

Response to the Family Violence Reform Implementation Monitor's Call for Submissions: Monitoring the Family Violence Reforms – July 2020

Submission #023 – Individual – Victim Survivor

Q1. What are the major changes you have seen in the family violence service system since the Royal Commission into Family Violence made its final report and recommendations in 2016?

N/A

Q2. How has the experience of accessing services and support changed since the Royal Commission for victim survivors, including children, and perpetrators of family violence?

I cannot comment in relation the last Royal Commission however, I lodged a Police Statement to the Victoria Police on 22/02/20 and the experience I have had in lodging my complaint has not been overwhelmingly positive as a victim.

The follow up has not been as inclusive as it could be for a victim of domestic violence - I assume this is because I am interstate and am a 'faceless' person to the Victorian organisations now that I am in Perth back in safety with my Family.

The experience has been very clinical, daunting and most distressing and most Melbourne organisations my Mother has contacted on my behalf have shown a lack of empathy.

I was advised that there was only a 50% chance of the perpetrator being charged with domestic violence by Victorian Police, as it has to be proved beyond reasonable doubt. I do not know how this can occur as the nature of domestic violence always happens behind closed doors and I did everything that I had been educated to do by Domestic Violence awareness groups such as;

1. Go to a Doctor and report it - I went to my GP over a 5 year period and reported various incidences and injuries to, I even reported it to a relationship counsellor from Relationships Australia as well.
2. Take Photos - Again I took photos of my injuries that I sustained and kept them on my phone, only for the perpetrator to say that I am 'clumsy' and the bruises could've come from anywhere.
3. Tell someone - I told my manager from work as I was accessing more than my allocated sick leave and even showed her some of my injuries as I went to work with them, I told my mother as well - she then started keeping a detailed journal with some of the incidences that I had endured since telling her. My mother also confided to her work boss as she had to take excessive time off work to come to Melbourne from Perth to stay with me as if she was with me he would not abuse me.

After all of this evidence that I have as stated above the Victorian Police still advise me that it has to be beyond reasonable doubt? I honestly don't understand what more I could do other than install video recording camera's throughout the house to video record the assaults as again like I have stated previously the nature of domestic violence occurs behind closed doors.

My mother also contacted 1800 RESPECT on my behalf asking them what could be done with the legal processes, as I am suffering from Post Traumatic Stress Disorder and she was advised that I need to go see a counsellor and that was nothing else they could do.

My mother has also contacted various Ministries in Canberra, Perth and Victoria and has either received a automated reply or an email promising assistance with nothing occurring apart from contact made from The Attorney General's office in WA who referred us to The WA Commissioner of Victims of Crime who actually took the time to meet with us and discuss options and explain processes to us. The Commissioner

suggested that we submit onto this platform and then we received kind contact from [REDACTED] who called my Mother and discussed the issues at length and asked us to record our experiences via this platform.

The WA and VIC Offices for family violence have been disinterested in my case with the WA Office for family violence referring me to a counsellor for mental health assistance which my mother challenged and only then did we receive a formal letter of response with no assistance. The VIC Office for family violence initially made contact and showed promise, but this stopped and the promises made with information has never been forthcoming to us - again, a total lack of empathy.

We ask the question to these offices, if it were your mother, sister, daughter, niece, friend, aunty - would you give them the same lack of empathy if they came to you with domestic violence issues or would you offer more help ???

Q3. What are the most critical changes to the family violence service system that still need to occur?

Inter-jurisdictional awareness - I am currently going through a family court case in the State of Western Australia as I have moved back to WA to the safety of my parents. The perpetrator is denying the domestic violence that both my son and I received from him and I relocated back to WA after he physically assaulted me overseas whilst on our honeymoon in January 2020. Due to Family Court relocation laws, he fought against the relocation denying the domestic violence and I was forced to go through the expensive processes costing \$75,000 to protect my son and myself, despite have a FVRO in WA as well as having lodged statements with the Victorian Police in order to have the perpetrator charged with the domestic violence.

