

Inquiry into Victoria's criminal justice system

████████████████████
Organisation Name:
Your position or role:

SURVEY QUESTIONS

What best describes your interest in our inquiry

A victim of crime

Drag the statements below to reorder them. In order of priority, please rank the themes you believe are most important for this inquiry into Victoria's criminal justice system to consider::

Specific prisoner cohorts (e.g. youth or Aboriginal and Torres Strait Islander offenders),The experiences of victims of crimes in navigating the justice system,Policing,Strategies for reducing reoffending (e.g. addressing risk factors like poor mental health),Alternatives to imprisonment (e.g. treatment programs or supervision orders),Rates of criminal activity,Number of people on remand (awaiting trial),Rates of imprisonment,Judicial appointment (e.g. guidelines and selection processes for appointing judges),The level of training and expertise of judicial officers (e.g. expertise in sentencing)

YOUR SUBMISSION

Submission:

I am a survivor of domestic abuse in my former relationship of 24 years. I have not been able to have my ex partner charged with any criminal offence, as his abuse just falls short of assault. However, his coercive control and other forms of intimate partner abuse are just as dangerous and devastating, and it is now known that when it comes to domestic homicide, coercive control was present in upwards of 90% of cases and the first act of physical violence is murder.

My partner was always very careful not to cross the line into criminal activity that I could take to the police, and when it did and I threatened to have him charged, he would stop that particular behaviour such as stealing my car, stealing cash from my purse and opening my mail. However, the law did not prevent him from multiple ongoing forms of coercive control and abuse because he wasn't breaking the law.

Over a ten year period he stole over \$120,000 from our joint accounts, but he wasn't breaking the law. We had to borrow an additional \$80,000 from our bank, again, because he stole it before we could pay the invoices we were committed to paying.

He intimidated and ranted and shouted at us, terrifying us so that we shut ourselves away in other rooms because we thought he would assault us at any moment, but he wasn't breaking the law.

He threatened our fifteen year old daughter by walking into her room with his belt in his hand and whacking it repeatedly over his other hand in a threatening manner, but he wasn't breaking the law.

Every time there was a corpse in a television program we were watching, he would say to me, "You could play that role", but he wasn't breaking the law.

Every time he held my hand and squeezed it to the point of pain or hugged the breath out of me, he wasn't breaking the law.

Every time he joked that I would die in a ditch because it was a joke from the time I'd fallen off my bike into

a ditch and he'd just left me there for our ten-year-old son to help me because I was unable to get up and had the bike on top of me, he wasn't breaking the law.

The time he was angry and aggressively pushed my birthday cake along the bench and straight into the bin and made me buy a new one to bring to lunch with his family, he wasn't breaking the law.

The time he was angry with our daughter and took off so aggressively in his car that she hit her head on the side window, and continued to drive so aggressively that she thought she would have to jump out of the moving car, he wasn't breaking the law.

The time he coerced me into having our second child or he would divorce me, he wasn't breaking the law.

The time he forced me into taking out a loan and buying a joint investment property that we couldn't afford because he said he would stop paying the mortgage on the family home, he wasn't breaking the law.

When he coerced me into letting him have all the rental income from that property because he "couldn't afford to pay the family bills", which was not true, he wasn't breaking the law. Then when he finally agreed to share it 50/50 but never did, he wasn't breaking the law.

When I called the police because he wouldn't stop shouting and ranting at us and we were afraid for our safety, the police couldn't remove him because he wasn't breaking the law.

When I applied for an urgent intervention order for the safety of myself and my daughter, my application was refused and I was treated with the utmost contempt and disdain by the magistrate, because he wasn't breaking the law. I was granted a 5 minute hearing in five months' time, which I am still waiting for.

When I told the parenting plan mediator about the family violence and my concern over how my ex would react when he collected the summons to the magistrate's court for the IVO, I was advised to withdraw it so I wouldn't "inflare" him.

When I have tried to negotiate an interim financial agreement via our lawyers over the past several months, and negotiations have failed because he is using our lawyers as a vehicle for further financial abuse and paper abuse, his lawyer is happy to milk him and me in the process, and let him bully me via this new avenue of abuse. The property settlement is going the same way.

I have Major Depression and our daughter has Autism, Depression and Anxiety, along with multiple other disorders, and we are navigating this situation and trying to protect our own safety without any support from the law.

My only hope for an end to this situation is for me to apply to the Family Court, and hope like hell that the Judge will see through his abuse and manipulation and will make a fair decision. It would help if his Coercive Control was recognised for the abusive and unlawful behaviour that it really is.

My other hope is that Coercive Control will be made illegal in the state of Victoria so that abusers like my ex can no longer get away with abuse that walks that fine line of being on the "right side of the law".

Statistically, my daughter and I are "safe" now because we have crossed the six month mark in which offenders are most likely to murder their domestic victims. We don't feel safe because the law does not reproach the kind of abuse we have been and continue to be subjected to.

We are still on waiting list for much needed DV counselling, triaged way down the line because there hasn't been any physical assault.

Coercive Control laws are the only thing that will tell my partner that his actions are domestic abuse and are not acceptable or lawful. Until then, he thinks it is just open slather and unfortunately for us he is not wrong.

Coercive control laws are the only way that victims might be able to retrieve money lost to financial control.

Coercive control laws are the only way that victims might be able to have paper control via lawyers and courts recognised and rebuked.

Coercive Control laws will help deter offenders, protect victims and allow for intervention before more homicides are committed.

Please understand the need for Coercive Control laws to be urgently and retrospectively introduced in Victoria.

FILE ATTACHMENTS

File1:

File2:

File3: