consider the relationship skills they are developing from what they are continually exposed to.
 - When should the Family Court consider the effect of continuous litigation on the children? Or if there is such a difficult relationship that each parents return to Court annually what is the expectation of the behaviour of the parents during the changeover of the children? It took years in my case for the effects to be considered by the Court.



Accountability

- Accountability needs to be addressed more adequately by the Family Courts.
 - The Family Court at one point after my ex-husband exploded in the Courtroom in response to a question posed by my barrister his quick temper was noted by the Judge. As part of the final judgement, my ex-husband was ordered to do an anger management course. This Order was satisfied by a one day anger management course. This is not an adequate resolution and rather than making my ex-husband accountable for his actions it just made him angrier —I had made him miss a day's work.
 - Orders by consent my ex-husband frequently refers to my demands. The demands he is referring to are Orders based on the recommendations of a Family Court Reporter. By Ordering people to comply, accountability and responsibility are not addressed.

Property settlement in relations where family violence has been identified

- Property more scrutiny has to be in place for Financially Abusive relationships in the property settlement. A check on the situation after the settlement may resolve this issue.
 - o For example in my situation \$ was admitted to by my ex-husband in total assets in Court, I settled for \$ approximately \$ was taken by legal fees leaving me with just under \$ no house and no car. With only \$ I had to re-establish a home for my children and myself. Within of separating my ex-husband had "found" \$ to purchase an apartment.

Other Services

- Child Support Agency while the Child Support Agency is supportive and provide continued information as to your case, they admit they are unable to collect on your behalf when the other parent does not wish to pay if they are self-employed. Family Tax Benefits are then reduced by the amount of Child Support you receive on paper, and adjusted at the end of financial year, but this leaves the parent supporting the child/children in a position where ongoing financial control/abuse is possible.
 - Currently I have \$ owing to me in child support. The CSA call me frequently to ask the same questions, and then let me know there is really nothing they can do to collect this substantial amount.
- Relationships Australia/Mediation the staff were helpful and supportive particularly as abuse had been identified as a problem in our situation however to go through the process, actually make agreements in mediation to have them broken within weeks of being made, then to find out agreements in mediation are not enforceable without being signed off by the Court, it seemed to be a waste of time.
 - o In a case where there has been domestic abuse, should mediation really even be enforced? Mediation is useful in equal relationships, but in a relationship where

- control has been exerted over another how can mediation even be suggested let alone Ordered for matters to be resolved? Doesn't this place the victim of abuse at further risk of controlling behaviour from there former partner?
- The process of "Shuttling" for relationships where domestic violence has been encountered is questionable, the length of time the process takes is taxing, and again even if an agreement is made during the mediation, it is not enforceable.
- <u>Doctors</u> are often the first point of contact in the case of domestic violence. I believe education for doctors to support women during these times is required. Visiting a GP also presents an opportunity for passing on referrals to support services, local, phone or online, during the consultation.
 - The first time I saw my doctor about the abuse I was concerned my skull had been fractured after being repeatedly punched in the head, I told my doctor what had happened, that my head felt flat in the area where I had been punched, and I experienced headaches consistently for weeks afterwards. The doctor I saw dismissed my concerns, told me skulls were hard to break, I could get an MRI if I really wanted to though. I was not given any advice or support regarding the abuse, I felt belittled and dismissed. This was approximately months before my former husband attempted to stab me. Today, my head is still flattened and I still get headaches over my right eye but I never got the MRI to find out conclusively if it had been fractured, as I felt too dismissed by the experience with that GP.
 - The event above is from years ago, while I do not know if GP's have been given additional education and training in the area of Domestic Abuse since that time, I was concerned when I recently saw an older male doctor on white ribbon day ask a large chested woman if her "I Swear" shirt was written in braille while holding out his hand towards her chest. My concern is with women seeing him as a GP in situations of domestic abuse. Education and Training in this area are essential for GP's.

- Process Servers Also require education and training on serving Family Court documents appropriately. This is a matter that should be private and never in earshot of children.
 - On two separate occasions now I have been served with applications for Family Court in front of my children. On one occasion the process server even joked "their dad going to try and take the kids off you, is he?" My children were traumatised by his complete and utter lack of consideration of his words.
- Family Services was the first support services I contacted after separating. The support I received was incredible, they helped me emotionally and financially, they looked into housing options for me after I received my first eviction notice. Wherever they did not have the resources to help me, they supplied me with a referral so I could obtain help where I needed. I look at Family Services as a valuable model for the holistic care that is often needed by those leaving abusive relationships.
- WRISC Family Violence Support Inc. have been excellent in supporting my ongoing safety and wellbeing. They encouraged my belief in myself, in my coping abilities and resilience, while providing support and encouragement for me in my times of doubt. I value WRISC's recognition of the effects of violence on children, and there services extending to children.

Finally, where has this left my children and myself?

The first couple of years after separation are a blur. I did what I had to do in order to protect my children and myself. I did not have the support, resources or legal understanding behind me to do this well at first. But each year of ongoing Court cases has given me better understanding of the Family Courts, and the legal system I am bound by. I hope this Commission can provide women in the future with the information, knowledge and resources they need, to support them and prevent matters going on for so long.

My children have been traumatised by witnessing their father physically and verbally abuse me, by his neglect of them when he has been too drunk to care for them. Visits at present have Page 16 of 17

ceased until he has addressed his drinking problem, as per our Current Final Orders, although with Court coming, I have no knowledge of what may occur next and how this will affect them, only that I will need to deal with whatever the outcomes are as they arise.

I fear for my children's overall well-being and development. I have read much research on the effects of family violence on children, on brain development, behaviour and their own future relationships. I have finally achieved sole parental responsibility for their mental health, and am doing what I can to support them through these issues, but it is difficult when I have no control over the actions of their father, which is a continued source of distress to them.

As for myself, I was able to "hold it together" until I saw my children traumatised not only by their father, but from there interactions and involvement in the Court process. In when I saw their fear, anger and behavioural changes,

I developed severe anxiety. I have since been diagnosed with Post Traumatic Stress Disorder as a result of the Domestic Abuse both during and after my marriage. I have sought treatment for both the anxiety and PTSD, and manage these effects in my daily life, however they can be triggered by interactions with either my ex-husband or the Courts, as both can produce outcomes that are completely out of my control.

In my most recent series of Court cases I had a car accident in which I fractured my spine. I have to question the timing of the accident and I will always wonder how much these event have impacted on my having the accident.



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Currently he is taking me back to Court to attempt to change those Orders made last year. At the time they were made I was told I could not be taken back to Court again unless he complied with the Orders or there was a significant change of circumstances, neither condition has been met, but I am due to return to Court I was not told everyone had the right to make an application to the Courts, even when there is no legal merit.

I realise much of what I have to say has focused on the Family Court system, this is because I have had to attend Family Court on too many occasions and it has impacted on the lives of my children and myself in significant ways. I understand the system must act within the laws and procedures they currently follow, however I believe these laws and procedures need to be amended to prevent further abuse after the relationship has ended. I believe there must be a cut-off point, after years of going to Court several times a year, I am concerned this attempt at abuse through the use of the Courts will not end.

I do not know how this system can be best changed to support domestic abuse victims, and their children, but I do believe greater focus has to be given to the individual cases at hand. Each situation is unique, and the measures that need to be put in place to ensure the safety of all involved have to reflect that uniqueness, rather than applying standards of law unilaterally. I also consider at some point the Court cases have to end, the stress and impact of the lives effected by continuous litigation costs children and those who have been effected by domestic abuse too much.