

Royal Commission into Family Violence Submission

My name is [REDACTED]

Since [REDACTED], I have been privileged to be actively engaged with various individuals regarding the family violence system and driving systemic reform. The individuals who have taken time to hear my insights on the current system and the opportunities for improvements have included both the previous and current Governments. Currently, I have been engaged on the issue of family violence with the Premier's office, the Honorable Attorney General's Department, various Police Commissioners, the Sex Discrimination Commissioner and with the Lord Mayor of Melbourne.

After my manifestly inadequate County Court outcome regarding a final extreme violent assault I suffered in [REDACTED] from my now ex-husband, I wrote a personal letter to the then Attorney General regarding my experiences (a copy of the letter is attached). I was grateful to be invited to meet face to face with the Honorable Attorney General Robert Clark and his advisors regarding my matter.

I had the opportunity to speak to Attorney General around the systems failures, the perceptions and suggested improvements. Through this process I was successful in contributing to the development of bills from my work and was pleased to see these transform into legislation. The legislation that I was able to contribute towards included:

- police to issue family violence safety notices (FSVNs) to protect victims 24 hours a day, 7 days a week, instead of only outside of 9am to 5pm weekdays
- allow interim intervention orders to become final orders without need for a further hearing, if both the court and victim consider it appropriate and the respondent doesn't wish to contest the order
- lift current bans on the reporting of family violence intervention orders when reporting charges and convictions for breaches of such orders, so that adult victims can choose to speak out. Allowing adult victims to publish or authorise the media to publish the existence of a family violence safety notice or intervention order together with the identity of any offender who has been charged with or convicted of contravening the notice or order and the identity of the adult victim

I continue to be engaged with the current Attorney Generals' department on family violence improvements.

Previous Chief Police Commissioner Ken Lay and his team deemed my case as a significant failing of the system, whereby he delivered his address to the International Criminal Law Conference on 9th October 2014, using this forum to highlight various aspects of his push for reform within the broader justice system from my personal lived experience. He spoke of the realities I had discussed with his family violence and sexual crime command team regarding family violence, including the types of abuse involved, types of injuries suffered and the impact on children and the suffering of this ongoing. Further, the response by the justice system to my experience and how it left me living in fear.

I have partnered the Victoria Police as required in assisting on the below areas with the Sexual and Family Violence Crime Command:

- Identifying deficiencies and positive actions which can lead into internal policy reforms
- Working with Police Prosecution to review their practices around family violence and in particular victim support, advice and guidance
- Examination of the legal implications of social media and the potential need for legislative remedy. Commencing discussions with America/Australia facebook in respect to content removal found in breach and investigating potential means of speeding up information exchanges where breaches are alleged
- Feeding into member awareness and training
- Assisting in training programs and development
- The development of a regular survivor forum where the family violence sector could hear the experiences, good and bad, with the hope of improving the system for those it affects most
- Sitting on Victoria Police committee meetings to inform and guide practice

[REDACTED]

[REDACTED]

I dedicate a great deal of time in educating and empowering other women suffering from violence or whom are in an unsafe environment by sharing my lived experience and my journey. I also present on my journey through the legal system and offer support and education on presenting an account of what they can expect, highlighting their rights and further what I found helpful or unhelpful. I have offered de-briefing support to women and children as required. I will be supporting development of survivor advocate reference groups.

As well as being a survivor of domestic and family violence, I have over [REDACTED] years experience as a [REDACTED] [REDACTED] and experience in [REDACTED] which has assisted me in facilitating change and also highlighting that family violence can happen to anybody. I am also [REDACTED] trained to deliver the correct and key messages regarding family violence.

[REDACTED]

[REDACTED] I have attempted to shine a light on the injustices faced in the legal system and have raised some pertinent issues for the Sentencing Advisory Council about the current failings.

I hope to be able to be considered to be an appropriate voice to be represented in the Royal Commission process, as I feel I can make a difference in shaping the future direction of family violence and can effectively highlight the entirety of the systems failures whilst providing practical solutions in moving forward and rectifying issues.

I am passionate to contribute to creating a system that works a whole, both reliably and consistently. I hope that the Royal Commission may consider my ability to influence the process, being uniquely positioned to bring about important context from my lived experience and further from my previous [REDACTED] years of dedication and achievements.

I was delighted with the announcement of the Royal Commission into Family Violence and relieved that this national emergency will finally be given the attention it deserves. I would be privileged and pleased to be a witness in any hearing the Royal Commission holds, whereby my lived experience and developments in the arena may be of assistance to you.

Yours Sincerely

[REDACTED]

[REDACTED]

Below I have stipulated the areas in which I feel from my lived experience that is in critical need of addressing pertaining to family violence to ensure we have the most reliable and consistent system. I will be highlighting issues that I feel will assist in learning of better policing practices and education within family violence in moving forward and ensuring victims feel safe, protected, supported and that victims gain justice.

Victorian Policing Matters:

1. Charges:

There is a lack of charges being placed and a lack of charges relevant to the crime. In my personal matter, the correct charges were not placed and nor were they sufficient. After having been indecently assaulted and disclosed this in my police interview and statement, the police failed to add this charge. I was placed in a position whereby I was required to call the Centre Against Sexual Assault to define that the sexual assault I endured had constituted a charge and they were horrified. Upon recontacting my police informant and defining this, the charge was then added.

I was significantly disappointed that the charges in my case did not accurately reflect the aggravating and intentional factors and I found many charges were disregarded. [REDACTED]

[REDACTED] I feel if these areas of the assault were accurately understood, the charges would have been additional and further held a higher seriousness such as 'Intentionally Cause Serious Injury' instead of 'Recklessly Cause Serious Injury', along with the lethality imposed and entrapment etc..

Further, I had to endure the experience of having my police prosecutor, a week prior my court hearing speak with me in a closed room in an attempt to reduce the higher charge, stating to me that it was 'unlikely we would be successful in gaining the higher charge as I did not suffer any broken bones so perhaps we should drop it'. I was highly disappointed and felt as though I must follow her instruction as she was the 'expert'. However thankfully I was able to somehow be my own advocate and say that I wanted to pursue the higher charge of Recklessly Cause Serious Injury, which in fact we did achieve, with the perpetrator being found guilty twice of this higher charge in two separate court hearings.

In my case the charge of Indecent Assault was not upheld, with the Magistrate stating to my horror [REDACTED] "even though the court heard in evidence that my ex-husband had [REDACTED] photographic evidence of finger marks bruising to [REDACTED] was evident from being held down on a bed whilst he berated me with obscene indecent verbal assaults, sexually orientated. It was concerning that my prosecution team never appealed this outcome within the timeframe they had to explore this as an option.

I have grave concerns for the lack of recognition for charges being place for children of family violence crimes. No charges were able to be placed for my daughter even though she was deemed a primary victim of the crime as she was not at an age whereby she could provide evidence. My daughter may not have been of an age whereby she could articulate her story, but this did not mean she was not affected by her early exposure to family violence and this particular assault whereby her life was also in threat on the evening [REDACTED] The perpetrator was founded guilty on both violent actions toward my daughter in both court hearings yet no charges pertained to this. Children's rights need to become a greater prioritisations and the recognition that family violence commences from utero. I feel new legislation would be paramount to ensure children that are not of an age to provide evidence are still accounted for and recognised in these hideous crimes.

Suggested Improvements:

To increase education on family violence for all uniform police members and police prosecution, to undertake sufficient training in family violence to better understand the link between family violent crimes and charges that may pertain and hold relevance to such cases, understanding charges that can and may be related.

Experience levels of police informants and their ability to manage cases is paramount. Family violence cases may at times need to be managed at a detective level to ensure it receives the dedication and expertise it deserves.

Resourcing may currently be an issue, however further recruiting and experience level needs to be established to ensure cases are managed professionally.

All possible charges pertaining to case should be placed and explored; they should be given an opportunity for a Magistrate/Judge to consider all possibilities regardless of police knowing if they will 'stand up'. All charges must be run past a senior sergeant, this would avoid charges being overlooked and ensure all appropriate charges are represented.

2. Breaches

Initially a Complaint and Warrant Intervention Order was taken out by police for 1 year on behalf of myself and my daughter, as I was too fearful to seek one. I currently now have a 5 year Intervention Order.

Within █ weeks of the initial intervention order, the perpetrator commenced breaching the order. I was horrified to have been instructed by my local police when reporting the first breach, to wait and have them 'build up'. This is highly dangerous practice for uniform police to engage in and it holds significant consequences, they are running the risk of escalating assaults or even facing the potential for a victim to be killed. It also runs the risk of victims ceasing reporting breaches as they have lost confidence and this also may result in further endangering lives or result in death.

I was highly concerned that the breaches I reported were minimised and reduced. Initially 20 plus breaches existed, however these were reduced for court purposes to only 8, and then by the actual court hearing day they were reduced to 6. I was stood in the hallway by my prosecutor and had her suggested to me to dismiss a couple of breaches, as the perpetrator was not going to plead guilty to some, one breach which was of the seriousness of attending my residence.

Again only due to my ability to be an advocate for myself I proceeded against this suggestion and the result was successful with the perpetrator pleading guilty to all 6 breach charges. I should never have had to endure this conversation. My perpetrator received only 2 months imprisonment initially for 6 breaches to my intervention order and then in the higher court this was reduced to serve merely 50 hours of community service for the 6 breaches.

I have major concerns that when reporting breaches they are immediately dismissed by police and no statement is taken as they tell you as a victim that in reality they know that it is a too slighter breach and would not 'hold up'. It begs the question then as to why conditions on an intervention order are placed only to not be upheld by a magistrate. It is saddening that the police have experienced so many dismissed breaches by a magistrate that they do not now even proceed to take them to a court hearing.

My intervention order- conditions including 1 (further committing family violence) and 3 (keep the protected person under surveillance) and 4 (multimedia published communication) were contravened and even with supplying the evidence for this, the Family Violence & Sexual Crime Command strongly advised me not to pursue these breaches as even with the evidence we had it would not be upheld in a court by a magistrates and they did not wish to re-traumatise me having to provide evidence and have to confront my perpetrator knowing I would not be successful and that the perpetrator would perceive this as another win.

Suggested Improvements:

Police need further education and experience levels must be greater when managing breaches. All victims must report breaches as they arise and be supported and encouraged to do so, no matter how minor. Police need to be educated on patterns of breaches and relate this to an increased risk for the victim. Police need to ensure that all breaches are actioned and presented to court if the victim is wishing to pursue them and comfortable to attend to provide the require evidence and is supported with options to do this safely. Police need to approach the reporting of breaches as serious and not appearing as though it is an 'annoyance' to them or are ever minimised as the next breach could result in the death of that particular victim.

The courts need to demonstrate and embrace breach hearings and be supportive to police in presenting these at court and feel as though they will be given the correct consideration and to be treated as serious and not as an instant dismissal. The evidence to support a breach needs to be realistic and to be given a greater weight by both police and magistrates.

Leniency of sentencing for breaches need to be addressed. The severity and amount of opportunities for breaching an intervention order needs to be remedied. Harsher penalties must be enforcement and perhaps minimums are set and required for breaches, as at the present time extensive and multiple breaches are simply perceived to be either 'unpunishable' or a 'warning' scenario. Again magistrates/Judges must see the seriousness of a breach, the terror it places to the victims- even if it is one text message to a phone, the escalation in behaviour and what this potentially represents and that the perpetrator is still being given the opportunity to exert power and control.

3. Statements:

VICTIMS: After having been in an abusive relationship for almost a period of ■ years, the entire process was daunting and overwhelming to me. I was completely terrified of disclosing the various abuse I had suffered from across the years and terrified of the consequences and further violent reprisals. It was disappointing to be provided by a set meeting time with my police informant to come in and complete my statement to then have this appointment rescheduled on me when I had build up the courage to finally report the crimes committed. In the days leading up to the rescheduled time I did lose confidence in speaking up and questioned proceeding. I was not told how to prepare for giving a statement nor was I educated on the parameters in which my statement could take and what information was acceptable to include such as relevant history. I felt my police informant could have approached the statement process in a much more sensitive way rather than a mundane task or offered breaks, as the process for me took 3 hours to complete. Again this was due to the experience level of my particular informant having been a junior officer and the lack of understanding of family violence and further of issues surrounding this for me such as being re-traumatised reliving the assault and further my post traumatic stress associated with speaking of the crime in such graphic detail.

POLICE: It was highly disappointing that the police whom attended my incident submitted a less than acceptable statement. The statement lacked detail and did not marry up with my account of the evening. The consequences of this I feel did impact on my court hearing and the police officer looked unprofessional when being cross examined about his inability to recall the evening in detail.

Suggested Improvements:

Victims need to be educated and made aware by their police informant of what can be placed in the statements, that they are entitled to report and make reference to prior history of family violence and other integral information such as animal abuse etc. It is vital that the victim understands that their statement is a tool that will be utilised in cross examination process in a court setting and that they are comfortable to speak to it in that environment

Police need to support this process for victims, it is very re-traumatising and sensitivity is a must. Police must as best as they can attempt to keep indented appointments for all victim statements or they run the risk of having a victim not re-attend and have lost confidence to proceed. Victims need to be provided with reasonable allocated time so they only have to go through this once, to feel supported and able to take their time to relive these horrific incidences.

It is critical that all police statements are written with relevance, precise detail and are professional in every instance and treated as though they will be utilised in court hearings and evidence. These statements must be attended to within guidelines (perhaps these needs to be reviewed or senior sergeants are ensuring these deadlines are met more regularly) whilst the incident is fresh in their memory so they are accurate. Police reports presented with irrelevant information, lack of essential information or lacking in description of circumstances and specific injuries pose issues in hearings; they potentially weaken your case and place the victims under more pressure to defend their own stance or statement if they do not marry up.

4. Police Interviews:

Victim:

On the final assault, I was not comfortable to disclose when police officers arrived at the incident scene. I attended my local police station the following day sadly only because I was requiring my [REDACTED]

[REDACTED] I still had no intention of disclosing, I attending to seek an officer to attend with me to my home in order to keep me safe whilst I could access my medication and leave.

However upon seeing me present and my injuries and the age and vulnerability of my young baby they were adamant that I be interviewed prior to assisting me retrieve my medication. As this was the very first disclosure for me in almost [REDACTED] years, I was not able to think logically and still had not processed what had just occurred. A police station was a foreign environment for me and I did not know how to simply proceed in talking openly about a hidden crime I had covered behind closed doors for years. I was thankful that the police insisted I be interviewed as I don't think I would have been able to take that first step without that direction.

I was seen initially by a senior sergeant whom said to me words no one had ever said to me before including 'you are not to be treated this way' it really placed some perspective to the situation, he had the skills and sensitivity to enable me to open up. I was not made aware that a complaint and warrant intervention order could be applied for by police or that owning a joint property with a perpetrator did not matter and they still could gain the power to arrest and remove the perpetrator from this property. If I had of had this knowledge earlier I may have spoken up a great deal sooner as I would have known what protective mechanisms were able to be put in place.

The police did not offer to take photographs of my injuries which should be a standard practice, after covering my bruises for years it was not a natural process for me to think about taking photographs or showing my injuries. Victims are traumatised and need prompting on these matters.

Perpetrator:

I was quite disappointed when I discovered that my perpetrators interview was run by a junior police officer whom lacked the experience in conducting a sufficient and thorough interview. It was disappointing that the lines of questioning did not relate to the charges and therefore did not provide the necessary evidence when presented in court to these alleged offenses. This was the time in which the perpetrator was most vulnerable, realising that I had finally been able to break my silence and expose him and therefore was the most critical time to gain omissions to provide good evidence for court, guilt findings and appropriate sentencing outcomes. It was again disappointing that upon arranging an interview time with the perpetrator the police then delayed and rescheduled this time which then enabled my perpetrator to have days to re-think accounts or to fabricate potential responses.

