

Justice Marcia Neave AO  
 Commissioner, Royal Commission into Family Violence  
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19 May 2015

To The Commissioner,

The case of Dani Keogh concerns me, as it does at least 80,000 other ordinary Australians. The latest update is available here:

[https://www.change.org/p/tony-abbott-state-premiers-i-tried-to-flee-my-abuser-fix-these-domestic-violence-law-loopholes-now/u/10492946?tk=L-1LMyhIn-XyNEiDBA0KmLA0\\_EqcoE-847\\_MOYsYSKU&utm\\_source=petition\\_update&utm\\_medium=email](https://www.change.org/p/tony-abbott-state-premiers-i-tried-to-flee-my-abuser-fix-these-domestic-violence-law-loopholes-now/u/10492946?tk=L-1LMyhIn-XyNEiDBA0KmLA0_EqcoE-847_MOYsYSKU&utm_source=petition_update&utm_medium=email)

Dani's requests for amendment to laws regarding domestic violence and enforcement of Apprehended Violence Orders are both reasonable and logical.

i) On the matter of providing Legal Aid priority to the alleged victim over the alleged offender, it is in the Crown's and State's interests that alleged offenders be appropriately prosecuted within the rule of law following due process. Due process requires guilt beyond a reasonable doubt, and therefore it is incumbent on Governments to provide Legal Aid, where required, to both the prosecution and defence on any case. For this reason, it is logical that Legal Aid offices must exist for the Crown and State in prosecution, and also for the defence of the alleged offender. These offices must remain separated to maintain independence and avoid the conflict mentioned in Ms Keogh's case.

ii) On mandatory enforcement of AVOs, it is only logical that such legislation should exist. The fact that an AVO is in place means that there is a real concern that a person might offend and commit a violent crime. If this were not the case, the AVO should not have been granted. That being the case, I agree with Ms. Keogh that mandatory sentencing must exist for proven breaches of an AVO. If not, then in what way is an AVO preventing or deterring a breach of its own conditions? What is the purpose of this device other than to ensure that breaches and violence do not occur?

iii) On the matter of child support, again, once a court has ruled that child support is payable to a parent or guardian, the enforcement of this ruling is of vital importance. The function of law is not merely to provide a selection of a decision. It must also execute that decision. Courts must be granted the power to freeze the relevant funds on an ongoing basis of those who are required to pay child support (or any other form of restitution). Furthermore, courts must then enforce and exercise this power through relevant legal channels.

Several years ago, a national campaign was run under the slogan, "To violence against women, Australia says no". It would seem that Ms. Keogh's case demonstrates two things: firstly, that community attitudes towards domestic violence have some way to go before this issue can be considered anywhere close to a resolution; and secondly, that the laws in this great country and its states and territories are not sufficiently upholding this statement.

Through my affiliation with a local sporting club and its association with White Ribbon, I made the following pledge: "I swear never to commit, excuse or remain silent about violence against women". I take this pledge seriously, and am therefore taking this opportunity to speak out against a case that has captured the attention of many people.

I do not want to see merely a satisfactory conclusion to Ms. Keogh's case. Her family's personal safety, financial health and mental wellbeing are all of paramount importance, and I would dearly like to see these being guaranteed by federal and state governments through their actions. However, this alone would not be enough. To change community attitudes, and achieve the national campaign slogan, the laws must be changed. The perception that an offender can "get away with it" is exactly

what leads to such prevalent and poor community attitudes; the inference that domestic violence is not a serious crime, or does not have serious consequences for the perpetrator.

As the Commissioner for the Royal Commissioner into Family Violence, I implore you to consider these issues as part of your recommendations and to appoint state and federal leaders as champions for change in this country.

I look forward to your response on this matter.

Kind regards,

A black rectangular redaction box covering the signature of the sender.