

- ***NOTE: I ask that the sections highlighted in blue and in italics be treated as confidential and not be published or quoted in order to protect the identity of my clients. You have my permission to publish or quote from the remainder of the document.***
- I am a survivor of family violence and became a volunteer peer support worker for Western Women's Break the Cycle Program [REDACTED] – providing Court support, advocacy, phone support, accompanying survivors of FV to meetings with Lawyers, Doctors, Schools or Childcare facilities as needed.
- Over time I was given more responsibility and have become the co-facilitator of the CALD (culturally and linguistically diverse) women's support group and have developed 5 trainings that were matched to the women's specific and current needs and were delivered to all 3 support groups.
- Over the 5 years I have done this work, (at times providing Court support to different clients up to 5 times in one week,) it has become clear to me that the cases that go through the Court system are cases where the relationship and communication has completely broken down. Yet mediation is recommended for the majority of FV cases, forcing the women to be in the room in close proximity with the perpetrator and at threat once again. The woman must attend these sessions until she receives a certificate from the FRC (Family Relationship Centre) stating that mediation is not appropriate because FV is involved. Yet the Court enforces these sessions knowing full well that FV was involved and that this would force the woman to be in close proximity to her abuser. The perpetrator knows that the woman has to show up to the sessions and will often lay in wait in the car park either before or after the meeting (even though the times are staggered for the arrival of the man and the woman in order to avoid this issue), putting the woman at further risk, whereas normally she can keep her whereabouts a secret and therefore protect herself and her children.
- [REDACTED]
- [REDACTED]. The result of these decisions is that the only relationship for the children that was safe, trustworthy and pure in its love was with the Mother and that relationship was undermined. Trust is being eroded when the Mother is forced to become complicit in the ongoing abuse by Court orders which demand she hand the child over to the abuser.
- Another issue is that very young children's disclosures of sexual abuse are discounted because they are deemed "too young" to give an accurate, factual report and there is a waiting game until the child is considered old enough by the Court to give credible evidence – in the meantime, the child is groomed to silence by the perpetrator and begins to normalize their experience so that when they are finally old enough to testify, it is way too late. I call this Court-condoned violence or abuse, because the Court is instrumental in the facilitation of ongoing abuse – whether it is intended or not.

- Women – can withhold visitation on only 3 occasions when they have grave concerns for the welfare of the children – usually covering a 6 week period because the visits normally take place fortnightly. The women are so afraid of withholding visitation after that time, even if they still have grave concerns and have evidence to support their concerns, because of the fear that they will lose their children completely if they are seen to be contravening the Court Orders.
- Men - when the men commit multiple breaches of Court Orders, it takes up to 2 years for proceedings in Criminal Court for them to be held accountable by law. It's like punishing a child for misbehaviour 2 years after the event and wondering why it has no effect - plus the child will have forgotten the incident and wonder why he is being punished. Perpetrators are warned by the Magistrates if they breach an IVO it is a criminal offense and they are warned that the consequences will be either jail or massive fines – but when they finally face the Criminal Court they return to being “innocent until proven guilty” – how is that possible when they have already been charged? The system seems contradictory and somewhat impotent and it's not surprising that the perpetrators do not take the threatened consequences seriously because they are not immediate at the time of the crime.
- The Magistrates Court is where FV is readily discussed, but when the matter gets to the Family Court, FV is off the table and the conversation is only about visitation. I find this to be another contradiction because the violence has often been perpetrated against the children as well and/or the children have certainly witnessed or at least heard that violence being perpetrated and yet that violence cannot be addressed in the Family Court. When visitation happens the perpetrator, who has lost his victim, knows he can make his victim suffer by making their children suffer – unfortunately this happens too frequently. The ex of one of my clients did exactly that and was foolish enough to tell that to my client. However it took some time before she could prove the abuse and resolve the issue. In the meantime the child suffered the trauma of ongoing violence and the Mother suffered the helplessness and frustration of having to hand her child over to his abuser.
- When the Police are called to respond to FV at the home, it is the women and children who are more often taken away from their familiar home environment and the man gets to stay. In the case of massive trauma caused by FV, Mothers and their children need something in their lives to remain stable, but when they are forced to leave their homes it's easy for them and especially for the children to perceive that as punishment rather than an act of protection. I understand why the women and children are taken away and taken to a safe facility that is unknown to the perpetrator, but just as the Mother and children might perceive those actions as punishment, the perpetrator might perceive those actions as a reward. It is not surprising when the Mother then decides to go home again, because at least she is returning to a familiar environment amidst massive change and that provides some level of comfort and certainty, even though her actions are considered baffling to Police, Court staff and service providers.

- [REDACTED]

- [REDACTED]
- Intimidation by Lawyers at Court – I have witnessed too many times to count the Lawyers, who are supposed to be acting on behalf of the women, actually intimidating the women and literally threatening them with “you will lose your children” or that they “would be seen as being uncooperative by the Court” and that it would create a bad outcome for them in the future. I have seen many Lawyers pushing the women to accept an undertaking without explaining what it actually means - that it is not worth the paper it is written on and provides the woman with no actual legal protection. [REDACTED]
- [REDACTED]

Recommendations to improve the system:

- Education of service providers, Police and Court staff is needed so that people can become expert and knowledgeable about FV and can provide quality support that matches the survivor’s needs. One of the trainings I developed was “Why women don’t leave and why men don’t change” – which addresses the two key issues that baffle people about FV and explains the mindset behind the actions of both the perpetrator and the victim.
- The creation of handouts and booklets about what is FV, who to go to for help and what to expect, what actions to take if it’s necessary to get an IVO and clearly defining the rights of women in the circumstances of FV – these should be coupled with 3 hour workshops or presentations in Schools and community groups, so that women can make informed decisions in a crisis situation.
- Funding to be provided for research into the effectiveness of the Men’s Behavioural Change (MBC) program, because there are no statistics available at present. One of the program

facilitators of the [REDACTED] MBC program has estimated that the success rate is between 1.5% to 3%. If other MBC programs have similar statistics I would say that the program is not effective and needs a complete overhaul. My suggestion would be to incorporate men who are good role models and mentors (men who have a good, stable and loving marriage,) in the MBC program so that the perpetrators actually have someone that they can compare themselves to so that they can recognize the need for change. At present, the men in the MBC program compare themselves to the worst case in the group and say "I'm not as bad as him so I don't need this" and they don't come back. It is madness for the Courts to recommend that perpetrators attend the MBC program in the belief that it will be a solution, or at the very least an improvement – when the statistics may show the opposite and that the Government is throwing money to the wind when FV is growing bigger every day.

- Funding to be provided for research into the effectiveness of the Respectful Relationships program in Schools throughout NSW and Victoria. The program was introduced in Victoria because the NSW program was "considered successful". If it was genuinely successful, there should be a substantial difference between the behaviour of children in the NSW Schools where the program has been running for around 10 years and the behaviour of children in Victoria where the program is still relatively new. Yet when I asked that question I was told by staff members of 'Partners in Prevention' that there are no statistics available to testify to the effectiveness of the program. We need to be using programs that are tried and tested, with statistics that demonstrate the effectiveness of the programs.
- The Family Court must allow evidence of FV to be introduced when discussing matters of visitation, especially in cases where the violence has been perpetrated against the child/children in the past. Simple parenting classes do not change the mindset of a violent perpetrator.