

Submission

Definition of violence

My experience of domestic violence was at the hands of a woman to whom I was engaged to be married. For a period of almost 18 months, I was subjected to shrieking tirades that increased in intensity and frequency. There were occasions when these occurred at two, three and four o'clock in the morning. I was repeatedly subjected to verbal abuse.

In popular perception, violence tends to be physical. The more visible evidence of it, the easier violence becomes to understand. Broken bones, blood and bruising all meet the easy definition of violence. *I did experience physical violence* but it was not of a kind that was necessarily visible.

I endured none of these dramatic and highly visible forms of violence. My experience was subtle, insidious and unrelenting. It took the form of emotional violence, and emotional bullying in the form of abusive name-calling, sarcasm and contempt. They did not take place in moments of rage, but over weeks and months.

This is a type of violence that needs to be taken into context of the wider and continuing malaise of a relationship. It cannot be seen and is almost impossible to measure. Over time, this has a debilitating and destructive effect on the victim. In my case it resulted in depression, sudden surges of irrational anger, and suicide ideation.

Definition of injury

If injury is defined as that resulting from physical violence, then in my case there was no *physical* injury. My reading of VOCAT material is that there is an insistence on physical evidence of injury. In my case, this could not be proven. I took one photo of my face the first time I was assaulted. The result is inconclusive. I know perfectly well that I was belted, hard, across the face, not once, but many times. The perpetrator denied that she was violent.

As happened to me, I was traumatised over time, and it was through an experienced counsellor, an enlightened and supportive attitude from my employer, and the help of loyal friends and family, I was able to recover.

The role of the police in VOCAT's assessment of applications

From the consultation paper, I saw no reference to the way in which VOCAT members make use of police reports when assessing applications for compensation. It referred to applicants reporting matters to the police, or to assisting the police. My concern lies with how VOCAT handles evidence like police reports.

Pivotal to my own application was a police report of their visit to the apartment I shared with the perpetrator. This followed one horrific evening during which I endured a shrieking tirade from the perpetrator that lasted five hours. The trigger was that I did not do a simple domestic chore when I said I would. I was stalked through the apartment and assaulted at least seven times. I did not physically retaliate. I managed to stay away from the kitchen, being aware that during a previous episode of abuse, the perpetrator made threats with a knife. I endured shouting, threats and extreme verbal abuse.

The police attended because the perpetrator rang them. This was a bizarre reversal of the usual situation, in which the victim rings the police. A side benefit of the police attending was that I confronted the perpetrator about her physical violence to me, and threatened police action if she assaulted me again. This halted the physical violence, although the emotional, and verbal abuse and bullying continued. It was why I did not file a police report.

The police did nothing wrong. I was grateful that their calm intervention brought to an end this appalling incident. But what they saw captured the insidious and subtle nature of domestic violence. They saw relative calm in an orderly apartment with no obvious signs of violence. They spoke to us separately, told us both to tune out and take it easy, and said they would make a referral to a local domestic violence service.

Police reports of attendance at incidents are vitally important. But they must be taken in context. In my case, the VOCAT member utterly failed to do so. He gained a glimpse of what the police saw during a brief visit of perhaps 20 minutes of relative calm, and formed a judgement of my case, which was actually over a period of 18 months. The VOCAT member looked only for evidence of physical violence, and appeared to be oblivious to the destructive impact of prolonged emotional abuse.

While reporting to the police in cases of obvious physical violence remains essential, it should be possible that reporting other forms of continuing abuse, such as emotional abuse, to an accredited professional to be accepted as an equivalent to a police report in VOCAT applications.

The importance of belief

My application to VOCAT told some of my story insofar as was possible from an application form. It attached a report from my counsellor, and referred to the police report when they visited our apartment. I did not want much. I did not seek any full payment of expenses incurred. I sought a *contribution* towards gym fees, for the gym that gave me a foundation for physical health as part of my recovery, and a *contribution* towards counselling, for my mental health. Together, these would have come to a few hundred dollars.

