

Submission to the Royal Commission into Family Violence

12 May 2015

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1. INTRODUCTION

I present this submission on behalf of all the women who do not have a voice, who have lost their lives at the hands of their partners, which continues to happen at the rate of more than one woman a week. My story is interwoven with the things that hopefully this Royal Commission will recommend to change.

2. WHY THE CURRENT SYSTEM FAILS

The current system is dysfunctional, because it was designed by politicians and leaders who do not have any knowledge or experience with the trauma and the long term effects of domestic violence, which can last for decades.

Their idea of domestic violence for them is their partner not collecting the letters out of the box. They have absolutely no idea that domestic violence is a war zone, and should be treated equally with terrorism.

The requirement of any successful system is to have experienced personnel giving the major input. Domestic violence should be no different. The system makers should work closely with the surviving victims, who should be the ones having a strong bearing on what changes should be made to the system, and what the penalties for the offenders should be.

3. OUR PM's NEW PREVENTATIVE MEASURES FOR DOMESTIC VIOLENCE

The three solutions that are now being considered by the PM are, 1) promoting a song about domestic violence, 2) writing the offenders' names in a register, and 3) wearing an ankle bracelet. And these things are supposed to **immediately stop the killing of women** in domestic violence situations! Hmm I will just wait a moment til that sinks in...

Right. Considering a man gets only a few years jail for killing a women, this shows how absurd it is, for politicians to put forward these types of solutions. These 'solutions' just will not work; this is similar to painting over rust, to make it go away.

Ref: See paragraph 4 in this link about the penalty for killing a woman.

<http://www.theage.com.au/comment/how-to-end-the-war-on-women-20141205-120ba9.html>

New preventative measures should be in the form of new severe penalties, which are immediately enforceable. No suspended sentences are allowed. Penalties apply to the instigator, the court and those centres in charge of protecting the victims, if they are also guilty of abuse or misconduct.

4. THE NEW PENALTIES FOR THE OFFENDERS

The victims suggest the penalties, which will then be considered by a panel, who then recommended them to the court.

The victim is the only one who knows the instigator better than anyone, and they know what the most severe punishment would be. In the event where the victim does not survive, then the instigator is jailed for life, and this really does mean life, with no parole, ever. They die in prison.

The \$30million that Tony Abbott is investing into domestic violence could be well spent tackling the worst instigators of domestic violence, which are outlined below.

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5. THE TWO WORST INSTIGATORS OF DOMESTIC VIOLENCE IN AUSTRALIA

These are No. 1 the Australian Court and No. 2 the organisations and departments that are supposed to be there to support the victims, but end up supporting the instigators instead.

Because there are no tough laws, that gives the green light for men to keep killing women. They know they'll only get a slap on the wrist, a few years in jail and they're free again.

6. THE INJUSTICE OF THE CRUEL, FOOLISH AND BUMBLING COURT SYSTEM or "THE ROT STARTS AT THE TOP".

If someone is admitted to the Emergency Section of a hospital, one doesn't expect the patient to run a marathon upon arrival, but this is **exactly** what is expected in court, from a victim of domestic violence. Far more intimidation, stress, pressure and financial loss occurs to the victim by the court, whilst attempting to get justice, than it ever happens at the hands of the initial instigator of the domestic violence. The judicial system we have in place, at best, is draconian, written by men for men.

a) The Number 1 Worst Offence by the Court: Judges In Love with the False Intervention Order.

The following incident was the cause of my current on-going PTSD Post Traumatic Stress Disorder, severe social anxiety and depression.

My Story

In [REDACTED], my [REDACTED] daughters were [REDACTED]. At that time, I took my eldest daughter interstate to see my mother [REDACTED] for a few weeks, as she [REDACTED] and needed a break. We took one suitcase of holiday things between us. After we left, the husband changed the lock on the front door and cancelled my credit card, so we had no money for our holiday. He then went to court, and lied in an Affidavit saying that we'd already been separated for a year, and that I came visit the home, and was violent towards the children.

