

Royal commission Family services failed

Survivor's tales of rape and abuse

Alana Schetzer
Miki Perkins



A woman who was repeatedly raped and viciously controlled by her abusive husband has told the Royal Commission into Family Violence how services meant to help her instead nearly tore her family apart.

Susan Jones (not her real name), told the commission on the first day of public hearings how her then-husband changed dramatically just a week after they were married and she was subjected to harrowing abuse for more than a decade.

"His behaviour and nature completely changed," she said. "In the very early days, he began instructing me what was expected of a wife."

During their marriage, her husband forced her to sleep on the floor "if I displeased him", she was repeatedly raped and physically abused when she became pregnant. When he worked night shifts, Ms Jones and their children were forced to sleep in the car at his work site, and she was not allowed access to a bathroom.

"I was trained not to say no," she said, adding that she was also denied access to a phone or computer - her husband kept both locked up in his study.

Ms Jones spoke of the bureaucratic bangles and difficulties in being added to waiting lists for crisis accommodation, which included her application being lost twice. She was later offered help, but was told not all of her children could live with her. "I was looking at my phone at a picture of my children and trying to pick which two would live with me," she told the commission.

She managed to keep her family together and found accommodation through another agency. However, she was subjected to further physical abuse after her then-husband found out where she was living. He is now in prison.

Ms Jones was the first witness to appear at the commission, which started with a minute's silence to remember those who have been subjected to the "terrible harm" of family violence.

Commissioner Marcia Neave said that these people included those who have suffered, or who are still suffering, as a result of physical violence or emotional or financial abuse.

The commission will look into improving the current system to help prevent abuse and provide better support services to survivors.

Counsel assisting the royal commission, Mark Moshinsky, QC, told the hearing that nationally, between 2003 to 2012, there were 1088 family violence-related homicides, involving 1158 victims.

Mr Moshinsky said there were 115 victims of domestic homicides a year nationally during that period. In Victoria it is estimated there were 44 family violence-related deaths in 2013, he said.

In the 12 months to June, there was an 8 per cent increase in domestic violence incidents reported to police across the state, with a staggering 69,442 cases.

"We do not know what is a 'safe' level of violence. This means as parents we should be thinking about how we relate to each other and our children," he said.

Earlier Rhonda Cumberland, the head of Good Shepherd Youth and Family Services, said from the 1970s until the early 2000s, there was little connection between support services, police and the courts. "Women had to initiate everything themselves, had to manage their own cases, [they] made the choices, [they] made the decisions," Ms Cumberland told the hearings. "Women would come to us injured, and we simply couldn't understand why it was not considered an assault."

Public hearings will continue on Tuesday.

For help or information regarding domestic violence, call the Sexual Assault, Domestic Family Violence Counselling Service 1800 737 732 or see 1800respect.org.au.

'Women would come to us injured, and we simply couldn't understand why it was not considered an assault.'

Rhonda Cumberland, Good Shepherd

Rhonda Cumberland of Good Shepherd, at the royal commission.
Photo: Joe Armao

Nowhere to run, nowhere to

It was a landmark study last year into our attitudes to violence against women that really put the writing on the wall.

The vast majority of us - 80 per cent - don't understand why women stay in violent relationships, the VicHealth study of more than 17,000 Australians found.

The assumption here is one of choice. That women in abusive relationships are able to exercise choice in whether they stay or go.

And, so the logic goes, if she doesn't leave then she's not really trying hard enough.

If she was really unhappy, if she really loved and wanted to protect her kids, if she just pulled herself together, she could have washed that man right out of her hair, and

Miki Perkins



headed off into the sunset.

But take "Susan Jones". This calm, articulate mother of four appeared before the Royal Commission into Family Violence on Monday and turned this cruel logic on its head.

It wasn't like Susan (an alias, to protect her identity) didn't try.

She was tireless in her efforts to escape a brutal husband who began his instruction on how a woman "should behave" a week after they married, and never let up.

After years of abuse, psychologically diminished by the incessant bullying, Susan finally worked up the guts to call the police.

Why did it take her so long, you ask? She didn't know her husband wasn't allowed to assault her, she believed it was the collateral of marriage.

