

Friday 27 September 2024

To the Commissioner of the Royal Commission into Domestic, Family and Sexual Violence,
The Honourable Natasha Stott Despoja AO

Dear Commissioner,

To proceed respectfully, yet with authenticity and accountability, I provide my private full details. I request that you redact them and use the public information as I provide below:

Identification:

Private

(Not for publication, but for your verification and follow up, should you wish to do so).

My name is [REDACTED]. I am an Australian citizen, aged 63, living in the [REDACTED] SA. My address is: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Intended for publication, modified to protect the identity of my children. Chosen from a random name generator.

My name is Bruno.

Very unusually for me, I will write to you mostly in the first-person. In certain areas, where, for example, I will write in the third person to illustrate a legal issue or other procedural matter tangential to my personal contribution.

I believe that writing you today is important as the circumstances of the last 5 years, affecting my children, ex-wife, and myself, are important to learn from.

As I write, I am worried for my personal safety. I expect that the police will attend and enter my house at any time. As the circumstances of my 2nd last arrest led to me receiving a concussion, I am worried that it will be aggravated, or worse, that I will receive another more serious injury. I also worry because my last arrest led to me being refused bail and labelled as a prescribed domestic violence perpetrator and I was held in jail at the [REDACTED]. I'm worried that the next arrest will result in me being held without bond and that I will sit in jail until my arraignment. I am worried because I have no family [REDACTED], and I wasn't allowed any phone calls during my previous two arrests.

I don't sleep well and am usually awake until sunrise where I feel somewhat safer from having police enter my house and arrest me. I have my [REDACTED] camera with me at all times, to create a record so that an objective person may view what happens between police and myself. However, I tried to hold on to the camera during a recent arrest but was charged additionally with resisting arrest in doing so.

I was attacked in police custody in [REDACTED], the day I lost my [REDACTED] beautiful children. I was so scared as I thought that they were about to tell me that my family had been killed in a road accident or similar. Unfortunately, I was told that a complaint had been made about me that I had physically assaulted my [REDACTED]. This made me physically ill to hear this accusation (it was false) and I found it morally repugnant.

I am also suffering the devastating effects of ambiguous grief, where I have lost my children and have not contact with them. I suggest to the reader that, if they are a parent, how would they imagine being told that for the next [REDACTED] years, they would have no contact with their children. However, my grief is one I can't share with anyone. When I have tried, many people, mostly women, choose to break contact with me and avoid me. When I share this with men, I often am judged as being a weak man as they tell me that they wouldn't stand for the situation and that they would have done something about it.

I suffer from long covid as well and struggle to walk [REDACTED], concentrate, and prepare for my many court appearances. In fact, during my appearance in court [REDACTED], I was again physically ill from the stress.

I have lost my career, my reputation, my finances and financial future, my children, and continue to be completely alone in this situation. Many fathers, in less challenging circumstances, have died by suicide since this scenario began. I understand why. I can suggest to the reader that there are many fathers like me who are living in a type of social suspension, not wanting for my children to have to deal with the death of their father, but not having any type of love, support, or sense of compassion in my life.

Since the initial accusation of violence laid against me, which was quickly investigated by police and just as quickly dismissed, a private intervention order was granted against me without my knowledge. This resulted in police evicting me from the only home I have ever owned. As access to my finances had been removed, and I was fleeing from police (due to being told that they were targeting me to intimidate me [REDACTED] [REDACTED] I took refuge in my car and hid in various parking lots around the city.

Trying to continue my employment in these circumstances proved difficult and, no matter how hard I tried, I was finally fired based on the most recent arrest. I have had no income since [REDACTED] and face a bleak future.

However, with all the money I have left I continue to rent a home with sufficient bedrooms so that the children will each have one when they come to visit and live with me. Each bedroom is ready for them, although I will leave it to them to choose who gets which room.

I sought out legal assistance as soon as I was effectively deleted from my family. However, after spending all my money (my share of the house equity) I was worse off than when I had started. I have had to self-represent for the last 2 ½ years in the Magistrates, Family, and Supreme Courts. I must say that my successful appeal in the Supreme Court has been the only time I felt listened to by the legal system (although the registry staff and sheriffs have been great).

I am motivated to share these details with you so that you may understand my state of mind and the challenges I face on an ongoing basis – essentially that of a sustained fight/flight/freeze reaction for over 4 ½ years. The reality of having police enter my home as I type this is something I must deal with and be prepared for. So, in preparation, I don't have anything in my pockets (to reduce time in inventory in custody) and I have a legal kit nearby the front door for the officers with the court orders which explain my case. Unfortunately, in the most recent two arrests, the officers were not interested in these documents – quite unfortunate as a reasonable person, in reading them, would conclude that the arrests were not required.