Made Homeless on False Intervention Order

The judge, without investigating the truth of the matter, took his word for it, and passed an interim order against me, despite me not even being there. So on returning to Melbourne from our short holiday break, not knowing this had happened, both my daughter and I were instantly made homeless, with only one suitcase of things that we took on holidays with us.

Despite my daughter's name not being on the order, she was frightened of the father, so she stayed with me. I had no money and no employment, as I was a housewife. I did not understand anything about the court, or why I couldn't go home. I had never been abusive to my children, and the more I had to deal with the court, the more stress it created, until I had ongoing anxiety attacks and post traumatic stress episodes. I cried and worried all the time about my youngest daughter, being in the "care" of the instigator husband, and I couldn't understand why the court did not help me in any way, but was instead helping the instigator, and they made me feel like a criminal. I cried every day, and no-one could console me.

Traumatised by Court Appearances

They ordered me to appear in court over and over again with no outcomes. It was like a horrific nightmare that didn't end. I was already severely traumatised for not being allowed to go home. The husband that I thought, loved us all, had turned into a monster. I couldn't cope, as I was constantly worried about my other daughter who was with him. All of our belongings were still in the house, identification, medicine, clothes everything. I missed my pets. The police said that they would accompany me to get some of my things, but I told them I will not be treated like a common criminal, because I've done nothing wrong, so I did not go back. I always trusted my husband with

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the finances, and I had no idea that he was going to betray me and the children. In the court, I was mostly in shock, and I didn't understand what was going on and was never allowed to speak.

The First One who files an Order, gets the power

The court clerk said that the person who gets in first and files the first Intervention Order, has all the power, despite if the details written are true or not. This is just part of the court's corrupt "justice" system. I asked how can the court allow these false intervention orders? What about perjury, lying to the court? He said perjury is so hard and expensive to prove, no-one ever bothers with it. This practice of the court encourages the instigators to lie, and so dragging the process on.

The clerk also said, about those who lie, that the court "gets to know who they are, after a while". But, in the meantime, innocent people are getting dragged into court over and over again. The ones who can speak up about the False Court Intervention Orders, are the Judges and staff of the court. However they don't seek to change the law, because this is their income, and without the court being packed like a football stadium every day, they wouldn't have a job. These constant useless appearances by people through False Court Intervention Orders, make the court into a highly profitable business enterprise.

No Experience With Court

None of my family or I have had any previous experience whatsoever with any court processes. In fact, all of us believed that one is innocent, until proven guilty, but this clearly isn't the case in Victoria. The court was packed every day, like some crowded business. They made people keep coming back needlessly, over and over again, until people are drained of their finances. Maybe they get mixed up and think the court is the Crown Casino. Justice is simply **not** on the agenda, The judges are above the law, and cannot be faulted. This court process has affected my life to the degree that I have never fully recovered.

No Belongings ever returned to me after an [REDACTED] year marriage

Still now, nearly [REDACTED] years later, there has been absolutely no justice, and not even my belongings have been returned to me, after that holiday in [REDACTED], courtesy of the Court. I have lost all of my Superannuation trying to defend myself in the corrupt court system, and now suffer the ongoing depression, PTSD and severe social anxiety, which prevents me from gaining useful employment.

No Apology from the Court for their Errors

To this day, I still do not understand how a judge has the authority to pass an order, even on the interim, without hearing the other side, especially if it is a man who is instigating the accusations, since it is common knowledge that women are usually the victims of domestic violence. The judges see these cases every day, and also get paid a large salary. They should have a good idea of the appropriate decisions to take. No apology was ever given to me by the court, and I have lost everything and was given no justice because of their error.

b) Second Major Offence by the Court:

Court Folds Letter Of Domestic Violence and Uses it as a Paper Plane.