Suggested Improvements:

Victim's interviews need to be considerate and explained. This can support a victim feeling empowered to proceed, particularly if it is a first disclosure. Police need to be diligent in recording injuries seen at the time of the interview, the presentation of the victim and suggest to take photographs of injuries.

It is important to approach the potential for pressing charges in a way whereby the victim feels there are measures that will keep them protected if they proceed. Victims need to be informed of options such as compliant and warrant intervention orders to understand that they do not have to seek the order alone as this enables them further protection as the perpetrator is made aware that the police were in fact the initiator of such an order and this can eliminates further violent reprisals for the victim. Victims need to be made aware that the locks can be changed on a jointly owned property, if this knowledge given early in the piece, victims would feel more confident in proceeding with charging their attacker.

I feel that when it comes to utilising perpetrators interviews as evidence in a court hearing, the prosecution team must be more attuned to which medium would best facilitate a better outcome. Interview videos hold great importance to be shown in court as this enables a magistrate/Judge to gain a greater sense of the perpetrator, it is a visual demonstration of body language, disrespectful language in answering questions etc. If just audio is played or typed transcripts of the interview are submitted and read this can weaken cases.

Perpetrators interviews are critical and police informants conducting interviews must be trained in lines of questioning, they need to be prepared and well constructed and related to every charge. Preparation prior the interview should be a priority to ensure consultation with Senior Sergeants has taken place and all questions that can be asked have been covered and phrased correctly. Senior Sergeants need to be present in an interview room if a junior officer is running the interview for any errors or oversights to be attended to at the time. Victims rely on the informant of the matter to contribute to guilt findings and potentially gain greater sentencing outcomes from the quality of the interview conducted.

5. Intervention Orders:

Once my intervention order was granted, my perpetrator was instructed to remain at court until they could serve this on him. My perpetrator disobeyed this order and this left me feeling quite anxious that he was not in possession of the order and therefore may breach it and attempt to claim he was not familiar with the conditions.

The conditions provided on my intervention order were completely unrealistic and were not as restrictive as they should have been. For example a distance of 5 meters of approaching me made me extremely uncomfortable and when I questioned the reasons behind this I was told that the perpetrator needs to live freely in the community and to be able to recognise me when approaching me. I was shocked that the perpetrators welfare and rights were being placed above that of mine as a victim.

I was required to return to court to vary the conditions whereby I had to request that a communication clause be removed as the court had enabled the perpetrator to be able to communicate through a variety of means as long as he did not commit family violence. I again was made feel extremely uncomfortable and needed to face my perpetrator in court again to have this clause removed to ensure he could only communicate through a solicitor to my solicitor, again having to be an advocate for myself.

When I returned to court to tighten the conditions on my order, I was approached by the family violence court liaison duty officer and she questioned why I had attended and asked if it was to revoke the entire intervention order. I was shocked to be greeted with such a comment and I understand some woman may make these choices however for a duty officer in a court setting to make such generalisations is a dangerous practice and these attitudes can influence victims when they are so vulnerable instead of being encouraging and supportive.

Suggested Improvements:

Perpetrators must be made wait for orders to be served as directed, or implications should be put in place. If the perpetrator is not served this is concerning for the victim and the police find it difficult to locate them to serve it.

Conditions need to be realistic and be restrictive as possible to enable victims to live as freely as they can in their own community, condition must not prioritise the perpetrator. Police prosecutors need to partner victims in advocating for correct conditions that are reflective of the situation not just standard as per 'typical victim'.

Conditions need to be upheld and breaches immediately actioned if not or it sends a message to the perpetrator that they will not be held to account and the intervention order is seen as a piece of paper that holds no authority. This "piece of paper" is the only thing a victim can rely on to keep them safe and even at times alive, protected and cease the abuse.

Variation processes need to be more victim focussed and supported. Conditions such as distance a perpetrator can approach a victim, their workplace or home, currently these distances are terrifying and unrealistic. The conditions appear to centre on the prioritisation of perpetrators rights and welfare. When a victim is brave enough to vary an order and it is rejected or they are told not to proceed as it is 'unlikely' or 'unrealistic' of obtaining this is very disempowering and increases risk.

5. Victim Impact Statement's

I was appalled with the way in which the entirety of the victim impacts statements are being mismanaged, from the submission to the police prosecution team right through to the utilisation of them on the day of the court hearing. After having followed all instructions carefully and posting my victim impact statement to the prosecution office, I had follow up to ensure it had been received. I was never able to be given a clear answer and told not to worry as the court hearing was still some time away. As a victim you are made aware of how critical it is to ensure the victim impact statement is submitted to the prosecution in order for them to lodge it with the court and have it acknowledged to be read in court and further that time must allow for the defence to receive a copy also. I was then required to drive down to the prosecution office and ask if they had received this in person to which I discovered they could not locate it and was then required to resubmit it and hand it to them in person.

In the Magistrates court I had to suffer through objections by the other side in an attempt to prevent me from reading my statement and delays were encountered. The Magistrates court overruled this and allowed me to read the entirety of my statement in the court room. However in the appeal hearing in the county court I was completely horrified that the Judge took away my opportunity to read the entirety of my victim impact statement, which effectively sent me a message that I must again remain silent. It left me unable to tell the world what the crime had meant to myself and my daughter even though the statement fully complied with the charter and guidelines. The prosecutor stated that it was one of the best victim impact statements he had ever read in his career (I have attached a copy of my full victim impact statement and outlined in red the sections the Judge would not allow me to read). This process was humiliating to me and the perpetrator was quite pleased with this outcome, as the Judge restricted my rights and yet enabled all of his character witnesses to take the stand and defend him.

Suggested Improvements:

The process is not working effectively and again there is a perception that victim impact statements are enable victims to be heard, however this is not the case. They are not being attached to court documents in time, which does not enabling smooth submission and does not provide the other party awareness that a VIS will be submitted to be read and to limit delays and objections in the hearing. If this process is not managed effectively it can result in a victim not being able to read their statement at all in court which is devastating.

I feel it necessary that a magistrate or judge should not be able to interfere with a victim impact statement. The police prosecution should have sole responsibility to ensure it meets the required guidelines and charter and is presented in an acceptable fashion. I do feel it necessary to perhaps endorse legislation that ensures a victim impact statement is never restricted by a magistrate or judge to govern this change and further that the defence is not supplied a copy at all, there is no required need and it is the victims right to have their VIS kept private until read upon the stand.

6. Police Education / Awareness - Issues to be considered

- To increase education on family violence. These crimes destroy lives, the effects include psychological, physical, social, and other effects including employment disruption, the loss of secure housing and income, separation from our community and support networks, you attempt to remain safe in the community having to face property relocation and change your vehicle so it is unrecognisable.
- Post-traumatic stress needs to be understood by police.
- Explain police processes so they are known to victims
- Police to gain wider understandings why victims are presenting the way they do
- To be aware of the authority status police have and the tone they at times can use. Awareness of these issues are critical when dealing with vulnerable woman who have been controlled and dominated by men, and it can be re-traumatising and intimidating, even though it's not intentional
- To feel believed and validated- this could be the first disclosure for a victim

- Police are at the forefront and their response is critical and plays a significant role in victims feeling supported enough to speak up and press charges
- Recognise the need to develop a stronger partnership and long term accomplishments together
- Recognise the risks that are increased to a victim when speaking up and the importance of understanding the fear associated with family violence and the threats should not be minimised as the victim has lived it and seen what the perpetrator is capable of
- The reason most victims finally speak up is because finally the fear of staying outweighs the fear of leaving- they realise they will die either way and can no longer manage the situation alone
- The magnitude of the potential reprisals after disclosing to police are paralyzing for victims
- My informant went a completed a course in family violence after my case which is comforting to know the next victim she deals with will hopefully be managed at a higher standard and have increased awareness
- Police need more education on services available to victims when to provide support information and the appropriateness of this