VOCAT acknowledges that in its settlement for applicants, a small sum

as a symbolic expression by the State of the community's sympathy and condolence for, and recognition of, significant adverse effects experienced or suffered by them as victims of crime (consultation paper paragraph 109)

This is right and proper. But what I wanted more than the dollars was acknowledgment. I merely wanted a tribunal to listen to my story and say to me, in words like these:

We believe you. We acknowledge your pain and your trauma at the hands of an abusive and violent person. We are sorry that this has happened to you.

I cannot emphasise too strongly the immense importance of such a gesture, and its capacity to contribute to the healing of the victim.

What I obtained from VOCAT through a letter addressed to my solicitor was a brief legalistic dismissal that stated there was "no basis" for my claim. I was made to feel like either a liar or an opportunistic rorter. VOCAT retreated behind rigid legal walls. Even had my claim for a monetary reimbursement been rejected, some simple human acknowledgement would have done a great deal to help.

Supporting material

I would make a comment on what appears to be VOCAT procedural matters, again, drawing on my case. It became obvious that the assessment of my case pivoted on the police report. This report was an objective appraisal of an incident attended by police on request. Given that during the prolonged period of abuse there were usually no witnesses, any objective evidence becomes important.

However the police report was not the only source. There were two other sources of objective reporting. The first was a report by my counsellor. He has had decades of experience in the field of domestic violence, in particular, with men who have been abused by women. He first began seeing me more than 14 months ago, several weeks before I ended the relationship. He conducted several tests on me, and wrote a detailed report. It appears that the VOCAT member did not consider his report.

The second source of objectivity came from my employer. The Enterprise Bargaining Agreement in place includes provision for leave and for other allowances for employees whose performance of their duties is affected by domestic violence. When the perpetrator confronted me outside my office in the days following the separation, my employer immediately put in place measures to ensure I would be safe while at work. My employer *believed* me.

In my case, this organisation could have been regarded as another objective source of evidence. However, VOCAT does not seem to be set up to consider

a wide range of objective sources when it comes to the subtle effects of domestic violence.

Wider Reforms

I refer to the issues raised in the consultation paper with regard to VOCAT in Part Three and the discussion on areas of wider reform.

I support aspects of a victim-support system, one that looks at the wide-ranging impact on the victim as distinct from a narrow legalistic interpretation of the Act which appears to woefully underestimate the insidious nature of many kinds of domestic violence.

Domestic violence as a social issue is receiving enormous publicity and reform, as for example through the work of domestic violence reformers and campaigners like Rosie Batty, the 2015 Australian of the Year. Wider reforms to VOCAT would ensure it is better placed to respond to the new knowledge of domestic violence, and its widespread impact.

Outreach work

VOCAT needs to make its work known far more than it does at present. I think its work is wholly unknown, especially among minority groups.

For many years the Victorian Human Rights and Equal Opportunity Commission (VHREOC) has run an education and outreach program to disadvantaged groups such as people with disabilities and CALD communities. Their programs cover not only anti-discrimination law but also human rights issues and information. This is plainly beyond the remit of VOCAT, however aspects of VEOHRC's outreach and education arms could serve as a model for a wider victim-support system

Accessibility of materials

In the context of the Department of Justice's disability action plan, it is essential that VOCAT's information and procedures become accessible to all respondents, victims and enquirers with disabilities. Access goes considerably beyond physical access such as ramps into the magistrates' courts and other buildings VOCAT uses.

In particular, information must be available in a wide range of accessible formats, for example in large print and Easy English. Any information videos should come complete with a captioning track.

Violence against men

I would expect that VOCAT members and staff accept that domestic violence against men, where women are the perpetrators, can and does happen. I

would expect that in such cases, applications by men are treated with the same care and diligence as all other applications. I would wish that VOCAT in its publicity material makes very clear that applications for compensations are accepted from all victims of crime, including men.

Summary

My impression of this Review is that it will give the Commissioner information to make recommendations that will help VOCAT transition into the complex area of domestic violence. My impression is that domestic violence presents challenges by way of its complexity and reach.

For claims made where the crime is of domestic violence, the *VOCA Act* needs to widen the scope of its definitions of violence and injury to reflect the insidious nature of many of these forms of violence.

I favour the establishment of a victim-support system to allow victims of crime to navigate the complex processes of a VOCAT application. It is my wish that all applications be treated with sensitivity and with respect.

VOCAT members need some capacity to believe what victims tell them. It must start from a premise of trust.