

Domestic and Family Violence Protection and Other Legislation Amendment Bill

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This submission is the combined works of Jo, Jane, Michelle, Jo and Emma. Members provided their own individual responses, these were then collated into one document for ease of reading.

Terror. Insurmountable terror. It is very hard to put down into words a way to describe every feeling, every physical and emotional pain that inches over your body when you endure domestic violence. It is crippling. And then you leave and are luckily naïve enough for just a moment to think that your escape is your saving grace. It is not. The DV does not simply end the moment you try and walk away.

The terror never truly leaves. That thought within itself adds to the growing fear that starts somewhere in your heart and radiates through your entire being. This is not an exaggeration. Even just the act of reading their name triggers your heart to race, your blood pressure to rise, your hands to sweat and tremble and tears to tumble. Those tears will forever tumble throughout your life because they will always be there hiding in your shadow.

That terror is compounding and when you think that it surely cannot get any worse, you have to hand your child back to the man that raped your body and your soul. No DVO can stop that reality.

The objectives of the Bill are to:

- provide victims of domestic and family violence with access to earlier and more tailored protection
- ensure victim safety is at the forefront of the justice response to domestic and family violence
- require police to consider how immediate and effective protection can be provided to victims pending a court's consideration of an application for a domestic violence order (DVO)
- provide for the automatic mutual recognition of DVOs made in other Australian jurisdictions through the National Domestic Violence Order Scheme (NDVOS), and
- hold perpetrators of violence more accountable and encourage them to change their behavior

Clauses 45 and 46 – increased penalties for breaching police protection notices and release conditions

I would like to reiterate a phrase used in the explanatory notes, “**the increase reinforces that domestic violence will not be tolerated in our community and perpetrators will be held accountable for their behaviour**”. Currently, this does not seem to be an ideal held by either the Queensland Police Services or the judiciary. Increasing penalties for PPNs will not have an effect on those that will breach them, just like DVOs. If breaching a DVO does not amount to any punishment, despite the legislation already in place, I hold very little hope for a PPN to protect anyone.

“Perpetrators will be held accountable...” This statement can only be bought to reality if Judges are held accountable for their decisions. In my case, the Magistrate found my perpetrator guilty of domestic violence, yet he denied a Protection Order on the grounds that we didn’t share children. My perpetrator seized my business and has manipulated the system knowing I am both financially all but bankrupt and won’t push for anything out of fear of what he is capable of. Again he has control and again a victim suffers further at the hands of the perpetrator. A Protection Order would have had it written into it that he act appropriately concerning the liquidation and selling of the business and his behaviour towards me. He is guilty yet not held accountable.

S57 Amendment of s57

(b) A named person from associated domestic violence

(c) A named person who is a child from being exposed to domestic violence

Yes, the name of the person, such as witness, who involve in the DVO process should be included in that DVO.

E.g. I have two witnesses submitted affidavits for my DVO application and they went to the trial for cross exam examination as well. For their safety reason I strongly agree that their name should be on the DVO as well.

If not, witness would be afraid to submit affidavit or stand up at court to support your application for their own safety reason.

My child's name is on my temporary DVO but is NOT on the final DVO, because the judge believed that there is no evidence to prove that my EX put my child in danger. I just cannot understand this at all. What's kind of evidence did the judge want? Until the child actually got physical hurt, the photos or the doctor certificate will be the qualified evidence? Once there is DVO in the relationship, the child has already been exposed to DV and the child needs to be protected by DVO as well.

S84 court to ensure respondent and aggrieved understand DVO.

About "good behaviour". This is the words in my DVO. It is way to wild. Different people have different understanding of "good behaviour". This is just too weak and not clear to be on a DVO order. The definition of "good behaviour" have to be present at the DVO as well, even if there will be extra ten pages insert in the DVO, it is necessary.

The term "good behaviour" requires clear defining, remembering that perpetrators see their actions as perfectly normal and ok.

S97 End of protection order

Is it 5 years is long enough? I do not think so. If there is a child or children involve in then I believe at least the **DVO should last till the youngest child turns 18.**

Or there should not be an expire date on the DVO. Unless one party apply at the court and satisfied the court that DVO can be removed. Otherwise the DVO should stay in place.

I strongly endorse a review of the length of protection orders. My ex husband's DVO commenced when our son was two and it expires in two years. I see no change in my ex husband's conduct and he is not seeking help for his anger. In fact, he was found guilty of breaching his DVO in June this year. Right now I believe he contains his behaviour because his job as a Deputy Head in education would be jeopardised if he here to get a criminal record. However, when the DVO lapses this will no longer be an issue. I will still have to engage with him on matters regarding our son and I will have to see him at handover times. I am concerned about how he will behave on these occasions once the DVO has finished.

