

Royal Commission into family violence

The first time I got the courage to leave my abusive partner, and cry for help was quickly shut down and dismissed by a male doctor. A few days later my ex partner had broken my nose when he violently head butted me and knocked me unconscious to the ground. My family didn't want anything to do with me, because my ex-partner manipulated them. I was isolated from my friends. My children were [REDACTED] and almost [REDACTED] at the time.

I will never forget DR. [REDACTED]. I was vulnerable; I went to him to report the violent incident. To tell him I need help, guidance, protection, and reassurance of how to get out and how to keep safe. Instead I was bullied and intimidated by someone who was in a position to help me. It became very evident very quickly that Dr. [REDACTED] "did not want to get involved", and was quick to stereo type me. I was told "you woman are all the same, make claims, then change your minds and go back to these violent men". He stopped me in the corridor and said..."if this ever gets to court I will not have you call me as a witness, or support your allegations. Do you know how much I earn? Who will pay for my time, just so you can go back to him, and he does it all again. I will not go to court." He was hesitant to even document my injuries.

With nowhere to go, I felt I had no choice, but to go back home to my abusive partner of [REDACTED] years.

Sure enough a few days later there was police involved because he had head butted me causing me to black out on the floor. When I came to, there was blood everywhere, and I couldn't see. He beat me and kicked me while I was on the floor and while holding our [REDACTED] baby [REDACTED] and while my [REDACTED] year old sat eating [REDACTED] dinner witnessing all this. That night he broke my nose. The police still took out an IVO against me, and believed his version of events. The police officer "cringed and gasped when he saw my face all swollen and my nose bleeding, I could barely open my eyes it was that bad. The police officer then said to me "I know you look worse off, but because you instigated the argument we have decided to take out a restating order against you". I was informed by a senior constable at [REDACTED] Police station, that I was not to go back to the house that night, or I would be arrested, handcuffed and charged for breaching the IVO. I asked where was I supposed to go? They said "that's not our problem, phone a friend or family member, or you can go to a woman's shelter for the night".

Society needs to be educated, the younger generation have to be taught that it is not right to put your hands on someone else, to degrade, put down, or control another human being. The cycle of Violence has to be broken. It has to be broken through educating the public, and supporting the victims.

Those in society who are trusted such as doctors and the police who have take an oath to protect, should not be thinking "here we go again" but recognise that this person needs help (whether the victim know it or not). Doctors, the police, teachers and school councillors need to step up and report or make note in their files if they believe Domestic violence is occurring. So if it gets to court, then there is a history. To do this, People in these trusted positions have to be educated on what to look for, and understand why it is so hard to leave an abusive relationship. They need to understand the genuine fear victims and survivors have of their abusers.

More recently I was informed by the school councillor, that my [REDACTED] was exhibiting extreme signs of anxiety, stress, and complaining of stomaching aches and headaches; and could not concentrate in class because of the upcoming "court ordered phone call from [REDACTED] father". When I asked the councillor if she could put all her concerns in writing, so that I can show the courts what was happening to [REDACTED], she initially appeared very supportive and said yes. The next day she called me saying she wasn't going to give me a letter outlining her concerns because, she "did not

Royal Commission into family violence

feel comfortable in writing the letter” and didn’t want to “disadvantage either party”. Again I felt let down. Schools feel it’s easier to turn a blind eye, or just because they don’t see bruises then everything must be alright. [REDACTED]

[REDACTED] Yet [REDACTED] is labelled and treated as a “disruptive child” in class. [REDACTED]

As the abuse escalated at home, [REDACTED] would hide under school desks and just cry and rock. The kids would laugh and tease [REDACTED] and the teacher would just leave [REDACTED] there and go on teaching.

Teachers have to understand that Domestic violence is a huge problem in our world today. Teachers have to view school as a sanctuary for some of these children. For some of these kids, it’s the only place they can just be kids and escape their harsh reality at home. Teachers and schools need better regulations of policies when it comes to recording and reporting Domestic Violence. It should be compulsory that schools have their files offered to court in ALL children matters of custody where Domestic Violence has occurred. Teachers and staff of schools need to attend programs or courses, which shock them into understanding what it is like to live Domestic violence every day-through the eyes of a child! We need to better equip schools with tools and strategies to better handle these damaged children, in order to break the cycle.

The education programs should further extend into the classrooms. We have to educate the next generation to respect our selves and one another. That is NEVER okay to physically, mentally, psychologically, sexually abuse another human being. The cycle must be broken through education and knowledge.

I lived in an abusive relationship for [REDACTED] years. I lived through the abuse of the legal system for [REDACTED] years and counting. Today I want my story told and my recommendations to be listened to because I lived through it.

[REDACTED], my ex-husband, turned up to the house in a rage just because he found out my mother, was helping me raise our [REDACTED] children, while I was pregnant with [REDACTED]. We had been separated for [REDACTED] months; he was not living at the house. He violently beat my elderly mother, pulled clumps of hair from her scalp, and kicked, pushed and hit me. I was [REDACTED] pregnant with our [REDACTED] child and all [REDACTED] children had witnessed the incident. Police were called and he was arrested. Constable [REDACTED] took out an interim IVO against my husband. I had to appear at the Magistrates court [REDACTED] times!! [REDACTED] times just to get the full intervention order. The police had taken out the initial interim order on my behalf. But my ex-husband dragged it out, despite the overwhelming hard evidence, all with the help of the legal system. This should not have happened. After this process I now can understand why women just don’t see the point, and give up pursuing an IVO.

The police should have the power to issue a standard 12 month IVO (unless a magistrate sees fit to extend). There should only be one court appearance to finalise/dispute the matter. This will clear the courts already heavy work load, and reduce the stress, anxiety, and fear on the victims and the children involved. Magistrates should enforce men’s behaviour programs, anger management programs, onto the perpetrator who the IVO is being placed upon. The current system of just ‘recommending’ these programs stands with no consequences. IVO are taken out on someone who

Royal Commission into family violence

is violent and a danger...they need consequences for their behaviour and tougher penalties when breaches occur. Bottom line, IVO's need to be a simpler process, with fear reduced for the victim. It should not be a dragged out process; and it should be made compulsory to have the children of the marriage put on it to protect them.

I pressed charges against my ex-husband for assaulting me, my unborn child and my mother. It took the legal system [REDACTED] years to find him guilty despite the over whelming evidence stacked against him. There was photo evidence taken by the officer on the scene, Constable [REDACTED] (who I commend for his handling of my case), the ambulance report, the hospital report, and text messages he sent me immediately before his attack on me. All this and the legal system allowed him to not only drag out the inevitable, but he was allowed to leave the country [REDACTED] months.

There needs to be better legal resources available to woman/victims of DV and a review of the current legal aid system. It is unfair to disadvantage woman/victims who have finally gained the courage to leave their partners just because they have property in their name or because they cannot afford the astronomical legal fees. Why can't women/victims be represented and have a signed agreement for a set amount. This will ensure that lawyers don't unnecessarily drag out the process any longer than what it should. There should be a system in place where young lawyers just out of university or fourth year students who can work with family violence victims to gain experience and understanding, all while not charging as much as more experienced lawyers.

My first lawyer, [REDACTED] of [REDACTED], was recommended to me by Legal Aid (as I was not entitled to their service [REDACTED]). He was a bully. He was ignorant of family violence, and gave me misinformation and bad, bad, bad advice. He charged me for work I did not instruct him to do. I felt like he didn't listen or understand my concerns, especially when it came to protecting my children. He forced me (yes forced, as I didn't feel I was being heard, and he would argue and YELL at me over and over again until I gave in), to allow my ex-husband unsupervised visitation. My children are traumatised from the violence. My youngest at the time was breast feed and only a few months old; the same baby he tried to kill when he threw me on my stomach, kicked and punched my stomach, because he didn't want the baby.

I voiced my concerns repeatedly, providing him [REDACTED] with hard physical evidence that my ex-husband was unstable to be around the children. [REDACTED]

[REDACTED]. All this hard evidence and my lawyer just said to me... "He is their father and he has rights to".