At one point I had three active court cases at the same time against the perpetrator; the first is the Family Court, the second was the case with the Victorian Police with Criminal charges and the third is the Magistrates court for a Family Violence restraining order. The Courts should be communicating together so it is streamlined as firstly the cost of all of this and secondly the emotional stress and turmoil because I as a victim am required to negotiate multiple case simultaneously, I have to relive and be re-victimised in having to repeat my story multiple times.

I do not understand how the perpetrator in order to protect himself and not put his pending case with the Victorian Police at jeopardy, was allowed to adjourn the Family Violence Restraining Order Case as he was going to be cross examined and settled it with a 'Conduct Agreement Order' (CAO) agreeing for two years with both my son and myself listed on the order, however he stated on the CAO that is not an admission of guilt - I do not understand how this can legally occur?

Despite all of the domestic violence documentation I have - my lawyer had also advised me that this was a 'slam dunk' case and we would win it. Due to the costs issued it was best to proceed in this manner also I did not feel like I could cope with having to testify in multiple court rooms and again be re-victimised by being cross-examined and having to relive the trauma that I am currently working very hard with a Clinical Psychologist to overcome.

Q4. Are there any parts of the family violence reforms that have not yet progressed enough and require more attention?

A greater understanding of individual cases - each case is unique and it should not be a case of one size fits all when dealing with legal issues in the family courts. My case is unique as the domestic violence occurred interstate in VIC and the domestic violence case is being heard in VIC but the family court case is being heard in WA.

I relocated back to WA after years of abuse as this is where I had been brought up all my life with my entire family - I only moved to VIC as the perpetrator lured me there with false promises of love and a future together. I had no-one in Victoria and my family was forced to fly backwards and forwards to protect me.

Family Court Relocation laws need to be overhauled and cases should be quickly dealt with on a case by case basis in a one on one environment so as to overcome extensive legal fees that my family has been forced to pay.

Also, my Family court case shows that the perpetrator is clearly lying in his documentation stating that I am "clumsy" and that I would fall into cupboards - surely this is a flag to the judicial system, and his middle aged friends and family (the perpetrator is 19 years older than me) have all lied in the affidavits stating that I was a "gold digger" and "mentally unstable" - I have been forced to defend myself and spend unnecessary money which my parents are loaning me at present- Costs are not awarded in family court cases despite frivolous and vexatious affidavits that perpetrators present to the Courts. Why are costs not awarded as a matter of priority ? Why are these people who are lying not being threatened with perjury ? It appears that in the Family Court you can lie with no repercussions.

Where is the urgency with giving the victims access to joint funds ?? This should be the first point of call when a case is opened. I would like the house where he abused me mentally, physically and financially to be sold so I can pay my bills and defend myself properly - but I cannot as I have to run to the Court's pace which is still months away - why is this not expedited, I am on the title, I have the right to my share of the funds ??? He sold shares that were in his name and used them to fund legal fees, I cannot do that. He can sell the family cars to fund his legal fight, I cannot do that as they are not in my name - where is the urgency in releasing funds to victims.

Q5. Are there any improvements that could be made to the implementation approach of the family violence reforms?

Frighten perpetrators with being listed on a national registry - introduce accountability to the lies told, perjury to the courts is a punishable offence. And the many suggestions that I have made above. But please make this standard as a National priority the the Prime Ministers involvement.

Q6. What has been the biggest impact of the COVID-19 pandemic on your organisation or sector? How have the services that your organisation or sector provides had to change?

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Q7. Has the COVID-19 pandemic highlighted any strengths or weaknesses in the family violence service system?

We have found that being faceless with many organisations over the phone due to inability to meet face to face with COVID has led to lack of interest.

Q8. Are there any changes resulting from the COVID-19 pandemic that you think should be continued?

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Q9. The Monitor invites you to make any final general comments around the family violence service system reform.

My Mother had already sent a separate email which was kindly responded to via phone call and email by [REDACTED] - my story is outlined in this lengthy email my Mother wrote. I am slowly recovering from my PTSD and my mother has been my mouthpiece for much of my journey as I simply have not been able to deal with it or discuss it. Today has been a positive day for me with [REDACTED] contacting my mother and I have felt strong enough to write most of this submission with my Mother assisting me.