When I voice these concerns to police, their response, individually and collectively, is that it is better to arrest me to be on the “safe side” and let the courts deal with the issue.

This brings me to an important question to ask of the reader:

Are you supportive of an innocent individual being arbitrarily arrested and jailed to be on the “safe side”?

I suggest that if you believe this is a good idea, that you have a read of the UN Charter, to which Australia has subscribed to, which enshrines the presumption of innocence to member countries as a central and guiding principal. The same agreement sets expectations for how prisoners are to be treated in custody.

To bring this to a more realistic example, that of my own personal experience during my [REDACTED] last arrest, I was removed from my house in handcuffs and placed in a van in front of my house. I had no shoes or socks on, nor was I able to put my [REDACTED] in. The latter was problematic as I have quite poor [REDACTED] and cannot afford the proper glasses which would correct it. As I was brought before the booking sergeant, my pants were around my ankles as I stood in front of combined staff of police and jail guards. I felt humiliated and confused as I could not see enough to make out faces or who was talking to me. I knew no one was looking for me and, because I have been attacked in custody earlier, I was terrified. However, the last arrest I was held for 30 hours as it took place on a Sunday, and I was brought to the Magistrate late on Monday [REDACTED]. During my time in the cell [REDACTED] I did not lie down or sit for any extended periods. I stood tall and proud knowing that I was innocent and that, as a child, I had come to know how to deal with bullies—that is, not to let them see that they have been successful.

I also ask the reader if they would be ok with police officers entering their living room some evening, handcuffing them, putting them in a prisoner van, and spending the night in the city jail? (Just to be on the “safe side”)

I suspect that, aside from a few activist-oriented individuals, people would find this intrusion in their lives; the deprivation of their civil rights and freedoms, to be an affront beyond that which would be accepted based on both encoded common law and the unstated cultural norms of our society.

Yet, in my situation, a single allegation, made [REDACTED] years ago, and which has not yet been tested in court for its veracity, this is my life. The more important secondary effects are devastating for my children, in that they are being told by their school, community, friends, that their father continues to be arrested and poses such an ongoing risk to them, and the larger community, that police, school, department of education all must protect them.

I ask the reader to imagine trying to make friends and contribute to the community when something as ordinary as stopping to get groceries involves being ignored or avoided by people once a part of your friendship and social network?

The dynamics of what is happening to my children is that they are being abused. They are experiencing the devastating emotional and psychological effects associated with parental alienation—whereby one parent prevents any relationship with the targeted parent and the children.

In many jurisdictions around the world, this is illegal, and perpetrators can be sent to prison. But, not in South Australia. Interestingly, The Honourable Sarah Game MLC has submitted a private members bill to parliament to criminalise parental alienation but the consensus and the unstated cultural norms (against fathers and men in general – who have not committed the egregious violations of actual domestic violence) somehow override the legislative imperative to take this bill seriously. My own attempts to report this abuse and obtain assistance and support have failed. These responses fail into two categories, first, I am told that what I am describing is not “real” abuse as it is just an artefact of the divorce and family breakdown process, second, I am told that I am reporting it in order to perpetuate abuse against the other parent.

I have now been in the Magistrate Court, defending myself against the private intervention order [REDACTED] times as of [REDACTED]. Plus, approximately 6 occasions on other related matters. Plus, the 21 days of full time work it took me to win a related appeal in the Supreme Court. Plus, the 3 yearlong Family Court case which was settled early in [REDACTED] – however, the final orders have been completely ignored without any form of accountability by the other party. Again, no one really cares about this. But, if I was a woman and mother who identified as a victim of domestic violence, I ask the reader if the response would be the same?

Early in [REDACTED], when discussing my case with my lawyer, they recommended that I remarry and have more children and just forget about my ever seeing my four children again. I ask the reader if a women and mother was advised the same whether it would be accepted by the community with the same response? Strangely enough, had I taken this advice, I would have saved my money and have had the same outcome. Another of my lawyers, who was not showing much interest in the urgency of my case, informed me that no one really cared about my case. I believed her.

In my efforts to be positive and to remain solution focussed I will now answer, to the best of my ability, the 15 questions posed by the written submissions’ guidelines.

1. What causes domestic, family and sexual violence?

I believe that the beginnings of the framework in which domestic violence occurs is related to the divergence of expectations that the two primary partners have with regards to how they view their lives, and marriages (or partnerships), progressing.

I also believe that, since the introduction of the smart phone in 2007, we are losing our skills to deal face to face with other people, especially in times of conflict. As a younger man, I lived in a time and place where I would, as part of a larger male cohort, take action to provide feedback to men who had crossed the lines regarding their treatment of women and children.