Whilst a minimum five year term is a good start, I believe a DVO should be in place under one of the following terms:

- If children are involved until they are 18
- After a process whereby the respondent can prove there is no risk of further DV after the DVO has been in place for a minimum of five years

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There has been a strong positive consensus from the survivors that I have communicated with about the proposed changes to protection order duration. Two years is so grossly inadequate. The fear of your abuser does not simply dissolve in two years especially if you have continued contact due to parenting orders. I would probably go as far as to say that that fear will never leave. I receive specialised therapy for PTSD to help reduce the impact of my trauma, but I don't think that I will ever feel safe around the man that abused me. Thus I need to make sure that I minimise contact and will probably be forever renewing that order. If this process is made easier by allowing less resistance by the court to grant longer order durations, than the trauma of reapplying and facing my abuser is decreased greatly.

107B - Ouster order

I spoke to the police on several occasions with concerns regarding my husband's violent and abusive behaviour. Each time they informed me I/they could apply for a DVO but an ouster order would be very difficult to get. I therefore stayed in my marriage for a longer period of time, as I couldn't afford to move out and still have the financial tie of a joint mortgage plus rent elsewhere and I knew living with him if I proceeded with a DVO would increase my risk of harm, not reduce it.

If an ouster order could have been easier to obtain, I would have left my marriage much sooner which would have had a lesser impact on my mental and physical health and made it easier on my young son.

169D – Sharing of information

I strongly support the change to make it easier for agencies and organisations to share information about domestic violence and their clients. I personally sought help and advice from a number of sources. Not only did this mean I had to recount painful information on a number of occasions, it also swallowed up valuable time and resources which could have been better used to get to the source of the problem and deliver practical assistance.

Furthermore, if organisations had been able to share my information (eg the hospital had been able to contact a DV organisation directly), I would have received support earlier. An earlier intervention would have saved me from several years of living in this difficult situation.

I was silent about my abuse for 5 years. When I left, outside of family and friends, I had to tell approximately fifteen different people from eleven different services about my experience. Thirteen were strangers. I told thirteen strangers about the psychological, emotional and financial abuse I sustained. I told thirteen strangers about every time I was anally raped and sexually coerced and manipulated. I told thirteen strangers about every time he made me have sex in front of my child. Disclosing this to one person was hard, but to fifteen people? I think that this is why I can now speak so openly about my abuse, but it is not something that I would want anyone to go through.

Information sharing between governmental and non-governmental service providers would greatly reduce the trauma experienced during the first few months of separation. Reliving your memories of such traumatic events is excruciating. Even halving the number of people I had to disclose details to would have made a difference. During that time, you are experiencing so many differing feelings and your world is falling apart. It becomes almost impossible to keep track of what services you have talked to and where you are at with each.

I also believe that this change in particular will have a carry on effect to first response service times. These services are crucial in the initial phases and the faster you can gain access to them, the better. People will receive the help that they so desperately need and waiting times to get that help may lessen as you are already in the system.

J would have been crucial in my case. There was a massive breakdown of communication between the police and the mental health hospital where my former partner was staying. Whilst being in a mental health hospital, he called 3 different police stations— and was told that he could use any means necessary to enter the home we had shared – as long as he repaired any damage. Deeply concerning given he had several police reports in the preceding weeks of ‘at risk’ behaviours – suicide threats – including one when a police report was placed on his car, as he was threatening his own life and indirectly, others through dangerous driving – as well as at least one direct report from myself to the police and multiple reports to the hospital that I had been threatened and felt at risk of harm. The advice he received from those police stations led to him ripping the front door safety chain from the wall, and searching the house, knife in hand for my (imagined) lover. If there had been better information sharing between the two services, or at least a proper check of the individual involved before giving out that information, my situation may have never occurred.

Opportunity to share additional suggestions and ideas

DVO and Parenting Order

If there is a case in family court about the parenting order, then the DVO can be applied at the same court with the same judge for better understanding about the whole situation and also just in case the DVO and Parenting Order have something against each other. It will save time and cost as well.

About DVO process at magistrate court

I had 4 hearings at magistrate court until I have my final DVO.

At the 1st hearing, I had my Temporary DVO granted and my child's name on it as well. Also it is a very strict order: such as non-contact, no close than 200 meters and so on. Also my ex applied his DVO as well, for the first 3 times hearing, his Temporary DVO has never been approved (two different judges) . Until the trial day which is the 4th hearing, a new judge who had never been involved in previous hearings, she did not even go through the trial on the trial day and granted a consent order without admits. On the order it is only about "Good behaviours". Sad.