It was a nightmare on top of a nightmare. My ex-husband was living a double life which I had only found out about after he attacked me. But my lawyer just kept telling me, "he is their father, he has a right to see his children". This is despite the children not having any contact with him for [REDACTED]. Despite the fact these children witnessed his violent attack on their pregnant mother and grandmother. Despite the fact that he belted and slapped around my children. [REDACTED]

my eldest. Despite the fact that there was an IVO with the children on it, in place!

My lawyer told me "let him see the kids on your terms...but you have to compromise", have it at a [REDACTED] and you wait outside in the car. This breached the IVO and caused so much trauma for me (the sole carer for my [REDACTED] children), I demanded supervised visitation, on a gradual

Royal Commission into family violence

bases. [REDACTED] later I would have to go to court and pay thousands of dollars to have a court reporter and independent children's lawyer (ICL) recommend this.

My ex-husband breached the IVO several times during this trial visitation period. I would inform my lawyer in hope to stop the visits which were causing distress for the children, and affecting them in school. But instead my lawyer gloated that "this is good, see I told you, give him enough rope and he will hang himself." "We go to court we can use this as evidence". "This is gold...now the judge can't say you are an over protective mother or a jealous ex wife". Mind you I had, from day one, instructed my lawyer that I want Sole parental responsibility, as he was mentally unfit and had shown no interest in the children for over a year. He wasn't even paying child support. My lawyer said "there is no such thing as full custody, he, as a father had rights too. And these are his children; he should be included in making dissensions for them". In my response to the courts, and against my instructions, he had filed shared parental responsibility!

Every time I bought up money for the kids living expenses, my lawyer would say 'that's a child support matter'-to me this is not good enough. The Child support system needs an overhaul. Child support is a 'children's matter'. There needs to be tougher, harsher penalties for parents who avoid child support payments. In my opinion failure to pay child support is a form of abuse. If they really did care about their children, they would pay child support. My ex fought me in court for 'visitation', he never wanted custody, only because he was told if he had them a percentage of the time it would reduce his child support payments or I might have to pay him child support if he has shared custody. I was honest with my income in court, but my ex lied and is getting payed cash in hand, so because on paper I earned more (centrelink benefits) I would have had to pay him Child support. I believe this is a big reason why parents would pursue visitation, not because they have an interest in the children. In my view Child support needs to be incorporated in the legal proceedings, even if it's simply an extra form added to court applications. There also should be harsher penalties such as prevention from taking out a loan or suspend a passport and tougher penalties for employers who pay cash in hand.

The legal system and the family court in particular, needs to be better linked up. Divorce should not be granted until all financial and children matters are finalised (If they are really in a hurry to move on, then they will settle quicker). Those facing criminal charges in a magistrates court, for example, steaming from family violence or those who lodge applications in family court should not be allowed to simply leave the country..

My ex served me with legal papers and informed me he was leaving [REDACTED] for [REDACTED] on the same day. All the while there were serious criminal charges pending against him, and no child support payments being made by him. I still had to attend family court to be told, by the Judge there is no point for us being here as he is not present in court. My lawyer charged me [REDACTED] for his time.

My lawyer brought up the pending criminal charges against my ex, and his lawyer just dismissed it saying there are no charges your honour "my lawyer then had the nerve to ask me "did he really hit you? Cause he's saying it didn't happen". Mind you I had been charged close to [REDACTED] for my first affidavit-an affidavit that I was told by my lawyer at the time to keep things out of, don't put that in or you will look like an over protective mother, leave out the part where the trial visitation with the kids failed miserably because you will look like your picking on him and judges hate that; put in the fact he cheated on you because the female judge presiding will sympathise with you.

Affidavits are a very big part of family court process and it is also very costly. I would like to see this processed reviewed. Perhaps have affidavits not written by lawyers, which is where the costs come

Royal Commission into family violence

into play. I recommend that there are specialised groups set up to help write Affidavits. They won't be coming from lawyers who manipulate the story that is being told. The victims of family violence will feel more supported if they believe they are being heard and understood and most importantly...Validated.

