

SUBMISSION TO THE ROYAL COMMISSION INTO FAMILY VIOLENCE

19/5/2015

Thank you for accepting this submission to the Royal Commission into Family Violence. As background, my exposure to this has been in the support of my ■ year old daughter who, for the last ■ years has been , and still is, experiencing a regime of continuous harassment. Whilst the harassment has not translated to physical violence, the outcomes have been a deterioration in her mental health, placement in a physically hard, low paid and insecure job with limited hours. This in conjunction with vastly inadequate financial support for her sons aged ■ and ■ from their father.

This, in turn, has had a flow on effect to myself as I have become the chief financial provider for the family at a cost of approximately \$ ■ per year for housing, car expenses, and top up funds to cover extraneous costs for school (laptop, uniforms, excursion and camp costs). This in turn has eroded my own funds and at age ■ I am still working to continue providing this support and expect to become somewhat reliant on the pension at a cost to the taxpayer that should ordinarily not occur. However, as an extended close family, we believe it necessary to minimise for the taxpayer the potential cost of support for this family (currently nil).

This is however, neither reasonable nor sustainable. The system needs an overhaul. The perpetrators of family violence should be made to support their children and be restrained from harassment in all forms in order that these families may conduct their lives in relative peace.

I have responded below within the framework of the questions asked that are relevant to our circumstances and would be happy to provide further information on request. I am contactable at the number and email provided in the cover letter.

Q1. OTHER GOALS:

I suggest the addition of very specific goals rather than the loosely worded goals here, to wit:

- Provide better and stronger mechanisms to enable the provision of appropriate and accurately assessed financial support for children to ensure adequate housing, nutrition, education and healthcare are provided.
- Provide for better integration of legal and agency services targeted specifically at families subjected to family violence.

Q3.IMPROVED RESPONSE:

I acknowledge the efforts of the various agencies entrusted with action arising from issues of family violence. Of particular interest are the demonstration projects encouraging multi agency co-operation. Unfortunately this does not yet appear to translate to anything tangible for victims of harassment faced with, for example, unsubstantiated reports to multi agencies such as CSA, DHS, the ATO and Victoria Police.

Q6. CIRCUMSTANCES ASSOCIATED WITH OCCURRENCE / PERSISTENCE OF FV.

The experience of our wider family in supporting a family member over the last ■ years, has been that: If you are unfortunate enough to be in a relationship where a perpetrator has been married

with children prior, and has been through the divorce and subsequent outcomes before, a victim is far more likely to be exposed to:

Harassment on/in multiple fronts / forms of media communications, malicious and inaccurate accusations made to CSA, DHS, ATO and Police. The engagement of Private Investigators to 'watch' the victim for no apparent gain or purpose other than to frighten. Withholding financial support. A veteran of the 'system' can if he chooses, mount a campaign across multiple fronts knowing that agencies and Police invariably MUST investigate complaints and allegations.

The resultant impacts on the victim cannot be underestimated including:

- visits from Police
- calls from the ATO as a result of an accusation such as the victim is 'working cash in hand'
- calls and letters from CSA and DHS investigating complaints and accusations such as the victim is 'working cash in hand' and the children are not being cared for appropriately
- notices of a requirement to attend court
- solicitors letters making accusations / allegations that require response
- watching for unknown cars in proximity of your residence after receiving text messages advising "You are being watched – I know what you are doing" in complete breach of the AVO
- watching your own children exhibiting signs of stress as a result of seeing their mothers nerves and 'battle ready' state of mind

I note for the record that not a single allegation / accusation was found to be true. In some instances the lie was so blatant, investigators said themselves that they doubted the truth of what was being told to them.

As a result the victim exists effectively within a war zone, fighting daily battles on multiple fronts started by a perpetrator experienced in the war and with a strategy designed to wear down the opponent often with no particular gain in sight other than to maintain control and cause emotional stress and financial hardship. The agencies seem to have no forum to recognise and manage somebody as a vexatious 'reporter' on finding accusations are baseless. Rather the onus is on the victim to continue to provide a defense.

Abusive texts and emails sent to members of the wider family including, as they got older, the children themselves.

