

Good morning

Thank you for the opportunity to make a submission to the 2024 South Australian Royal Commission into Domestic, Family and Sexual Violence.

Before responding to the four key areas of your *Issues Paper*, I believe it appropriate to clearly state the context in which my comments are made:

1. I am a male victim survivor of a twenty year marriage that went from “bliss to progressively abusive” during the 10 years following the birth of my son. I make no apology for challenging the myth that “only men abuse women”. It is reality that some women can be as equally abusive as some men can be.
2. I (like many other male victim-survivors) was never able to obtain justice from the Australian Family Law System due to the abject failure of law to recognise and provide legal consequence for all perpetrators (male and female) of the entire spectrum of abusive behaviours (e.g. not just domestic violence ..... but also coercive control, financial abuse and/or psychological abuse) that are often present within abusive relationships.
3. While I do not claim to understand the unique aspects of every failing relationship, I do have 20 years of lived experience interacting with allegedly abused men, distraught at being effectively ignored by our largely gender biased and self serving Family Law System. Therefore, I do believe that I have something of value to contribute to your Royal Commission.
4. Please be advised that my below responses to the four key area of the *Issues Paper* should be read alongside my detailed submission - to be on-line submitted prior to the closing date of 27/09/2024.

## ISSUE 1 – PREVENTION

### 1.1 Education .....Education .....Education.....

For all Australians (male and female) making a formal commitment to a relationship will be by far the most high risk commitment that they will ever make during their adult life. The consequence of making an uneducated partner choice and the subsequent breakdown of a relationship has the capacity to change the entire trajectory of a person’s life (financial, mental and physical).

If we as a society are serious about addressing the plague of domestic abuse (not just violence) that has infected our communities we must provide our young adults with the essential pre-relationship education required to equip them with the knowledge and process to quantitatively determine if a potential relationship will be both **equitable and sustainable**.

### 1.2 The Criticality of “Equitable and Sustainable Relationships”

As I draft my submission, there are young women and men across Australia who today are stumbling blindly into relationships that are nether **equitable or sustainable**. Add the expense of supporting and raising young children to an already unsustainable financial relationship and you have all the essential ingredients required to create relationship conflict.

Fact: Amongst relationship counsellors interrelationship conflict over financial matters is recognised as a major cause of relationship conflict and/or breakdown.

### 1.3 **The Importance of Financial Literacy**

At the conclusion of a recent investment seminar, I took the opportunity to ask one of the presenters (a financial counsellor) if we as a developed country were producing financially literate young adults? Her response - definitely not!!! She then recapped on a recent conversation that she had with the economist Scott Pape of "Barefoot Investor" fame.

Apparently on numerous occasions Scott has approached the Education Department suggesting that financial literacy should be introduced as a core subject within the high school curriculum. The Education Department repeatedly rejecting the proposal on the basis that the curriculum is currently oversubscribed and that financial literacy is not considered to be an essential core subject.

Not an essential subject???? ..... really !!!!!

### 1.4 **The Future Application of Consent?**

Currently a hot topic and generally used in the context of sexual consent, I would like to emphasise that consent has potential for broader application within relationships. I recently spoke with a young man who found out that his girlfriend was pregnant. Surprised and more than a little distressed as he had unfortunately relied on his girlfriend's use of the contraceptive pill to ensure that pregnancy didn't occur.

Now while it's agreed that we should all take and retain control of our own reproductive capacity and not rely on a partner, the above situation did cause me to consider if the principle of "consent" could be applied elsewhere within relationships?

I'm specifically thinking about "Entrapment by Pregnancy"? It's my understanding that Family Law currently does not have/impose a penalty on women who deliberately get themselves pregnant without their male partner's formal consent.

Mindful that raising a child is a life changing commitment for both parents and not something to be undertaken lightly, I am theorising if the introduction of a written *Parental Binding Agreement* addressing the issue of "unplanned pregnancy" could be used to protect both women and men from the actions of an abusive partner (e.g. rape for woman) and the birth of an unwanted child (e.g. entrapment by pregnancy for men).

Maybe this is something that the Royal Commission should consider.

### 1.5 **The Australian Family Law System (currency, validity and sufficiency)**

The 1974 Family Law Act (the basis on which family law systems within each state is based) has been in place for almost 50 yrs. Those instrumental in its creation during the late 1960's describe its introduction as an "interim fix" an "unfinished piece of work" introduced with the intent of avoiding separating couples engaging in lengthy and expensive court proceedings.