Rape in marriage? The first she heard of it was when the doctor treating her sexual assault injuries told her what her husband was doing wasn't legal.

When Susan was talking to the police officer (who questioned the "emergency"), she could hear her husband laughing with the other police member. Don't mind the wife, she's off her meds. You know what women are like.

Senior constable to stand trial on claims he

Adam Cooper
Tammy Mills



Trent Wellington

18-month relationship had ended.

Police allege that after the woman let Senior Constable Wellington inside, he choked her several times and threatened to "smash" her face in.

Senior Constable Wellington, 37, has pleaded not guilty to 13 charges

including recklessly causing injury, unlawful assault, false imprisonment and threatening to inflict serious injury.

The woman told the Melbourne Magistrates Court last month that she vomited in the sink after she had been choked, and that Senior Constable Wellington told her to "stop carrying on". "He told me if I wanted an intervention order, he would smash my face in and give me a reason to get one."

In court documents, the woman claims that at one point she was pushed over and that Senior Constable Wellington tried to strangle her with his hands and forearm.

The policeman claims the woman punched him in the chest and that he accidentally fell on her, and put his left hand across her body to stop her assaulting him.

On Monday, forensic medical officer Maaikie Moller said a small red spot on the woman's throat

could have been consistent with being choked.

The woman also had bruises across her lower back and on her right arm when examined the next day, court documents show.

Defence counsel Geoffrey Steward told the court he had received only a fraction of the text messages sent between the two officers during their relationship.

Detective Sergeant Peter Turner, the investigating officer, said he



US gun lobby takes aim at Australian reforms

Nick O'Malley
United States Correspondent
Washington

In an article entitled "Australia: There Will Be Blood", the National Rifle Association in the US has launched an attack on Australia's gun laws.

In the latest edition of its most militant gun rights publication, *America's First Freedom*, the article claims there is a "growing consensus" in Australia that the gun buyback and ban on semi-automatic weapons introduced after the Port Arthur massacre in 1996, carried out by Martin Bryant, had failed to make the nation safer.

"The Australian people paid a massive price in liberty. Their reward? At best, an unexamined resolution that things were somehow better now," says the article.

"For those who became victims, or who simply examined the situation with open eyes, it was rather clear that they were not. Gun rights were, for all practical purposes, gone forever."

The article warns that US President Barack Obama might support Australian-style gun reforms.

"This is the gun-control regime that our president applauds for its decisive resolve," it says.

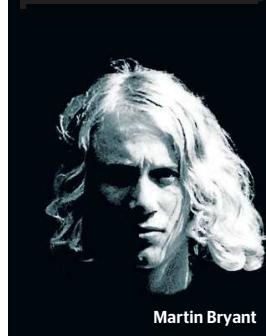
"It robbed Australians of their right to self-defence and empowered criminals, all without delivering the promised reduction in violent crime.

"Australia's gun confiscation is indeed a lesson to America: It is a sign of what is to come if we hold our rights lightly."

Australia's gun laws - particularly those introduced by the Howard government after the Port

It robbed Australians of their right to self-defence and empowered criminals, all without delivering the promised reduction in violent crime.'

NRA article



Martin Bryant

Arthur massacre - have become a source of fascination in the US and are regularly raised in the debate over gun violence there.

The NRA's most recent attack on Australian gun laws appears to have been prompted by Mr Obama's raising of their success in an interview he did with Marc Maron, a comedian with a popular podcast in the US, after the massacre in South Carolina last month.

Referring to Australia's response to the Port Arthur massacre, Mr Obama told Maron: "It was just so shocking the entire country said, 'Well, we're going to completely change our gun laws',

and they did. And it hasn't happened since."

Supporters of gun control often cite Australia's laws as evidence that government restrictions on gun ownership can save lives; those opposing gun restrictions raise the laws as an example of Orwellian big-government overreach.

As evidence of the consensus that Australia's gun laws have failed, the NRA cites a single article published by *The Sydney Morning Herald* in 2005.

That story quotes the director of the NSW Bureau of Crime Statistics and Research, Don Weatherburn, as saying there was not enough evidence to attribute a fall in crime in the 10 years after the introduction of the gun laws to the new restrictions.