Well, not quite, but they may as well have. At the court, I presented a letter from my doctor's counsellor which reported that I was suffering severe passive aggressive domestic violence, at the hand of my husband. The letter was dated [REDACTED] months prior to the instigator husband filing the false Intervention Order against me. I had attended [REDACTED] sessions with the counsellor, as I was a nervous wreck at the time.

I knew that this letter, would prove conclusively that the instigator husband made a False Intervention Order claim, which would reveal him to be the instigator, and not the victim, as he was

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pretending. I felt confident and relieved that the whole issue was shortly going to be resolved, as at that time, I still had trust in the Australian courts, that justice would prevail.

Passive Aggressive Domestic Violence

My counsellor also told me that the type of violence that I'd suffered, "passive aggressive", is the worst form of domestic abuse, because it destroys your self confidence, and erodes your dignity and identity as a person. In other words, the instigator manipulates the victim into thinking she's worthless. At the time I trusted the judge, since he was seeing cases like this every day.

Ignores Domestic Violence Letter

However, instead of taking serious note of this letter, his exact words were, " This just shows you've got problems". This made me go into more shock, and made me think that I was living in some Third World country with no laws, which treated women like cattle or sheep.

The average wage of a judge / magistrate is around \$300- 400,000 pa. That day, the magistrate earned \$1,000 to dismiss a critical piece of evidence, courtesy of you and me, the Australian Taxpayers.

Women are dying every week through domestic abuse, and the judges are paid to dismiss critical evidence and end up supporting the instigators. They should carefully consider every piece of evidence which shows the innocence of the woman, because I was already in a state of shock and anxiety through the domestic violence and then was in a worse state after, by the court.

7. THE SOLUTION TO PREVENT DOMESTIC VIOLENCE

a) NO LONGER are the Judges and Magistrates untouchable. They should now be made accountable for all errors of judgment by immediate penalties imposed upon them, in the way of hefty fines **which are payable to the victim**, suspensions, loss of wages and being reported in the press. The fines will be calculated as a percentage of the judge's overall salary and not as a flat monetary figure.

A new position called **the Judge Watchdog**, is to be created for this purpose, to watch out for and expose these errors. This officer sits in the court, and keeps a careful watch on the judge's decisions, and may investigate any wrongdoings, past or present. This officer will be rewarded with commissions on all the errors that they find, the bigger the mistake, the more commission. The very presence of this new Judge Watchdog Officer, will keep the judges on their toes to be very careful with their decisions.

b) Privacy Law needs serious overhaul.

Australia is **not** America. The Privacy Law should be to protect our citizens, not to control them, and to encourage domestic violence more, which is exactly what it is doing now.

Too many times you are denied critical information because of that **STUPID** privacy law. Please read 9 a) for explanation.

8. PM Injects \$1.08 billion into terrorism.

Terrorism = Domestic Violence

(See 4th paragraph down in this link).

<http://www.theguardian.com/australia-news/2015/may/12/budget-2015-government-allocates-450m-for-security-and-counter-terrorism>

The PM, with this money, can afford to employ private investigators, to determine who is the real victim and who is the real instigator of the domestic violence, because many times **the instigator pretends to be the victim** in the court and gets away with it. Then the victim continues to be punished, sometimes for years afterwards.

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9. ORGANISATIONS WHICH SUPPORT THE INSTIGATORS OF DOMESTIC VIOLENCE

a) Police Department

When the instigator husband could no longer obtain any more Child Support money from me, he locked out my youngest daughter from the family home, right after her [REDACTED] birthday. She was also shocked like me, and she called the police, but they said that they could do nothing, because the father owned the house, and she was now an adult of [REDACTED] years. My daughter asked the police for my address, because the husband kept this from her. The police did not disclose this information to her either. She was alone and locked out of the home with nothing. It was cold and 11pm, late at night. The police officers could have helped, but they chose rather to quote the now infamous privacy law, and drove away, leaving her alone and cold, to sleep in her car.

What the police should have done

The police should have immediately checked their computer records. If they did that, they would have found that I came in personally to the police station, around [REDACTED] and made an official statement to them, to the effect that I was under severe domestic violence at the husband's hand.