As someone who has interacted with the WA Family Court and its officers I can assure you that after 50 years, the Australian Family Law System is neither current, sufficient or valid.

The sufficiency of the family law system must be questioned when "domestic and sexual violence" are the only streams of domestic abuse with consequence and legal remedy within Australian Family Law. Clearly, domestic and sexual violence are not "root cause". They are the end result or an out-put of a relationship that has become dysfunctional.

The validity of the family law system must also be questioned when women who are coercive and/or financially abusive with their male partners are not only never held accountable for such abuse, but are ultimately financially rewarded for being abusive as often happens at the end of a marriage or defacto relationship. This is undoubtedly because of Australia's "no fault" Family Law System.

## ISSUE 2 – EARLY INTERVENTION

### 2.1 Gender Diversity

Based on the principle that *prevention is preferable to cure*, life's journey has taught me that much conflict occurs within relationships when young men and women cohabit with very different expectations of each other and how their future life together will evolve.

These differing expectations are never more apparent than when children come into a relationship. Young men that I have interacted with (in the workplace/at men's support groups) no longer recognise the traditional gender stereo-type roles of man = provider and woman = care giver. My conversations indicate this is because from their earliest school days these young men have had the principle of gender equality instilled into them. These young men then carry this expectation of equality with them into adulthood and relationships.

Quite naturally, when these young men commit to a relationship and become a parent they expect their female partners to continue to meet their shared relationship responsibilities (including financial - which many women do). However, there are still some women who believe that on becoming a mother, they are somehow absolved of all other responsibilities to their male partner including their financial responsibilities. This misalignment of expectation needs to be addressed if the risk of relationship breakdown is to be mitigated.

Conversely, there are still some men (young and not so young) who on becoming a parent are unaware or reluctant to accept that they must adjust their employment, income and career expectations in order to ensure that they equally share the physical workload of caring for their children with their female partner. These men need to be educated and accept that it is not their female partner's sole responsibility to be the sole provider of care for their children.

## ISSUE 3 – RESPONSE

### 3.1 Legal and Police Response to Domestic Abuse

No one would argue that being violent with a partner or spouse is totally unacceptable and cannot be excused. However, as a male victim-survivor of domestic abuse (my ex-wife was never physically violent ..... but she was financially abusive, coercive and threatening) I do understand how some frustrated men, trapped in such a relationship eventually lash-out at their female partner when Family Law professionals inform them that **they have no legal pathway to obtain justice** because the abuse they are experiencing is simply not recognised within family law.

It's my personal belief that the reluctance of the judiciary (and those in government with oversight of the judiciary) to formally recognise the entire spectrum domestic abusive behaviours stems from the following:

1. The damage to the credibility of past and present governments of having to admit that for the last 50 years the Australian Family Law System has overtly denied justice to many tens of thousands of individuals who were being otherwise abused (e.g. coercive behaviours ) by a partner or spouse.
2. The inevitability of government having to establish a “Truth and Reconciliation” process to give voice to all those victim-survivors who have been denied justice over the last 50 years.
3. The immense costs associated with creating a redress scheme to compensate those innocent victim-survivors for the accumulated damage (financial, mental and physical) imposed upon them due to the known process omissions and procedural deficiencies of our Family Law System.
4. The Family Law Profession having to formally apologise to the Police Service for placing officers in a position where they did not have the legislated authority to take action against perpetrators of one or more of the spectrum of abusive domestic behaviours.
5. The irreversible damage to Australia’s international reputation as a nation that truly values and protects human rights.
6. The further erosion of public confidence in the legal system (a major pillar of our democracy).
7. And finally.....the Family Law Profession having to formally apologise to now adult children, who because of the historical failures of the Family Law System have grown-up without the love and support of both parents.

### **3.2 Suspension of Family Law Courts**

Until such time as the full spectrum of domestic abusive behaviour’s are enshrined in family law, I passionately believe that the Family Court in each state of Australia should be suspended as it currently is clearly “not fit for service”.

Not to do so would be a terrible injustice and would place current governments (state and federal) as vicariously complicit in condoning the overt injustice of the last 50 years.