7. Experience Levels of Police Officers – Issues to be considered

- Police need to be meticulous in simple tasks attended to, such as ensuring never to disclose victims addresses on paperwork that could be shown in court etc..
- More training, support and supervision needs to be provided by senior police to junior police prior attending giving evidence in a court setting. This is critical as when they are not prepared this can weaken court evidence.
- Junior officers need to feel more confident when cross examined and feel that they are able to say they have completed all required training and are competent in their role when they are questioned about their inexperience
- The importance of the role of police to ensure that they instruct all traumatised victims to take photos of injuries and to see a doctor for treatment and documentation. A victim is not able to consider this at the time and they are used to having injuries and bruises, not drawing attention to them and have become accustomed to avoid disclosures to doctors etc..A victim has spent years hiding these injuries and excusing them, this is not a natural thought for them. If police ensure this as a standard practice this would enable stronger evidence and in my case having a doctor able to give evidence for me on the stand.
- Police who attended the incident did attend to his shift early the following day to phone me and check myself and my daughter were alright which should be common practice if victims are too fearful to disclosure or press charges at the time as they may not survive the following day once the perpetrator has been made aware they contacted police

8. Communication – Issues to be considered

- Need to be aware you become a partnership- the victim, police and the prosecutors. Not denying the extreme workloads exists
- Explain their roles and how they can assist within their parameters
- Important to know what is happening: when papers are to be served or breaching arrest/interviews are to take place this is the high risk period...this escalates perpetrators. This communication enables a victim to have that knowledge to make good and planned safe choices, to re-locate for 48 hours if necessary
- Communication regarding escalation of behaviors- victims need to be called if perpetrator cannot be located and serious information police obtain that can affect the welfare/safety of the victims and the child and become further links and support in federal circuit matters- drug overdose disclosed
- Subpoenas- when informants receive this, to make a victim aware of this ASAP that it will be arriving, especially for a re-trial in a higher court, it's very distressing. Discuss the subpoena what is required of the victim

- Offer meeting opportunities, I had to seek out my own with prosecution and police when needed or leading up to hearings. It should be standard practice that a prosecutor offers victims the option for a court walk through/tours – so victims can understand the environment they will be in and not feel as confronted. This should be standard practice if a victim is committed and brave enough to give evidence they should be supported
- Prior criminal history disclosed- I never knew my perpetrator had / assists on multiple levels such as family court matters and proceeding with charges etc..
- When breaches are occurring it's important that police make you feel welcome to attend for support and intervention
- When a perpetrator is given consent to attend a joint property to collect 'essential' items after having been removed and arrested in police presence it is so integral this is managed sensitively and coordinated. Manipulation, control and power can be exercised and police can be unaware. In my property matters I asked to leave keys out as I did not wish to see my attacker. Police with the perpetrator arrived at the residence unannounced. I understand these issues are the least of the police's worries but it is of significance to have communication to support and protect victims. The perpetrator would attend and not collect all items, utilized this time to damage property and leave messages for me including [REDACTED] etc.. Need to abide by minimal time limits in properties to minimize these opportunities to re-abuse victims
- Relationships between Prosecutors / police informants so important to support a case and hearing journey. Ensure a coordinated approach- more professional

9. Protection Levels – to be considered

- Standards offered needs to be constantly reviewed and considered especially when escalations occur-, such as offering to increase patrolling of your house etc
- court room protection- functionality of court room setting and the positioning of victims evidence on stand and VIS being read from, most are positioned next to the perpetrator which is very distressing
- Options of screening perpetrator in the court room need to be offered and reading your VIS from the bar or in a witness protection room etc..need to be offered
- awareness of tactics in court room, that intimidation can occur
- To continue to revisit the scope to vary intervention orders tighten conditions as circumstances change and support the actioning of breaches encouraging reporting and correct use of intervention orders

COURT SYSTEM MATTERS:

Court System- Magistrate and County

I found my 2 day hearing in the Magistrates Court and my 3 day hearing in the County Court, the most damaging and gruelling experiences of my life, giving graphic evidence, having to relive the entire assault again, be cross examined and face my perpetrator.

I felt more supported and validated at the Magistrates level and did find the male Magistrates presiding over my case more compassionate and was more educated on family violence issues. I was however highly disappointed with the county court experience and the female magistrate's inability to understand the crime committed or family violence issues.

I found both court processes unable to effectively validate my violent experience, unable to provide me with a sense of safety within the court setting. I can confidently state that I was left re-assaulted by the court process and justice was not provided. I discovered that the court system has an inability to work as a whole and was unreliable and inconsistent.

The hearing was booked to be heard 7 months after the crime, however it actually took an excruciating 11 months before it was heard, as I had to endure 4 lengthy adjournments which was unacceptable and heightened my anxiety to have to re-appear continuously. I did not feel that the adjournments were necessary and were delay tactics by the defence. It was difficult that I also had to face a delay in my 2 day magistrates court hearing, having to wait 6 days before the second day commenced which was extremely difficult to face re-attending the second part of my hearing after a break, this certainly was not ideal and exacerbated my health complications and further my post traumatic stress at the time.

After all evidence was heard, including 4 separate witnesses, 21 photographic evidence of my injuries suffered, the offenders video interview, my OOO call and a submitted GP medical report. The Judge heard the multiple and failed attempts of rehabilitation of the perpetrator, the perpetrators lack of remorse or insight into the crime, continued abuse, the seriousness of the crime, the offender pleading not guilty and still my perpetrator was sentenced to just 14 months Imprisonment term for this crime in the Magistrates Court. Receiving 12 months for the crime committed and 2 months for contravening an intervention order of 6 occasions. I was able to feel some slight validation momentarily and then an immediate appeal was lodged and the perpetrator was released into the community on 8 months of bail.

I was not prepared for a Magistrate to allow my attacker to be granted bail due to him not being at 'flight risk' even though he posed significant risks to myself and my daughter and be released out the front door of the court beside me into the community. No mechanisms were put in place to keep us safe during this period and no risk assessment was ever conducted. Whilst on bail my perpetrator was admitted to a psychiatric ward, attempted to commit suicide, had increased alcohol usage and was using various illicit drugs including Ice daily. These increased risk factors were never conveyed to me at the time.

I then was faced to live in a trauma filled space for [REDACTED] months feeling almost unable to leave my home, paralysed by fear and terrified of seeing my perpetrator or being followed or assaulted. My health began to suffer immensely during this time. I then had to re-live the entire ordeal once again for a 3 day hearing in a higher County Court whereby my attacker continued to plead not guilty once again. I was faced to give evidence and be cross-examined for a second time. During my county court hearing I was confronted with a legal study high school students entering unannounced into the court room and sitting in on my hearing when I was disclosing intimate details regarding the crime and describing the sexual assault that had occurred, this was highly insensitive and unsettling situation that could have been avoided.

I was under the impression that having my case heard in a higher court would provide justice to myself and my daughter and carry a lengthier sentence; however I found the County Court system more abhorrent than the Magistrates. I found the Judge was less educated on family violence and her language was quite contradictory. Her sentencing remarks were obscure, the outcome was appalling.

The County Court Judges sentencing remarks to my ex-husband were [REDACTED]

In spite of this, the Judge then decided to severely reduce the prior sentence of [REDACTED] months imprisonment to a [REDACTED] Community Corrections Order with [REDACTED] community hours to serve and compulsory attendance at various treatment programs already attended previously by the perpetrator whilst also stating this would give him an opportunity to continue to navigate through the federal circuit court for his child even after hearing that she was a primary victim of the crime.

This experience and outcome left me feeling re-assaulted by the Justice System and left me extremely vulnerable and re-traumatised. My health suffered incredibly and as a consequence my [REDACTED] medication ceased to work. [REDACTED]

As my perpetrator was not adequately sentenced or imprisoned, I now live a life whereby I am alarmed 24hrs a day and have CCTV cameras installed around my home to ensure my daughter and I are safe.

Suggested Improvements:

The outcomes achieved for victims throughout the entirety of the process need to be reviewed, they are overwhelming poor outcomes with perpetrators receiving lenient sentencing and victims being the ones more harshly sentenced.