Hundreds of breaches of AVOs with the victim required to attend the Police station to report each instance. During a period In this case, one of the children was, at that time living with his father, which forced a decision to do nothing for fear of the impacts on him in particular. The constant barrage of breaches in the form of threats and intimidatory messages turned the victim into an emotional wreck jumping at the sound of the text message advisory note. The phone is the only agreed form of communications about access to the children and can't be 'turned off' as various people have suggested.

Non-compliance with access orders often changing pickup or drop off arrangements at the last minute or cancelling arranged holiday access altogether. No discussion just directives. The victims only recourse is, yet again, legal representation and attendance at court for non-compliance. 'It's easier to 'just give in and do as he wants' is a common phrase, It stops him getting 'too angry'.

Under declaration of income in order to avoid child support payments, particularly if the perpetrator has a company. In this instance there are multiple opportunities to reduce income down to nominal levels to minimise child support whilst living a lifestyle totally disparate to declared income. The example I use is this over just a [REDACTED] year stretch:

- A declared income to CSA of \$[REDACTED] per annum - \$[REDACTED] child support was paid on one memorable occasion for a month.
- Expensive house in a beachside location purchased albeit with a high mortgage of an estimated \$[REDACTED] monthly. Plainly unsupportable on \$[REDACTED] gross.
- A new \$[REDACTED] car, A new [REDACTED], a [REDACTED] wedding, a [REDACTED] in [REDACTED], extensive renovations [REDACTED] of the new house [REDACTED].
- The employment of expensive legal resources to bring matters before a court. Even when the court finds in the victims favour, the need for responses, attendance and employment of legal resources is an enormous cost for victims ill equipped for such responses. This can be exacerbated by the litigator failing at the last minute to attend with 'reasonable excuses' put forward as to why this is the case, e.g. Ill (with the requisite doctors certificates). In this case the victim has already taken the time off, engaged a solicitor or in the worst case a barrister at the cost of \$[REDACTED] per half day only to repeat the performance at the next scheduled hearing.

Q8. GAPS IN RESPONSES.

The main response gap in my view is of a strategic nature with no single advisory body to help the victim to navigate a path through the minefield. There is conflicting information across agencies and a lack of clarity in regard to entitlements and how to get access to them .

The response times are often in themselves a source of great stress, on a phone for lengthy periods, only to be cut off before you speak to somebody, then to be told it's the wrong department or the wrong agency as in: "You need CSA for that not DHS, you need the police for that, you will need to see your own legal representative for that, you will need to attend the court for that (and I might add that is not ONE visit as in for example the case of lodging AVOs , it is 3, register the first time, a mention the second , then the actual hearing on the third, often cancelled at the last minute by the other party failing to appear).

The other common agency promise is they will 'send you the forms', sometimes arriving , sometimes not.

The loss of forms submitted to agencies seems endemic with the example of two sets of forms for rental assistance going missing. Follow up progress enquiries elicit the information that the claim can't be processed until her tax return (for a year she only had Newstart payments) is filed. By the

time the painfully elicited advice is acted upon she is advised she is not eligible due to the time elapsed since the rent was paid.

The onerous requirements of organisations such as Newstart are completely out of touch with victims of family violence, women with school age children expected to apply for multiple jobs per payment period using systems they invariably don't have access to, for jobs they are never going to get in locations they couldn't afford to get to even if they did get the job. There is absolutely no understanding of the lot of an FV victim. They are just 'another welfare recipient', humiliated and defeated.

In itself, the very need to access agencies and services triggers flow on effects for the family. For example:

The need to attend, get online to, or telephone multiple agencies such as Newstart, CSA, DHS, Police, Solicitors, Court. This contributes greatly to limiting employment opportunities given the need to work around school hours (due to the high cost of child care). This is a double edged sword in that victims are more likely to wind up, despite their skills, in lower paid, casual work with precarious security. Companies providing casual work are far more likely to be intolerant of an employees need to access agencies and legal services during working hours or look kindly on extended phone calls during working hours. They can always get another low skills 'casual'.

Q9. INTEGRATION AND CO-ORDINATION

There is no consolidated picture of a family's circumstances or the abuse to which they have been subjected. A victim must deal separately with multiple agencies with little guidance to ensure access to the right support network. For example and not conclusive:

Support for the children	Father / CSA
Financial support for Mother (Rentals assistance, Living costs)	Newstart, CSA, Other agencies ?
Breaches of AVOs / Harassment	Police, Courts
Care of the children	DHS, Police, Courts
Child Access, AVOs, Financial Settlements	Solicitors, Barristers, Courts

Likewise there is no composite picture of the perpetrators actions and behaviours and even if there were, nobody to call a halt unless, I assume a civil action could be brought to demonstrate a chain of behaviour that is punishable or can be stopped, under law.

Q 10. PRACTICAL CHANGES:

I have been in the IT industry for many years and recognise the difficulty of what I am suggesting, however, I believe that if we were able to provide a total picture of instances of family violence with the related systems to record, monitor, warn and ultimately punish perpetrators, there would be a resultant downturn in offences and better outcomes for victims.

I would propose a categorisation / assessment system for victims of family violence based on points attributed to behaviours the victim has been subjected to, in generating a score that defines the level of management and support that might be required or appropriate, for example :

Physical Violence has been experienced

Where AVO(s) have been awarded or are still in place during period

Breaches of AVOs have occurred during assessment period

Child support withheld or changed during the period

Unfounded accusations made to agencies / police – record of accusation and outcomes

Provide case workers to victims based on the categorisation system to manage a composite picture of family circumstances and instances of abuse. The case worker is to provide advice to the client on the correct approach and agency to be approached for support and assistance. Provide advice and support on the various services available and the processes to obtain them. The Case worker should be enabled to recommend services for mental health or physical health issues resulting from stress.

Conduct regular holistic reviews of the client file perhaps triggered by the addition of a new 'event'

Embed the categorisation system within all the agencies with associated responses more adapted to victims of family violence to make support easier to access. Develop targeted rapid response, financial and legal support services for victims of family violence. Families need to be treated as families that may have lived perfectly ordinary middle class lives before they came under stress. They should not be disadvantaged or treated as welfare cases.

Establish a monitoring service for perpetrators of family violence with the scope to issue evidence based warnings/ consequential advice and ultimately bring or trigger proceedings to address issues quickly.

Enable the ATO to have a more holistic view of a perpetrators circumstances, especially where companies are involved. Knowledge of a taxpayers marital circumstances and indicators of support avoidance could be easily detected. Sudden drops in income allied to a change in marital status for example.

Develop an assessment system to match lifestyle to declared income and integrate to company records. Legislate and enforce declaration of monies taken from companies and used for lifestyle but masquerading as loans from the company to the taxpayer. This could include a requirement to pay back 'loans' from a company in the same way any other loan would be paid. Loans should not be serviced by personally owned companies to avoid tax payments and child support costs

Enable child support via the ATO in the form of deductions rather than CSA. Make this a dynamic calculation rather than the 'in arrears' process now I understand based on income from a year already gone. Force the routing of any tax returns through an assessment process so that it can be used for arrears in child support if appropriate.

Q 14. THE FAILURE OF CURRENT PROCESSES TO CHANGE BEHAVIOUR

The processes in place to bring an angry man to behavioural change are far too difficult to engage. Using AVO breaches as an example, the onus is on the victim to report breaches to Police attending at a Police station, downloading prior, as evidence, text messages and emails. Statements are made and after 'a number of breaches' it is the judgement of the Sergeant as to the number of breaches necessary before it goes to court for attention. Imagine doing this every night during a bad harassment period, or every week or even every month. It all gets too hard. I have noted a perpetrator commit to a judge on [REDACTED] occasions, his understanding of the AVO and what it means and what he can / cannot do. In each case the ink was hardly dry on the paper before the breaches recommenced.

He is absolutely confident and rightly so, that the complaint / reporting process is simply too hard to catch him out and all he needs to do to reduce his risk is downgrade his campaign for a short period to lull his victim into the 'thank god it's all over' mindset.

I would recommend that breach instances against AVOs should be tabled to courts when new AVO requests are filed.

Yours sincerely,

[REDACTED]