But now, when I tell people that protecting women and children is one of my central values, I am chastised. I am told to leave it to the police and the courts to deal with. But I ask the reader: What actions would you take if you see domestic violence? I suspect that, in our current “hands-off” environment, the answer would be nothing.

2. What works, or will work, to prevent domestic, family and sexual violence?

I believe that, in the case of a male-female intimate relationship, there are different unstated cultural norms in place which are not well understood, and not communicated, between the parties. For example, most men will understand that, if in face-to-face conflict with another man, there is always the possibility of a physical confrontation and outcome. For me, this has always been the case. Luckily, as I have always been aware of this, and am self-confident in my abilities to physically protect myself (and those women and children around me), I know when to cut my losses and disengage with the individual.

One of my beliefs is that, perhaps (and I am open on differing opinions on this), women are not as attuned to the fact that their aggressive and highly emotive attack during conflict with other women may result in a physical outcome. Perhaps, this is because it is such a rare occurrence. But, when placed in a similar highly charged conflict with an intimate male partner, they are not aware of the unstated cultural norm stated above? Of course, there is never an excuse for physical violence, however, I believe that if this can be explored, perhaps there can be options for the parties to realise this, disengage, and prevent a catastrophic outcome.

3. What existing initiatives are directed at addressing the attitudes and systems that drive domestic, family and sexual violence? Are they effective?

What doesn't work is labelling men as the perpetrators of domestic violence. Telling them to seek out anger management is not going to work. It is very sad and unfortunate that many young men have great difficulties in forming successful romantic relationships with women. Online dating, smartphones, and social media contribute to this. Also, again sadly, many young men are growing up in fatherless families. From a female perspective, the judgement of these men can be very harsh. Anecdotal data from the dating apps statistics show that, on average, men select 50% of the matches placed before them. But women select only 5% of the men. And, over time, it appears that the same small cohort of men, composing this 5%, continue to gain the attention in this format. So, what of the rest of the men? When, and if, they are successful in beginning a relationship, are they equipped with the self-confidence and skills to be an equal romantic partner?

In my personal case, if I was to resort to the victim/perpetrator model, I am the victim of years long domestic violence, supported and enforced by the police and courts. Parental Alienation and ambiguous grief together are more than most people can handle—thus the high number of suicides. I worry that, if this has happened to me, at

my age and stage of life, it can happen much more easily to these younger men (above).

4. What systems, including systems outside of government, receive information which may allow for the identification of individuals who are at high risk of experiencing or perpetrating domestic, family and sexual violence?

Firstly, because a woman identifies as a victim of domestic violence does not mean that there is domestic violence occurring.

The abuse of the family violence legislation (intervention orders) for advantage in divorce proceedings is well known one which no one wants to acknowledge let alone address. In the Parliament's 2nd Reading of the Intervention Order Bill, a Police representative suggested that people may use the intervention order to get people in trouble. Unfortunately, this possibility was deemed to be a rare occurrence, and in the rush to pass the bill, was not addressed.

Secondly, I would propose to expand the "identification of individuals" to the "identification of situations" which may include the two principal parties but also close relatives and friends.

It is a simplistic categorisation to assume that specific individuals are responsible for the catastrophic outcomes we see too often in the news reports. I believe that only a small percentage of people in relationships are so criminally without the insight into the effects of their behaviour, but that, when placed in a more complicated scenario, without support, they see no other way.

5. What is needed to allow for this information to be used by government and specialist domestic, family and sexual violence services?

In the context of the above question and answer, it is not the same as identifying a criminal profile of a known offender. For example, someone with a long criminal record of violent offences naturally reflects to these organisations an obvious significant predictor for future offending. I am of the belief that when catastrophic domestic violence events occur, there is often no past offending or obvious predictors. N.B. I am of the same view about the challenge of predicting those at risk of suicide.

In my personal situation, there is no mechanism, nor does there appear to be any motivation or inclination to do create one, to identify and deal with individuals who are using the police and courts to, in my case, place a lifelong punitive framework encasing me, so that, at any time, at the whim of the individual, I will again lose my freedom and not have any chance at a normal life.

I ask the reader should this not be considered just as serious as a previously unknown male perpetrator?

6. What interventions should be considered to manage the risk of a person who is identified as being at high risk of experiencing or perpetrating domestic, family and sexual violence?

If it is a man, please consider some type of male-supported social context in which other men can provide feedback and be part of the net of support and protection in the community.

If it is a woman, please consider that it is just as serious, arguably more demanding of community resources, and contrary to our common law assumptions about innocent until proven guilty, and needs to be equally identified.