Mandated education must be implemented for all magistrates and Judges on the devastating and for-everlasting effects violent crimes have on victims/survivors and families and the recovery journey. Magistrates and Judges must be educated on the different types of abuse that takes place within the context of family violence, as in their own court room intimidation tactics occur and yet they appear obvious to recognising this. I feel it would be extremely beneficial to have a survivor advocate part of some aspects of training to convey their experiences to magistrates and judges, I feel this would have a greater impact.

School students education needs to be appropriate, the courts need to have some protocols around which court hearings are appropriate for student to sit in on and the timing is paramount.

Judges and Magistrates need to be aware of any life threatening health issues for a victim and the potential for exacerbation and how they can best protect their health care needs. This needs to be a new focus as the forever lasting impact and damage cannot be undone, and carries significant consequences.

I think Judges transcripts need to be sought and read to gain a greater understanding of their lack of insight, contradictions and the language used to victims in the court hearings.

Appeal processes for victims need to be reviewed, a victim should be entitled to appeal an offenders appeal in Victoria if the sentencing outcome is deemed as manifestly inadequate, perhaps legislation would remedy this.

I would like to see more interactive magistrates and judges asking questions and being involved in the hearings so they can better understand the experience. I would like to see an awareness in magistrates and judges presiding over cases to endorse some compassion and ability to understand just how hard it is to bare your soul to the law.

The prioritisation given to the perpetrators rights and welfare over that of the victims needs to be acknowledge and the balance needs to shift by giving greater recognition to the victims generally and practically. Ineffectual sentencing is a major problem, Judges are not imposing the maximum penalties and they are continuing to provide inadequate sentences that again send a message to the perpetrator that the crime was not significant enough to punish. I believe harsher sentencing standards need to be set, I feel there may be a place for further legislative remedy to ensure that judges are enforced to endorse stronger sentencing and perhaps ensure that they no longer carry such discretion when enforcing minimum and maximum penalties.

More prisons need to be built and committed to, community correction orders are being presented almost as the only option and they do not carry the conditions adequately nor are the successfully being monitored by corrections.

Objective, Subjective and Aggravating factors of crimes committed that are not appropriately weighed in court hearings.

I believe standards must be set around defining 'punishment' for violent crimes and further to challenge Judge's and Sentencing Councils views on 'rehabilitation' concepts for perpetrators that have previously failed rehabilitation programs multiple times, these are not working, offenders are not deterred and reoffending is occurring.

I believe a standard needs to be set regarding compulsory risk assessments for offenders found guilty of serious crimes and that these assessments must be conducted prior to any offender being granted bail.

Federal Circuit Court

The Federal Circuit Court is a separate area that is requiring immediate attention. This court is even more traumatic than the criminal courts and providing even more abhorrent outcomes for women and children. The lack of information sharing between the federal circuit court and criminal courts is appalling and needs to be improved. Affidavit submission in the family court enables perpetrators a way of further abusing victims and utilising the process in an attempt to have contact or remotely abuse their victim once again. Stricter criteria and awareness of this needs to be acknowledged and appropriate action taken to minimise this.

The Judge made an opening statement to me on the very first hearing, stating "is this woman alienating this child from the father?", the Judge had not read any material nor had any documents or knowledge of the criminal matter at hand or the charges pertaining to the perpetrator. I was astonished that these attitudes existed with the Judge and further that I was spoken to in this deeming way when I was acting protectively and my daughter and I were the victims of the violent crime, my daughter a primary victim of the assault also.

Family Assessors do not appear to have the necessary skills to conduct the required assessments and you do not have consistency of the same assessors for each assessment. Further the assessor can be intimidating and the language used is quite overwhelming as a victim, I would even say at times intimidating.

Safety concerns are paramount in family court, security are not equipped with family violence cases and especially when children are present in these building for family assessments. Judges and security officers do not understand the potential consequences if a perpetrator is provided with no custody or contact at a hearing, their volatile reactions to this decision and this places the mother and child in serious potential danger leaving the court, no systems are capable of dealing with this as I have experienced it firsthand.

When conducting the family court assessments the assessor still proceeded to place my daughter in a room with her perpetrator regardless of his increased risks, including admission to a psychiatric ward, suicidal tendencies and ice usage, no risk assessment was ever conducted, I do feel they placed my daughter in jeopardy.

After my family court assessment, court security walked us out of court to an apparent 'high risk' victim back secure exit where they had a taxi waiting. My [REDACTED] year old daughter and I only got a couple of streets away from the court. We were sitting stationary in peak hour traffic when we were suddenly severely rammed at high speed [REDACTED] from behind, which then immediately speed from the scene. I was taken by ambulance to [REDACTED] with neck and back injuries and admitted overnight. I had CT scans and X-rays for my spine and chest, and my young daughter suffered whiplash. I had expressed my fears of incidences such as this to the family court prior our assessment, however felt unheard.

Both independent court assessments concluded no contact and I was eventually granted full custody and no contact after an excruciating 1 ½ years and having been placed in extreme financial debt. However, even having deemed the perpetrator to never be around my daughter, that he lacked insight, was founded guilty of the crime in 2 criminal court hearings and had shown no change or remorse, the Judge still enforced me to send photographs of my daughter to her perpetrator 4 times per year and the option of the perpetrator to provide letters 4 times per year.

This is concerning to me as he is still able to identify her ongoing and still keeps myself and my daughter in contact with our attacker and we are not able to move forward as it is still anxiety provoking to have to provide these photographs, being extremely vigilant as to where I take these photos so they do not disclose where we are living etc. and still forces us to have communication.

Suggested Improvements:

Major discussion and consultation must take place regarding the federal circuit court, it is an extremely re-assaulting and abusive setting that does not prioritise children's welfare and rights. The integration between this court and criminal courts is essential. Major reform and improvements are needed to be established.

Risk assessments should be conducted on all perpetrators with high risk behaviours, breaching patterns and criminal history prior to being in a room with the child for an assessment process.

If no contact or custody is provided in a federal circuit court to a perpetrator, I do not feel any form of communication should be then forced upon a victim such as photographs or letters, this just simply gives the victim a life sentence to endure and again rewards the perpetrator, giving them control.

Support Services

Essential and long-term funding is critical. If funding is no longer continued and these services remain under funded or become unavailable to women and children whom have escaped family violence, they would find it a real challenge to move around their community and do the things that are important to them—placing them in a position of potential further risk, whereby they feel extremely vulnerable, unsafe and are quite restricted to live as they chose to.

On a recovery level, these services really assist the healing process, feeling protected and safe is such an amazing relief, allowing survivor's scars to exist but not be a permanent glaring reminder of their past trauma. No woman or child should ever have had to fear violence or feel unsafe in their own home and should be provided with choice and opportunity. Feeling protected and safe would be impossible without assistance of these types of services and what they are able to provide in there critical programs. These services take the time to learn your story, walk the path to recovery with you, and commit to ensuring the past does not define you. It's important to remember, that an individual in need, may only be brave enough to reach out once for assistance- this response is critical and can save lives. The services that I engaged with that ensured I survived this journey included:

- [REDACTED] Social & Community Health
- Victims of Crime
- [REDACTED] Centre Against Sexual Assault
- [REDACTED] Domestic Violence Service
- Community Health Services
- [REDACTED] Maternal Child Health

Suggested Improvements:

Funding must be targeted and a thorough evaluation of services in the area needs to occur to define which services are the critical ones required and to cease duplication of services. Services must be coordinated and be regulated by the same guidelines and risk assessment criteria. There is a perception that individuals are receiving the required assistance and support and that it is readily available and targeted at the need. Major gaps exist in the service system and funds are not extending to the critical areas of need. We must ensure support services are further developed, well-resourced, sustainable, delivering high quality, beneficial and accessible services to individuals.

Legal Aid Criteria

My application for assistance for legal aid funding to contributed to a court ordered psychiatric assessment was rejected. I did not feel it was a fair process that I was required to pay a fee to have to attend a psychiatric joint assessment that stemmed solely from the perpetrator requiring the assessment and having been court ordered to do so. My contribution should have been covered by legal aid or by the perpetrator as a single mother on a pension who had not committed a crime.