"There has been a drop in firearm-related crime, particularly in homicide, but it began long before the new laws and has continued on afterwards," he said at the time. "I don't think anyone really understands why. A lot of people assume that the tougher laws did it, but I would need more specific, convincing evidence."

He noted that a reduction in the availability of heroin had led to lower usage and, in turn, a drop in armed robberies.

Public health research by Professor Simon Chapman has since found that while the rate of gun-related homicide was reducing by 3 per cent a year before the new laws, the pace of the decrease accelerated to 7 per cent a year afterwards.

The US now has a gun homicide rate 370 times that of Australia's, Mr Chapman writes.

hide, no one to help

Given the choice, Susan never wanted to call triple zero again. It felt like a door had been closed in her face.

Later, after she had escaped her partner, and been homeless for months camping and sleeping in the car with her kids, Susan asked for help to find emergency housing.

If she chose to put her name down for emergency housing, she would need an address for the form. But Sarah had no address, she protested, that was the point. Could she use her sister's? A catch-22 logic dictated that if she used her sister's address, she had somewhere to stay. So onto the non-emergency list with a 20-year wait. Another door closed.

At every turn, Susan was her

only advocate in a system that did not want to know. She was starved of options, or support.

When commissioner Marcia Neave opened the royal commission, she pointed out it was a different kind of inquiry to the more adversarial, counsel-heavy hearings of other royal commissions.

It is the system that is under scrutiny here. A vast, fractured and sprawling system that has seriously failed victims in the past and continues to do so today. Yes, there have been some wins, but they are rare flecks of light in a much darker tapestry.

Once these hearings are done, when the commissioners make their recommendations, our job is to act. We have no choice.

assaulted lover

did not supply all the messages because many related to a stalking allegation, which was later not pursued by investigators.

Mr Steward said some text messages - including one where the woman allegedly taunted the policeman about an abortion, and another where she made a comment about another man - reflected on her credibility.

Mr Steward asked if some of the messages the woman sent were

"vile, obscene and threatening".

"Some of the language is colourful, threatening," Detective Sergeant Turner said.

Magistrate Lance Martin found there was sufficient evidence for the policeman to stand trial.

Senior Constable Wellington, who has been suspended from the force without pay, had his bail extended and is due to appear at the County Court on Tuesday for a directions hearing.



**PROFESSIONAL
STANDARDS
COUNCILS**

NOTIFICATION OF SCHEME

(Professional Standards Act 2003)

Notification is hereby given pursuant to Section 9 of the *Professional Standards Act 2003 (VIC)* of a scheme prepared by the Institution of Engineers Australia (Engineers Australia). The scheme:

- Limits the occupational liability of members of Engineers Australia who meet the eligibility criteria in Engineers Australia General Regulation 2.01(3) and are approved by the Engineers Australia Professional Standards Schemes Committee to an amount of \$1 million, \$2 million, \$5 million, \$10 million and \$20 million, depending on the annual turnover of the engineering practice of the member to whom the scheme applies.
- Confers a discretionary authority on Engineers Australia, on application by a member to whom the scheme applies, approve in relation to that member, a higher maximum amount of liability up to a maximum of \$50 million.
- Requires that members to whom the scheme applies have insurance for occupational liability of an amount not less than the amount of their limited liability.
- Is intended to operate in Victoria, New South Wales and South Australia.

Engineers Australia requires its members, to whom the scheme applies, to comply with relevant risk management strategies.

The scheme may commence on a day 2 months or more after the date of gazettal as may be specified in the scheme, or, if no day is specified, 2 months after the date of gazettal of the scheme when approved. The scheme may remain in force for a period of up to 5 years.

Before approving the scheme, the Council hereby invites comments and submissions to be made in writing to be received by the Chief Executive Officer Professional Standards Council, within 28 days after the publication of this notice.

The Professional Standards Council is located at the Level 2, St James Centre, 111 Elizabeth Street, SYDNEY NSW 2000

Website: www.psc.gov.au

e-mail: pscinfo@psc.gov.au

Telephone: (02) 8315 0800 / 1300 555 772

Fax: (02) 8315 0899

Comments and submissions received will be public unless confidentiality is specifically requested, and will be subject to the *Freedom of Information Act 1982 (VIC)*.

Professional Standards Council