7. What are the barriers to reporting domestic, family and sexual violence to police or seeking support from domestic, family and sexual violence services?

I believe that if a crime is committed, it needs to be reported to police. Of course, I understand that this is a complicated situation, especially for those families living in our remote and regional areas. Perhaps our community mental health triage teams can attend these situations, along with police, and intervene before individuals are jailed and children are left without their parent or parents. The children pay the price.

Although police are trained in how to apply intervention orders and other clearly defined family violence legislated mechanisms, they are placed in a lose-lose situation. If they make a judgement call and not arrest, they can face disciplinary action. If they arrest and jail one of more participants, it moves the entire scenario into the court system, which is not set up to deal with the very fundamental unstated cultural norms (above) which I believe need to be addressed to break this cycle.

8. What are the elements of a best practice crisis response which will meet the needs of:
- a victim-survivor?
 - A victim-survivor who is a child?
 - a perpetrator (acknowledging that one need is to hold a perpetrator to account for their use of violence)?

I don't believe that this framing of victim-survivor is a helpful construct.

9. What are the elements of a best practice health response?

Provide GPs with a treatment protocol to keep people alive throughout the stress. There are many exciting and important developments in the area. Dr [REDACTED] is working on a treatment protocol for GPs to have a consistent and supported (for the GP) way forward in this challenging situation. We have other experts, such as Dr Mandy Matthewson, who are world leaders in this area. We need to ask for their help and guidance.

10. What are the elements of a best practice police response?

Please consider not arresting when there are issues of overlapping family court and intervention orders. In my personal experience, I have been provided with conflicting advice. For example, in 2020, I was told not to worry about the intervention order against me as the family court orders override them. This was not true for me. I have also been told, during my arrests, by police that they do not deal with family court issues and just concentrate on enforcing the intervention orders. This results in my situation where a 3 yearlong family court matter was successfully resolved, but police are not interested. Legally, a commonwealth court overrides a state court in these matters – but this is only as effective as how individual police officers decide to interpret the information before them.

Please consider my explanation above (the gender differences regarding conflict).

11. What are the elements of a best practice justice system response?

A “policy” seems to have evolved in the Magistrates Court system in which the *mens rea* (intent) to commit an act of contravention of an intervention order, appears not to have to be proven, or even considered, by the prosecution (police). This is a critical part of common law – in that a criminal offence must be proven beyond a reasonable doubt. Currently, it is my experience that the Courts will convict (my personal

experience) without hearing any evidence or proof at all the “evil intent” to have committed the crime. I believe this is because of the element of social concern has displaced the legal need. But this is a very serious departure from the presumption of innocence and the underlying critical importance of the Magistrates Court to be the coalface when it comes to protecting the civil liberties and freedom of all South Australians.

Another policy which has evolved is the public money is being used to provide legal services to women to assist with intervention orders. However, if you are a man, this is denied (my direct experience). Normally, it would be expected that an exemption to this gender discrimination would have been granted by parliament, but this has not happened.

12. Taking into account your response(s) to questions 8 to 11, which elements are already in place in the domestic, family and sexual violence systems in South Australia?

...

13. Acknowledging that every victim-survivor will have different needs depending on their personal circumstances, are there universal needs that will arise for all victim-survivors?

When I was evicted from the family home, with no money, I needed hands-on assistance from the mental health crisis team and social workers. None was available for me, and I was deemed to be low priority. I tried calling the helplines for support, but they counselled me to go to anger management classes and try to take accountability for my role in my situation. This was not helpful. I now have a “backpack bed” beside my front door should I be again evicted at any time and so that I have a place to sleep (all my belongings remain in plastic ████████ storage boxes so that I can be quickly out of my rental house).

14. What are the best practice approaches to supporting a victim-survivor to recover from trauma and the mental, physical, emotional and economic impacts of violence?

I believe I am alive because of the efforts of my GP who has been a literal lifeline for me throughout this slow train wreck. Many people in my world (including numerous youngsters) have died from suicide. I take personal care to be there for the survivors and I am active in my community to provide fun and inclusive options. Instead of staying alone in my house, I choose to place myself in the community. This has come at a great cost to me, but I know it is important that I work towards making the world a better place for my children.

15. Taking into account your response to question 14, what best practice approaches are already in place in the domestic, family and sexual violence systems in South Australia?

... (above).

To conclude (I am running out of time!), I ask that you please consider my input. There are ways forward in this problem space. But, by continually communicating to the community that men are violent and perpetrators of domestic violence, it minimises (or removes) the other parts of the discussion which (above) support that fact that it is a community problem and one which we need to address in a compassionate and fair way to all South Australians.

Thank you for the opportunity to contribute.

Bruno