Suggested Improvements:

I believe that legal aid is not accessible as it should be to victims and the criteria should be revisited and revised as it is not extending to the victims that require it the most.

Victims of Crime Assistance Tribunal (VOCAT)

I was disappointed with the lack of recognition for my daughter who was present on the evening of the assault. Initially I was told that she was not a victim at all, then that she was possible a secondary victims perhaps. It took one year to have my daughter officially recognised and deemed as a primary victim of the crime and that her life could have been taken on this evening. VOCAT rejected my application for the provision of a Safe T Card personal alarm for \$500 for my daughter and I. The tribunal rejection letter stating *"the Tribunal is not satisfied that at the present time the 'Safe-T-Card' is necessary to ensure the applicant's safety, but rather it may assist in her having a sense of safety"*. Victims should not have to incur financial costings to feel protected and safe when the justice system lets them down.

Suggested Improvements:

A review of funding and approval processes is required to be undertaken along with compensation amounts, considering majority of victims are not able to take any civil action on a perpetrator if they do not have any assets (my perpetrator hid all his assets and police could not locate any for me to pursue civil action). VOCAT needs to be more effective when deeming who is a victim of the crime. Safe T Cards etc. must be an essential item approved for a victim when a high risk perpetrator is on bail or does not enter a prison term, without these types of safety mechanisms the victim cannot move about their community. VOCAT criteria requires an in depth review and further the tribunal decision makers should undertake family violence education/training.

Cultural Shifts

From an early age, young people are exposed to harmful messages that can support violence, discrimination and stereotypes, together we have the power to create change, educating and empowering our young people. We must challenge perspectives, make people stop and think about the impact their words and actions have. Both power and obligation sits with all of us to contribute to the prevention and elimination of family violence and we can all play a greater role. We need to create avenues for the community to be bold enough to use their voices to create change; ensuring opportunity is provided to everyone. Workplaces can play a significant role in cultural change and supporting those affected by violence.

Suggested Improvements:

Utilising reputable media to convey the correct messages regarding family violence in a sensitive and appropriate way. To utilise statistics to convey the prevalence and educate that attitudes shape perpetration. Continued funding for developments and community initiatives that educate the target audiences and support the true need.

To support the Government to embark upon reforms in the justice system to bring about cultural change within the system. Supporting national and state campaigns that continue to educate and inform the community of the prevalence and nature of family violence and how they can assist.

Compulsory educational components to be implemented into all school curriculums.

Workplaces can assist by having clear communication in the workplace about family violence, raising its profile in meetings etc. Workplaces can implement policy and procedures; creating defined roles for managers and leaders able to carry portfolios that specialise in family violence. Workplaces should be implementing family violence leave or flexible work arrangements and structured support within their human resources departments.

Workplaces can better support conditions relating to the workplace on intervention orders and further offer possible work location transfers where possible. Workplaces should engage survivor advocates to attend their workplace to educate them on practical ways they can support and assist victims and what signs to be aware of that family violence may be occurring such as absenteeism, withdrawing from work social events, staying back at work late or coming in early to escape violence at home, persistent calls or messages being received at the workplace by a current or former partner or company vehicle damage/repairs.

VICTIM IMPACT STATEMENT OF [REDACTED]

Emotional Impact of the Crime

The violence and abuse committed by my now ex-husband, has left both my daughter and I distressed and profoundly traumatised. It was unforgivable. I endured repeated physical, verbal and emotional abuse on this evening in the presence of our [REDACTED] old daughter. [REDACTED]

[REDACTED] I was fortunate to not be that one woman who is killed every week by a current or former partner at this assault.

A heavy sadness continues to fill my soul, as how do you ever fully recover from such a cowardly, dangerous, intentional and reckless act? Words really fail me when attempting to describe how this crime has affected us. I constantly relive every word, every hurt, every moment. Arguably, the most damaging aspect of the assault is the ongoing trauma from being betrayed by the person that I thought I could love and trust. This inhumane attack turned my world upside down and all order completely disappeared. The wounds remain, in time the mind covers them with scar tissue and the pain lessons. But it is never gone. The nightmares remain, the fear stays and the words still go unspoken. The damage is irreversible and forever-lasting. You can never go back to the person you once were. Sometimes someone hurts you so bad, there are days it stops hurting at all.

I should never have had to fear violence of this kind or be violated in any way. My ex-husband made a conscious choice to degrade, disrespect and humiliate me as his wife and as the mother of our child. I will never be free of the confronting images that haunt me from the assault, or forget how frightened I felt watching my ex-husband feel powerful seeing me terrified, at times smiling during the attack. [REDACTED]

[REDACTED] he was more powerful than me - not just physically, but emotionally, too as he was not the one living in fear. It is appalling that he has such a distorted sense of right and wrong, and an unhealthy value system of this magnitude, being of the attitude and belief that it is acceptable to treat women and children in this way.

I was left injured, bruised and shaking with his final words to me being "[REDACTED]" and I believed him. He left me and our daughter unseen, unheard, unwanted, as if we were nothing at all, intent on destroying our new precious family unit. It deeply saddens me that we have been victims of a violent crime. We had the right to feel safe, be treated with respect and not be physically or emotionally harmed. My ex-husband felt very entitled and that he had exclusive rights and privileges to treat me and our daughter any way he saw fit, regardless of the devastation he caused us.

Our daughter has been significantly affected by her exposure to family violence. At the time of the assault, she did not have the language skills to articulate her story, but this did not mean that she was not affected, as she was able to let me know in other ways that she felt frightened and unsafe. It is a reality that our daughter's life was at risk multiple times and her life could have been taken. I felt so shocked that my ex-husband seemed to have no awareness of the fragility of a [REDACTED] child's safety. After the assault, my bonding and attachment with my daughter was disrupted. Due to the level of stress and shock my body was subjected to, my breast milk supply rapidly deteriorated and I was no longer able to feed our daughter. This has left a huge emotional scar on me and feelings of inadequacy. I was stripped of this intimate bond with my daughter, forced to place her on formula and bottle feed her. The abuse I suffered from my ex-husband destroyed the joy of having my first child, which should be one of the most special times of my life.

Still today, our daughter is supported by a child psychologist, an enhanced maternal child health nurse and a children's domestic violence support worker. She is now of an age where she increasingly able to communicate and she has been recognised to have been directly impacted upon by this assault, officially regarded now as not a secondary but a primary victim of this crime, being awarded the necessary support services to aid her variety of post-traumatic stress symptoms for now and for in the future. I will be faced with supporting our daughter through processing what happened to us as she ages and emotionally matures.

I am continued to be supported by Victims of Crime, family violence workers, a women's domestic violence support group, and the [REDACTED] Centre Against Sexual Assault. I have undergone exposure therapy to reduce my trauma by detailing the assault and returning to [REDACTED] where I was attacked. All of these steps have been gruelling but integral to process the abuse, manage my post-traumatic stress symptom's and to remind me that I will never have to live that moment again. As a result of being emotionally mistreated, I am constantly living in a trauma filled space, a space where I am now unsafe, vulnerable and continue to experience the symptoms of post-traumatic stress. I find myself surveying my environment to detect any possible threats, unnecessarily fearing safe men, when previously to my ex-husband I never knew this type of violence could even exist in men. These scars are evident for all to recognise when they witness me flinching when someone places their arms around me or touches me, and this is all because my ex-husbands hands were not so gentle.

The crime has impacted on my career as a [REDACTED]
[REDACTED]
[REDACTED] I feel that this has most definitely impacted on my professional integrity and has potentially limited my future employment prospects.

I feel my ex-husband has used the appeal process to emotionally re-traumatise me and to attempt to still hold power and control over me. It has been difficult to start the next chapter of my life when I have had to keep re-reading my last one. The progress from my past year and a half of healing has diminished having to relive the assault after already doing so in a Magistrates Court. I have been in an enhanced state of sensitivity knowing my ex-husband has been in the community for a lengthy [REDACTED] bail timeframe. To survive these past [REDACTED] I placed security measures necessary to feel safe and protected as I am scared of the things I now know my ex-husband is capable of.