It's no surprise that my ex-Husband lied in his affidavit and claimed there was never any domestic violence. But what was surprising is that I presented hard evidence of violence, his mental state, his inappropriate sexual behaviour, his suicidal tendency and still had to "go through the process" and hand him my children.

The law states that the child must have a "healthy relationship with both parties", what a huge contradiction when there is a history of family violence and sexual abuse. Family violence on a partner has to be recognised when it comes to children matters, and not ignored as it currently stands. These children have witnessed it, and are affected by it, and more likely to have trauma from it. This is the environment they have lived in for so long. Sexual abuse cases have to be highlighted. A simple box, for an applicant to tick, on the family court application for proceedings, asking "are the children at risk of Sexual abuse" and is there a history of family violence would ensure the Judge takes the right steps to protecting our children. This will also reduce some of the stress court proceedings brings as all parties involved will be aware of the nature of the case from the onset.

When hard evidence of family violence and sexual abuse is presented to the courts, it must be taken into account. The law MUST change to reflect this. Only supervised visitation should be offered to the parent, if any contact at all. Why would you hand over a child to someone who is physically, mentally, and sexually abusive? [REDACTED]

There should be more Contact centres such as [REDACTED], who offer a service where by children are observed with the parent and an independent report is offered to the courts at the end of 3-6 month period. Children are mentally and physically safe and this gives a chance for the parent to prove themselves to be fit.

This brings me to the issue of court reporters. How can Judges, ICL, and lawyers rely so heavily on a single document? A document which was compiled after a single visit, lasting only a few hours. Again, no one wants to take responsibility. I was absolutely petrified to go see a court reporter because of what my lawyer had told me. He said "be prepared to hand over your kids to your ex husband because court reporters follow the law, and the law states both parents are to have shared custody". He told me that "court reporters don't read all the affidavit materials". I was advised to "not talk anything bad about my ex husband as I would come off looking like an angry ex wife and an over protective mother".

From my personal experience, I believe there needs to be more court reporters such as Dr [REDACTED]. From her Affidavit/report I believe that she exhausted all resources available to her, before making her recommendations. She listened to me and more importantly she heard me. Reading her report I felt validated, finally someone is going to help me keep my children safe. She even called myself and my ex partner back for a second sitting (separately) to further clarify a few questions that she had. [REDACTED]

[REDACTED] I believe she also contacted the ICL and my children's councillor.

Royal Commission into family violence

Dr. [REDACTED] also observed both myself and my ex-partner together. I was so scared when she told me she would be doing this, [REDACTED] years on and it would have been the first time I would have seen him since he hit me while I was pregnant. But, I highly recommend this be implemented by ALL family court reporters. If two people can't even communicate about one topic in almost an hour, how can these two people make important, lifelong, more complex decision in future for their children?

Though out my journey I would not be where I am today if it wasn't for the support group in my community ([REDACTED] health services). Each step of the way support workers, social workers, councillors, would help me with legal support, direction, and help dealing with my own trauma. The hardest part for me was recognising and admitting that I was a victim of domestic violence.

There needs to be funding injected by the government into ongoing, long term support groups that build up and strengthen victims into survivors and thrivers. **Long term post crisis support programs** are very important, and will assist more victims to get out of an abusive relationship. Many victims go back to their abusers because of a lack of support they have nowhere to go, are feeling overwhelmed and believe their abusers who tell them they are nothing and can't make it on their own. We need **Long term support for children. My children have been seeing a child counsellor and have been involved in an amazing program called [REDACTED] which helps kids with trauma.**

Throughout this experience, no one with the authority and power wants to take ownership or the responsibility. Survivors of Family violence are one of the strongest, resilient people, to go through hell and come out on the other side. We find an inner strength that was always there but overshadowed by fear. We have acknowledged there is a problem; we have acknowledged there needs to be change, I thank you for taking the time to read my submission. Please feel free to contact me, should you need to.