

I wish to make this submission based upon my own lived experience and that of my children.

I endured many years of domestic violence at the hands of my ex husband who is also the father of my [REDACTED] sons. I was married in [REDACTED] and separated in [REDACTED] [REDACTED]. Upon separation and after obtaining legal advice I obtained an intervention order, which I had to turn up to the Magistrates court in [REDACTED] and initiate. My marriage involved many years of psychological and emotional abuse. The relationship ended with my ex husband writing a suicide note and attempting to leave the house with the children in order to take them to a railway line and kill himself and them so I 'would never see them again'. I was advised that I needed to make an application to the Family court of Australia as my the police would not be able to stop my ex husband from taking the children from the house, despite his previous behaviour and threats of harm to them, as I didn't have a formal custody arrangement in place.

I made the application to the family court. I endured [REDACTED] years and [REDACTED] trials in the family court and was subjected to the worst behaviour by barristers for and against my case, my ex husband and his family members. I believe that my ex husband attempted to control me and 'see' me by pushing the legal case for as long as possible, often refusing to make an agreement in respect to the children. If the children felt unsafe or didn't want to spend time with their father, my ex-husband would apply for a breach of contact orders against me, repeatedly attempting to drag me back to court and have me 'punished' by the court. He made repeated threats to my family members in person and via phone, stating he would not stop until he 'rubbed my face in the dirt'. His family members, particularly his [REDACTED] sisters, would attempt to intimidate and bully me, and at one point, despite being court appointed supervisors, refused to return my children to me inside the [REDACTED] police station. My ex husband had walked into the police station stating that 'if you want your children back you need to come outside and get them'. I was fortunate on this occasion to have a police officer come out to me in the waiting room and ask what was happening. He advised I was not to go outside as 'this was a tactic' used by men to get women out of the view of police during child changeover. The police officer went outside and discovered my ex husbands sisters physically restraining my sons from running back to me.

I have been chased in my car on more than three occasions on the [REDACTED] road, after attempting a changeover at the [REDACTED] restaurant on [REDACTED] road. My ex husband has a large [REDACTED] and attempted to shunt me off the road. On reporting these incidents to the police they advised I should call 000 at the time rather than report it later. I advised that with young children in the car, and trying to drive defensively I couldn't call the police at the time. I would have made at least [REDACTED] reports of breaches of intervention orders over the past [REDACTED] years. All of these reports to police have never been followed through by more than a warning phone call to my ex-husband. A police officer advised me that unless I had a 'bullet in my brain or a knife in my stomach' they would not intervene, even though I had an intervention order. The officer advised that they needed concrete evidence otherwise they risked taking a matter to court and losing it. If they lose the cases of breaches of intervention orders that they take to court the costs come out of the station budget and they can't afford to do it!

I felt that there is a roadblock in the judiciary, where evidence has to be substantial before anything is done about it. There is no long term view, or big picture view taken and past behaviours are not seen to paint a picture or build up a picture in the legal jurisdiction, be it police or courts/judges view. To complicate my situation [REDACTED] of my sons have a disability, namely [REDACTED] disorder.

After an incident whereby the boys were court ordered to spend overnight contact with their father, which ignored all of the previous evidence and threats against the children. The boys were left in the house alone without food or a phone and their father went to a party. He had spilt alcohol on our youngest son before he left for the party. On arriving home my sons were hysterical. My eldest son was in a foetal position and could not speak. My youngest son was extremely angry and told me that he was 'trying to find [REDACTED] in order to [REDACTED] and attract attention to get help as they were so scared'. After hearing this and obtaining legal advice I contacted Child Protection in Victoria. I met with Child protection and they advised that the children needed to have a mobile phone each. They advised that they have no jurisdiction in the family court and although what the boys had experienced was traumatic they only dealt with 'serious' cases of abuse against children and this didn't meet their criteria. They subsequently closed the file.

In my opinion child protection needs greater jurisdiction powers in family court cases and magistrates court cases in respect to intervention orders. My ex husband saw the legal system and police as an extension of the control and punishment that he did and continued to want to inflict upon me. Unfortunately the system supported this notion for him, as in one family court hearing a judge made negative comments about me and stated 'we all know children only tell their mothers what they want to hear', this was after I advised his honour that children on [REDACTED] do not know how to tell a lie.

In my personal opinion, based on [REDACTED] years of experience legal changes need to be made at a Federal level in respect to the Family court and Federal Magistrates courts of Australia. This overarching power disempowers other authorities at a state level such as child protection and magistrates courts, who may attempt to protect women and children from ongoing violence. I was repeatedly advised by my legal team and the family court that my intervention order meant nothing due to it being only a state jurisdiction order. The onus needs to be on protecting women and children from ongoing abuse. Changeovers were the most problematic and the recent reductions in funding for changeover services will only put more women and children at risk of harm.

Also the impact of psychological and emotional abuse needs greater understanding by judges and legal advisers. In my experience I felt that this was laughed off and ignored. I also believe that barristers and lawyers practicing in Victoria need to be legally mandated to report any form of abuse against children or women and held accountable if they don't. I often had to plead my case and repeatedly voiced my concerns to lawyers representing myself and child lawyers appointed by Legal Aid Victoria, again being ignored and being told that I had to let my children 'experience' further incidents of harm in order to attain enough 'evidence'. I was taking a protective stance in trying to avoid further harm to them, however again this was viewed as being obstructive to contact, rather than proactive.

Judges need to be held accountable for the decisions they make that subsequently result in harm to women and children. One barrister recounted a previous client who had suffered abuse at the hands of an alcoholic husband and due to her restricting contact with the children she lost custody of her children. The next day she killed herself by walking out in front of a bus. There was no accountability for women that suffer this form of abuse. There needs to be recognition that men used child custody issues and use children as a way of harming and getting back at their partners. A more proactive and protective stance of children and women, nullifying the ability for men to further control and use child contact and irresponsible behaviour of children whilst on contact with them, needs to be instigated and developed. Until men do not receive a pay off by causing ongoing distress to their ex partner either directly or via the children they share this problem will never be eradicated from our society.