Since the assault, I am slowly attempting to trust this new life. A life where I no longer dress to cover my bruises, remain silent, be embarrassed or frightened. I have since divorced my husband and secured a [REDACTED] year Intervention Order for myself and my daughter, I gradually feel a sense of pride, worth and freedom. This however doesn't mean the damage never existed, it means the damage no longer controls our lives. Having survived this ordeal does not mean it was ever ok.

Physical Impact of the Crime

On the night of the crime, [REDACTED] I was struck with immense force by my ex-husband, [REDACTED] I needed follow up medical care [REDACTED]

[REDACTED] I received medical treatment for these injuries from my GP. It was very difficult for me to care for my daughter for a few weeks after the assault as I was in a great deal of physical pain from my injuries and relied on my family to assist in the caring of my daughter as well as supplying nappies, formula and my groceries for us.

My injuries healed in the weeks following the attack however stress aggravated my [REDACTED] life threatening disease [REDACTED]

Financial Impact of the Crime

This crime has also had a deep financial impact on me and my daughter [REDACTED] [REDACTED] after the assault, My ex-husband commenced transferring money out of our joint banking account to a new banking account he had created in his own name, so our daughter and I could not access these funds. Then [REDACTED] he organised for his entire salary that we were reliant upon to be paid into his new account, which then left me and our daughter with no financial support at all.

Consequently, I initially had to rely on family and friends to assist with purchasing essential items such as food, nappies and formula. Further, my ex-husband froze our joint mortgage account without my consent or any discussion with me and ceased paying any repayments on our house. He ceased paying our joint loans and left me to pay these, which was impossible on a single parent pension. My ex-husband also disconnected our home phone and our family car e-tag account without any consent or providing any notice to me, so I then incurred reconnection fee costs to reinstate these services.

I am fortunate that my employer has been extremely supportive and were able to extend my maternity leave and are open to flexible working arrangements to cater for the fact that I am a single mother and need to attend support service appointments with my daughter and for myself.

Since the assault I have incurred increased medical costs and the expenses associated with attending appointments with police, support services, doctors and solicitors.

Further Information

I supported my ex-husband through an entire year of rehabilitation and support services, I learnt myself and my daughter didn't mean enough for him to want to stop being an abusive man. I am fearful that regardless of the intensive support and treatment my ex-husband was provided with for an entire year, including a GP, psychiatrist, psychological counsellor and a men's [REDACTED] week intensive behavioural change course, he was not able to be successfully rehabilitated. My ex-husband chose not to put any of the strategies he learnt into practice and continued to be abusive, extremely angry, impulsive and communicating with his fists and vulgar language.

My ex-husband has showed no remorse or insight into the extreme impact of his actions and he has never provided an apology for any of the pain and suffering he has caused to my daughter or to me, and continues to demonstrate patterns of abusive and threatening behaviour. It is alarming that he continues to plead not guilty to a crime he committed and fails to take responsibility and ownership for his actions and choices.

I have huge concerns about my ex-husband's lack of respect for consequences and the law. I have been required to return to Court to have my Intervention Order conditions varied to prevent further abuse, he repeatedly breached the Intervention Order, police have needed to contact my ex-husband on several occasions with warnings regarding his intimidating behaviour and contacting my family members rather than following formal procedures and communicating through his lawyer. I have fears regarding my ex-husband's inability to control his impulsive aggression and am very anxious about what the future holds.

I called for the police to protect my daughter and I this time was because the fear of staying in a relationship with my ex-husband outweighed the fear of leaving him finally and I knew I could no longer manage the situation alone. This was brutal and inexcusable physical and psychological abuse, what he did to me and his daughter was wrong. We both can now gain some much needed closure and feel validated and protected by the law.

You never think that violence like this can exist in someone who is supposed to love and protect you as your husband and as a father. This has taught me a lesson I'm not sure I could ever have been prepared to learn. I have learnt that love from a man should not leave you bruised lying on the floor, it should not leave you choked and out of breath with tears in your eyes, it should not leave you begging and screaming to please stop, and I have learnt that love should never be this cruel. No love from a man should make you wish you would die.

June [REDACTED]

The Hon Robert Clark MP

Attorney General, Member for Box Hill, Minister for Finance and Minister for Industrial Relations

[REDACTED]

Dear Honourable Robert Clark MP- Attorney General

I write this letter to you, to inform you that I recently bared my soul to the law and I have been the one more harshly sentenced for having done so- I am confused as I was not the offender of this crime? How can it be that I am the one that received a harsher sentence than my offender? I am a survivor of domestic and family violence, I was a victim of a violent crime, but I am now a victim of the justice system. I have spent the past year and a half braving this unjust system, hoping to be seen and heard. It was a grueling and damaging process. Representation has been sent to you on [REDACTED] regarding this appalling sentencing outcome and receipt of this communication has been acknowledged by your senior advisor. Please refer to Appendix A which outlines the media coverage surrounding the case.

[REDACTED]

The perception is that the criminal law now gives greater recognition to the devastating effects of family violence, with sentencing outcomes to reflect the severity of the crime committed. I recently attended the Department of Justice Law Week Event 2014. You were a spokesperson on this evening, an historic event being the first time during law week that a function had been dedicated to Victims of Crime in the Court Process. You were described on this evening by the Honourable Philip Cummins as someone who has always been and remains a strong supporter of victims and of the rights of victims; therefore I refer my situation to you and request for your assistance to support the Director of Public Prosecutions or other permitted bodies in appealing against this manifestly inadequate sentence imposed and to further attention my case to all appropriate parties.

At the Law Week event, I heard you commended on establishing the Victims of Crimes Consultative Committee. You and various other speakers gave me inspiration, hope and alleviated my fears around being the victim in my offender's upcoming County Court Appeal hearing.

I heard you speak of the process of evolution and a struggle over a long time to ensure there would be greater recognition of the rights and roles of victims in the criminal justice system. What I absorbed from you was that victims' rights would be given reality in everyday practice and experience and that victims needed to be recognised and respected. You spoke of ensuring that the system worked as a whole, working reliably and consistency to ensure that problems are overcome and addressed. I now have not only seen firsthand but experienced the devastating unreliable and inconsistent system we have supplying abhorrent lenient sentencing outcome that reward serious violent offending behavior.

You discussed the reform enhancements that have been made to the Victim Impact Statements. The point of the statement is to allow a victim to have their say so the court and the world know what the crime has meant for them. You discussed the greater flexibility in the ways in which these statements may be presented. My Victim Impact Statement was minimised and virtually dismissed like it held no importance at all. You stated that Judges have been engaged to provide a lot of input in trying to ensure that the process of submitting and presenting Victim Impact Statements operates as respectfully and as effectively as possible and is not disrupted at the last minute by technicalities or legal objections. In both the Magistrate and County Court's, objections were made and delays were incurred.

I was encouraged to speak up and break my silence and the Judge took away my opportunity to read the entirety of my statement, which effectively sent me a message that again I must be silent, even though the statement complied fully with the victims charter and professionally addressed the principles of physical, emotional, social and financial.

The nature and gravity of the offence was extraordinary, it was [REDACTED] intentional, reckless brutal act that enabled the Victims of Crime Assistance Tribunal to deem both myself and my [REDACTED] daughter to have been primary victims of this criminal act. I feel that it is my responsibility to set the scene as to what is actually occurring in the justice system when it comes to sentencing, so others can make an informed decision of whether to pursue this avenue. This is disheartening as my hope was to be an example to others that our justice system is protecting victims, applying the law adequately and is validating our violent experiences.

I pose the question to you, how does a [REDACTED] month Incarceration sentence get so severely reduced to a Community Corrections Order in a County Court setting when the offender has pled not guilty in both a Magistrate and County Court hearing? Why has this Judge not considered the objective and subjective evidence, the offender's inability to be rehabilitated, or the victims suffering and welfare to be important enough to prioritise it over that of a perpetrator? So after almost losing my life and risking the life of my baby, my attacker receives a [REDACTED] year community corrections order with [REDACTED] community hours, and is to partake in treatment components which he has previously engaged in repeated times across the years.