I think if there is only one judge went through my case till the trial, the outcome could be better. Because the judge could see all the drama my ex did at every hearing, remember all the ridiculous things he talked at hearings and can catch more lies he told at the court. Unfortunately, there are different judges at hearings.

So what I'm trying to say is, even if it's the same, different judges have different decisions. I hope there is **only one judge follows one case till the end**. In this way, the judge can see the whole situation clearly from the very beginning.

- There should be a higher grade of protection order for victims that have experienced abuse during pregnancy and that this order would automatically cover the baby once born.
- That there should be easily identifiable flags on protection orders where strangulation or rape has occurred.
- That steps should be taken to retrain the Queensland Police Services and the Court to ensure proper police and judicial response to breaches of protection orders.

- Review and increase of the duration of protection orders if they have been breached.
- Properly trained DV liaison officers in police stations at all times (24/7)
- Any report of DV matter should be done so in private – not at a police front desk
- Increased assistance to help people understand the court process – this is very daunting
- Separate entrances at court
- More stringent control on the respondent's ability to use their social media to attack the aggrieved -I have been on the receiving end of a string of nasty posts etc which friends have told me about. Furthermore, he sent a group email the day of being given a DVO criticising me to his friends and family and calling me terrible names. I was powerless to do anything as this was a private message, even though it included multiple parties
- Breaches to be taken more seriously by police
- Breaches to be taken more seriously by the court – it appears the courts currently give a few slap on the wrists before the respondent has any serious consequences. This undermines the whole system

Our legislation can only be as effective as the Magistrates and Judges that over see the domestic violence court processes. From our research, it is clear that the majority of Magistrates and Judges are ill informed of the many facets of domestic violence. The lack of compassion, consistency and efficiency continues to create a view from the perpetrators that if it is ok for a Judge to demonstrate such mannerisms towards victims, then it is perfectly ok for the perpetrator to continue doing the same. If a perpetrator is found guilty, a record should be held to the same. Perpetrators show little or no remorse for their behavior, and if they do, it is to simply maintain their false sense of person to those around them.

One court responsible for all matters pertaining to any partnership that has ended due to domestic violence would see less money spent on lawyers, less upset for

victims, and a more streamlined process of resolution. One Judge, one case, no repeating of stories, no confusion. If the perpetrator is found guilty, then all other related issues, such as custody, businesses, assets, could all be dealt with at the time.

Police education and training must be at the forefront of new legislation. My perpetrator's sister is a senior officer who contacted my local police, which in turn made my life a living hell when it came to removing any of my property from the residence. I was bullied and intimidated by officers and my perpetrator was allowed to intimidate and control the process from the outset. As the victim, I was not allowed to remove anything that the perpetrator said NO to, which meant I was left with very little.

Again, why are perpetrators entitled to such control when found guilty? Where are the consequences for their actions? The Bill is meant to be addressing such issues. More detailed and structured training and laws governing Police and Courts will be required if this is to occur.

As part of the scenario above, my mother tried calling the police for me, as she was on the phone to me when he broke open the door, and I sent her an 'SOS' via Messenger. However, as she wasn't in the local area, 000 or PoliceLink would not take her call – and referred her on to the local police station. In a time-sensitive situation such as this, it cost precious minutes, and prolonged a dangerous situation for quite some time – and by the time the police arrived he had left and the damage had been done. I suggest therefore, that non-local third parties should be able to call and make use of these services particularly when third parties have been directly requested to do so by the victim in a situation of domestic violence.

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Clearly very few of the above objectives are satisfactorily being addressed to the extent required to make an obvious difference in our society. Police, Magistrate and Judge training is required, if change is going to be effective. It starts on the front line when victims are first spoken to and help is first sought. Too many women, children, and men, have died due to our ineffective responses to calls for help to police and other agencies and communications between government departments and courts.

There are no words for the terror that you feel as you watch the man you once loved walk around your home waving a knife after ripping the front door safety chain from the wall. There are no words for the nervousness you feel as you walk into a police station for the first time, fearing for your life, and hoping they will believe you – after all, you don't have any bruises. Terror is running out of the door, hoping he will not hurt your much loved pets while he is having yet another psychotic break. Terror is your constant companion – you never know if you will make a wrong move, push him too far, and then he just might use that knife on you.

In this submission you've heard from women who have lived domestic violence and domestic abuse in all their forms, from physical to psychological and financial. The reality is that unless we are heard, unless our voices are listened to by the people who write these laws, unless all of our Government Ministers and front line Police service officers seek to listen to women like us, so that they might forward plan and educate themselves and others effectively, very little will change.

We thank you for the opportunity to be heard and for our suggestions to be considered.