By not checking their records and contacting me, they put my daughter at severe risk, as she was now also suffering domestic violence at his hand, and she had no money nor place to stay. At the very least, they should have called me, but they chose not to.

When I reported the domestic violence at the police station, there were many posters, saying "Domestic Violence, We say NO!". They should've read "We say YES!", as it would've been more accurate.

b) No Help From Mediation Centre

Here is another service which supports the instigator. I was so worried about my youngest daughter's welfare, a lawyer told me that the best way to communicate with her, was through a Mediation Centre. These people are supposed to be experienced professionals, and know the tricks of the instigators of domestic violence.

I went and talked to them personally, and initially, they were very helpful. However, after contacting the husband and receiving communications from him about how horrible I was supposed to be, they believed him over me, then they changed their attitude. They were no longer friendly, and I felt intimidated and unsupported. They are only gatherers of information and they did nothing to help me. They only made the situation worse.

c) Child Support, Court, Customs Department, Centrelink and the ATO.

Seven months into the court's saga of sittings, we still shockingly had no belongings returned to us from the court, after returning from our holiday. Just after my eldest daughter who was with me, turned [REDACTED], the husband then filed a Child Support claim against me for my younger daughter, who was still under 18, and still under his control, living in the family home.

The condition of the Child Support money, was that my daughter remained in school. However, he took her out of school, went overseas, where he gained employment for her, whilst I was still paying the Child Support money, thinking she was at school, here in Australia. Although this was clearly an offence, the court and no government department ever intervened. This inaction encourages people to break the law.

The husband also deceived the **Child Support Agency** and the **ATO** about his annual salary, stating only \$[REDACTED] Gross, when the house mortgage alone was \$[REDACTED]. When I enquired at the Child

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Support Agency about this, they told me to sue him in a court, because they weren't interested or responsible.

Another occasion, when my husband went overseas, he left my underage daughter alone in the home for a lengthy period. I was not notified by any official department. If the **Court** communicated with the **Customs Department**, they would've known that my daughter didn't leave the country with him.

None of these government departments effectively communicate with each other to protect us. Everyone keeps hiding behind that **STUPID** Privacy Law, which did nothing to protect me. but only victimised and traumatised me even further.

Centrelink were also extremely unsupportive and unprofessional. At the time, I called them to tell them I was currently made homeless, but all they did was immediately stop the Child Allowance money, I was receiving once they found out that I wasn't living at the house with my younger daughter, which was the only money I received. They later sent me three wrongly calculated bills, which said I owed the Department around \$██████, which letters were automatically generated in error.

There are other agencies which failed also including the EDVOS, the Eastern Domestic Outreach Service and Legal Aid.

10. CONCLUSION

All the false orders were eventually withdrawn, and I filed and received my divorce, but the property settlement still drags on. ████████ daughters reside with me now in a small rental house. The husband still lives in the four bedroom family house, with my name still on the title, with everything, and we are still without all of our belongings, nearly ████████ years later, after simply going on a few weeks holiday in ████████.

That's why I say, the perpetrator puts the knife in your back, but it is the court that twists the knife and does the most damage. If you could pull the knife out straight away, it would heal, but the court doesn't pull the knife out. They lengthen everything out, as long as possible, like a business enterprise, which traumatised the victim even further. This is why the judges should be made immediately accountable, because this story can repeat itself to anyone of us in Australia, courtesy of the False Intervention Orders, which apparently have been the courts' "bread and butter" for a very long time.

11. RECOMMENDATIONS

No song, poster, ankle bracelet, name register, or any other stupid weak idea is going to stop men killing women in domestic violence situations.

12. REFERENCES

PM thinks a Domestic Violence song is a great idea.

<http://www.heraldsun.com.au/news/victoria/prime-minister-tony-abbott-backs-stars-anthem-rejecting-domestic-violence/story-fni0fit3-1227355462794>