This perpetrator made a conscious choice to degrade, disrespect and humiliate me as his wife and as the mother of our child. I will never be free of the confronting images that haunt me from the assault, or forget how frightened I felt watching my ex-husband feel powerful seeing me terrified, at times smiling during the attack. It is appalling that an offender who has such a distorted sense of right and wrong, and an unhealthy value system of this magnitude, being of the attitude and belief that it is acceptable to treat women and children in this way is enabled to re-offend yet again.

The system has not done enough and the law was not appropriately applied. Myself and my daughter were not protected, in fact I have been re-traumatised by having to relive this nightmare by giving evidence and having been cross-examined in two courts. I have had to re-locate housing and purchase an unrecognisable vehicle as safety precautions to prevent my attacker locating myself and my daughter. The Judge's decision now leaves myself and my daughter unprotected, vulnerable and to now continue living in fear, as she has permitted our attacker to be placed back out into the community to harm us again. I have lost confidence in the system. No words could ever be powerful enough to express the way the Justice System has betrayed and undermined my experience with its disgraceful sentencing handed out by an ineffectual justice system. Injustice is outrageous and deserves outrage. The Judge's are continuing to provide pathetic sentencing which does not deter family violence and supports the perpetrators of these hideous crimes.

I had hoped to get an outcome that fitted the crime and that justice would be done. This type of decision does not deter violent men; it sends a message that this behaviour is not severe enough to be punished and further continues to allow them to maintain power and control over their victim. A stronger message needs to be sent that these behaviours have severe consequences. You would expect more severe sanctions would be imposed in a higher court, the Justice System is meant to protect you, however my attacker was able to celebrate his outcome in front of me in the court room and then allowed to walk out the front door alongside me.

I ask for what happened to me and my daughter to not just become the subject of detailed consideration and consultation process but instead an appeal process, to be heard in the Court of Appeal. I ask respectfully of you, The Honorable Attorney General to recognise the original sentence imposed and the obscurity of the County Court's sentence is considered to be manifestly inadequate. The sentence imposed was one which can be described as unduly lenient, this offender pled not guilty and was convicted twice, being found guilty in two courts of Seriously Recklessly Causing Injury and twice founded guilty of ■ charges of contravening a ■ year family violence intervention order, one charge was of the severity of attending my property. How could the Judge provide this offensive sentence if she had properly weighed all the objective and subjective relevant factors and heard all the outlined aggravating factors in the case?

This assault was brutal and inexcusable; in fact the offender was rewarded for demonstrating the utmost confirmation of having no remorse or acknowledgement of his crime that he intentionally, consciously and recklessly committed to his own wife and child. I propose this case be given the opportunity to have this appalling sentence reviewed, with a commitment from Government to consider a more fitting sentence for this hideous family violence crime. How do I continue to encourage and empower other victims to speak up in my spokesperson role if these are the outcomes they will face?

I constantly relive every word, every hurt, every moment from the assault. The damage is irreversible and forever-lasting. The Justice System should be ashamed of having re-assaulted a victim and now left them fearing for their life.

Yours Sincerely

A large black rectangular redaction box covering the signature area.

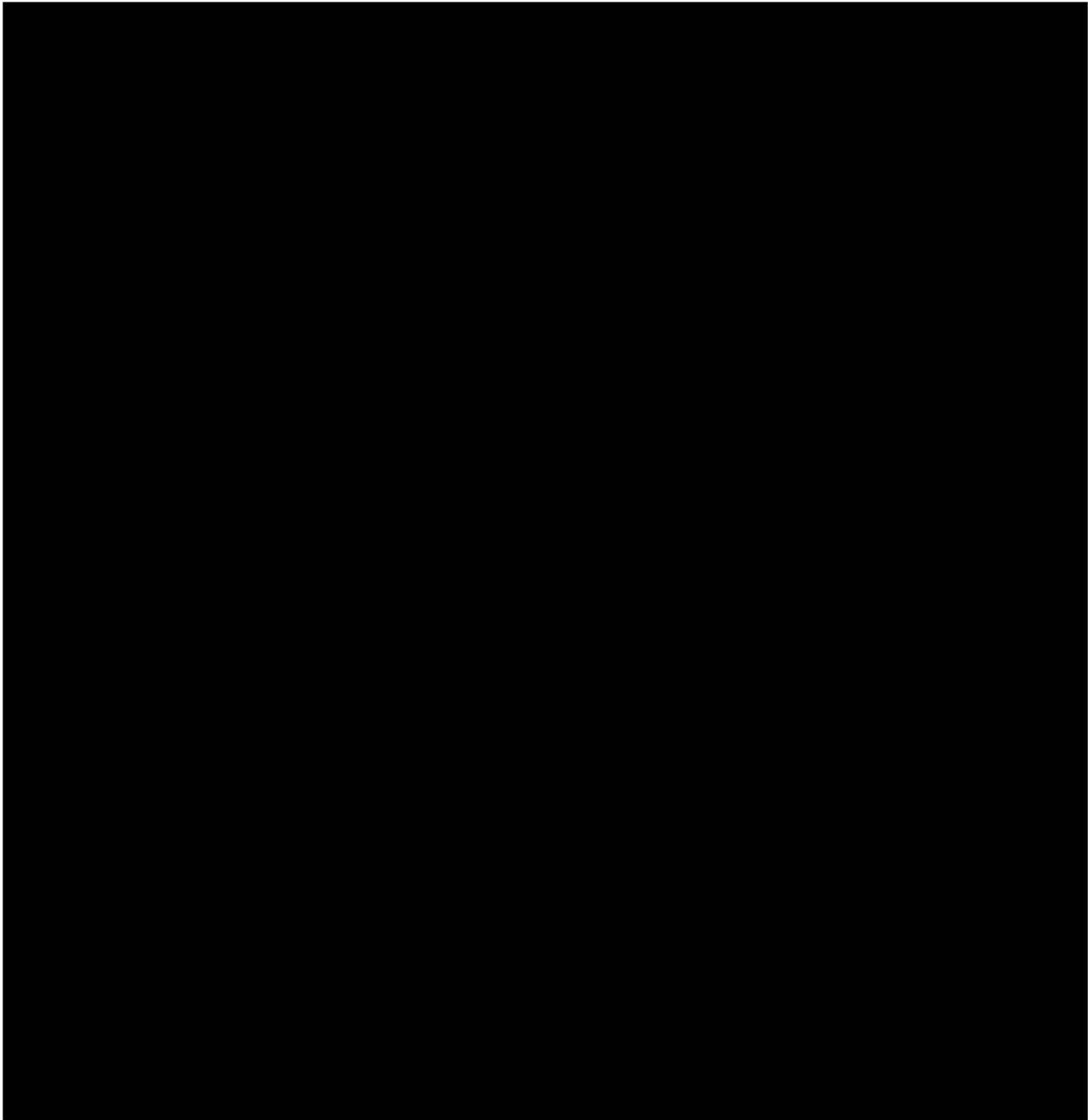
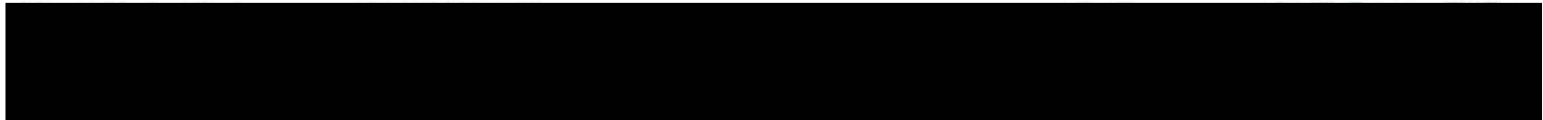
24 November 2014

ATTENTION:

To Whom It May Concern:

[REDACTED]

[REDACTED]



Yours sincerely