### **3.3 Creation of an Offenders Register**

Having enshrined the full spectrum of domestic abusive behaviours within Family Law legislation within each state, I believe it desirable to create a searchable offenders register. This would enable every adult (male and female) to avoid entering into a relationship with an individual previously identified as a “red-flag” offender.

Creation and knowledge of an “Offenders Register” would also cause some potential perpetrators (male and female) to “pause and reflect” before initiating abusive behaviours due to the obvious lingering consequences of accruing such a conviction.

## **ISSUE 4 – RECOVERY AND HEALING**

### **4.1 The Legacy Issues Associated With 50 Years of Overt Institutional Injustice**

The last twenty years has truly opened my eyes to the emotional carnage that lingers long after an abusive relationship ends. For me personally:

- The absolute disbelief of being told that my then wife’s abusive behaviours had broken no law.

- The initial phone call from the arrogant female Child Support Agency officer who (obviously reading from a script) informed me that I'm going to receive a package of paperwork in the post. Then proceeds to berate me, warning that my employer will be contacted if I don't complete and return said paperwork within 7 days.
- The stress related recurring night terrors, disrupted sleep and subsequent brain fog that caused me to fall asleep on public transport while commuting (PTSD?)
- The Family Law Practitioners who with one breath voice sympathy as to my predicament then with the next breath tell me that I should avoid taking my case "to-trial" in the Family Court purely because *"your wife's abusive behaviours have broken no law"* and *"the asset pool simply isn't big enough to warrant the legal costs of a 3 year court trial"*. My desire to obtain "justice" simply wasn't considered important.
- The absolute seething fury I experience when reading / listening to the various attorney generals patting themselves on their back due to the low number family law cases that actually "go to-trial" in the Family Court. Seriously, what idiot believes that anyone (other than the wealthy 2%) has the financial resources to fund a lengthy trial within the Family Court!!!
- The social isolation that occurs as you quickly become one of society's fringe dwellers where your plans to invest for a dignified self funded retirement evaporate and are replaced by on-going welfare dependency for the remaining years of life.
- And finally ....watching my once fit and intelligent 15 year old young son (who lives with his mother) morph into an uneducated morbidly obese teenage whose life span will be undoubtedly shorter than his father.

#### 4.2 Targeted Support Requirements

Every victim-survivor (male and female) of domestic abuse will have unique support requirements. While the Medicare system may be able to address the physical health needs of survivors, the mental health needs are likely to be far more complex and long term. To be honest, I'm not convinced that it is ever possible to fully recover from such trauma.

For me personally, the revisiting of my abusive marriage and the time invested in preparing my submission over recent days will disrupt my circadian rhythms for the next 4 to 6 weeks resulting in a typical 3 to 4 hrs of sleep per night. This then affects my digestive system and leads to tummy upsets and some weight loss. I do find that exercise helps in clearing the resulting foggy mind. I power walk for approximately 90 minutes each day (45 mins morning and 45 mins evening) and find this helps me immeasurably.

Reflecting on the financial losses imposed because of our "no-fault" divorce system, some male victim survivors (especially older males such as myself) find it impossible to find employment with the enormous income required to re-establish oneself financially. This in turn leads to social isolation which is not good for anyone's mental wellbeing.

I personally have a problem with men financially crippled by the twin evils of an abusive partner and our "no-fault" divorce being pushed onto welfare (a federal benefit). As Family Law is a state jurisdiction, it seems logical to me that my financial support and the support of other similarly disadvantaged men should

be provided by the state in which I/they live and via the ministry accountable, which in my case would be the WA Attorney General's Office.

Accountability is essential - even for ministers !!!

## FINAL COMMENTS

Although outside the scope of the Royal Commission I do wish to make the following observation:

The use of the term "Domestic Violence" as a catch-all descriptor for all the various streams of domestic abuse is unhelpful, counter intuitive and creates confusion amongst the general public. Especially for those who have never been exposed to / have absolutely no knowledge of the various other streams of abuse that are increasingly prevalent within the community (e.g. coercive control and sexual violence).

I personally believe it would be far more beneficial to list "Domestic Violence" as simply one stream of abuse sitting under the overall umbrella of "Domestic Abuse". It's my understanding that this is the approach taken by the UK Authorities.

Thank you for the opportunity to make comment.

I look forward to reading the Commission's final report.

Yours sincerely

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