

Aboriginal and Torres Strait Islander people - Victim Experiences

Cautionary note: some people may find reading these victim experiences distressing or traumatising.

These de-identified victim experiences summarise the content of interviews undertaken with people who have experienced domestic and family violence and legal system engagement. The interviewees' names and some minor details of their narratives have been changed to protect their identities. In many cases the names have been selected by the interviewees.

The key words align with the contents covered in the National Domestic and Family Violence Bench Book.

Cassy

Key words: [Aboriginal and Torres Strait Islander people] [Breach] [Exposing children] [People affected by substance misuse] [People with children] [Physical violence and harm] [Pregnant women] [Protection orders] [Risk] [Women]

Cassy and Glen were in a relationship for five years and during that time had five children together aged between four and near newborn at separation. They are both Aboriginal and Torres Strait Islander, and neither has been in employment or received any post-secondary training or education. Their income during the relationship was in the form of various welfare benefits. Cassy used cannabis regularly from the age of 13, but has been clean since soon after the birth of their fifth child. Glen is a long-term speed and ice user; his drug taking increased during the relationship and made him more violent particularly when he was 'coming down' or when he couldn't access the drugs readily. Cassy was abused during her childhood by a family friend who was imprisoned briefly as a result, and later, by a close family member. Growing up, Cassy was also significantly involved in the care of a disabled relative.

Glen's violence towards Cassy started several months after their first child was born. Glen punched Cassy in the nose causing severe pain and bleeding. A passerby called the police and an ambulance took her to the hospital. A police-initiated protection order was issued allowing Cassy and Glen to continue living together on the condition that Glen maintained good behaviour towards Cassy. At that stage, Cassy felt committed to the relationship and hoped that she could influence Glen to stop his violence and drug taking. At Cassy's request, Glen was not charged with assault.

During Cassy's second pregnancy, despite the protection order, Glen's violence became more frequent and aggressive, though not as physically severe as previously. Cassy describes the violence as 'blow outs' now and then, rather than an exercise of ongoing control. This continued through to Cassy's third pregnancy when, at six months, Glen beat Cassy badly one afternoon before travelling together on a train with their two children, and again at home the following morning. Cassy was taken by ambulance to the hospital and afterwards, with the children, went to stay with her sister for a week before returning to live with Glen. Again, police asked if Cassy wanted Glen charged with assault, and she declined and he was not charged. Cassy reasoned to herself that the violence was the price she was prepared to pay for having 'beautiful children' with someone who 'had his good sides, and wasn't always an arsehole'.

After their third child was born, when Glen's ice-use was escalating, Cassy started using ice occasionally, hoping that it might bring them closer together. Cassy felt she loved Glen and wanted the relationship to work; she also believed he was a great father and, despite his violence towards her, he would never harm the children. However, the violence continued. When Cassy found out she was pregnant with their fourth child, Glen seriously bashed her nose after an angry verbal exchange between the two of them, and when Glen was 'coming down' from an ice hit. Once again, the police were called and Cassy went to hospital for treatment.

Despite not having been charged for any of his assaults on Cassy, Glen had by that stage been convicted of a breach of the protection order, and received a two-year probationary order with a good behaviour bond and no conviction recorded. He was then convicted of drug possession and received an extended probationary period before being charged with the assault and rape of a relative and a relative's girlfriend respectively. Child protection was alerted and began visiting the home every week to check on the wellbeing of the children and how Cassy was coping. Cassy thought the situation was stable and manageable until child protection acted on a report from a third party claiming that Glen had harmed their son. Cassy does not believe that Glen would have done that, and observed that the child was happy and unharmed on the day in question. Child protection removed all the children from Cassy and Glen's care and resettled them with some of Cassy's relatives.

When Cassy was pregnant with their last child, Glen went into custody on remand awaiting trial of the assault and rape charges. Two days after the birth, child protection removed the child, again to one of Cassy's relatives. Given that Glen was now in custody, Cassy couldn't understand why the infant, or any of the other children, were deemed to be at ongoing risk. She accepted however that they needed to be protected from the violent relationship and believed that the children were being well cared for by her relatives. With the assistance of a lawyer, Cassy was able to ensure the child protection order was made for only 12 months rather than the longer period sought by the child protection department. She commenced supervised contact with all of the couple's children each week, and attended counselling sessions and a parenting program in preparation for their return. She also stopped using illegal drugs.

While Cassy feels she had little support and understanding from police and child protection, she believes that she has benefited a great deal from the advice she received from her lawyers and counsellors. It is critically important to her that the children return to her care, happy and healthy, and she believes she understands the damaging effects of her violent relationship with Glen. When Glen is out of prison she is adamant that she does not want to continue the relationship, and that she will be careful to make proper, safe arrangements for him to have contact with the children.

Melissa

Key words: [Aboriginal and Torres Strait Islander people] [Breach] [Damaging property] [Emotional and psychological abuse] [Exposing children] [Myths] [People affected by substance misuse] [People with children] [Physical violence and harm] [Pregnant women] [Protection orders] [Risk] [Sentencing] [Sexual and reproductive abuse] [Victim experiences of court processes] [Women]

Melissa and Ben were in a relationship for 17 years and had five children together, aged from toddler to early teens at separation. Melissa identifies as Indigenous. She has post-secondary qualifications and has been employed in a professional role for many years, apart from when the children were very young. Ben has always earned a high income from his trade job when not serving jail sentences for various convictions. Their combined income enabled, for the most part, comfortable material living circumstances. Melissa describes Ben as having been both generous and irresponsible with money. Their relationship was characterised by Ben's regular absences for work; and a number of periods of separation due to Ben's violence towards Melissa or his imprisonment as a consequence.

Early in the relationship, when they were living together, Ben began calling Melissa offensive and demeaning names, hitting and spitting on her, and forcing her to have unwanted sex; during some of these occasions, he would also be using illicit drugs. After three months, Melissa moved out and lived with family, returning briefly one evening with a (non-intimate) male friend who Ben assaulted. Ben was charged with and convicted of assault, and the police obtained a protection order on Melissa's behalf. Over many years Melissa had a number of protection orders.

Having spent a considerable period away from Ben, Melissa reinitiated contact as she wanted to have a child. Ben's violence towards Melissa escalated during her first pregnancy, as did his drug use. He would hit Melissa in the head, try to strangle her, and threaten her with knives. While Melissa knew these were breaches of the protection order, she was too afraid to contact police as Ben would smash the phone and hold his hand over her mouth when she screamed.

Melissa left Ben again after the birth of their first child. When the child was three weeks old, Ben came to Melissa's residence, took the child out of her arms, and bashed her badly. A witness alerted police and Ben was charged with and convicted of assault. On another occasion, when Melissa and the child were not home, Ben broke into the residence and viciously damaged and wrecked her furniture and appliances, and sliced her mattress. He also kicked in the door of her friend's house and smashed household items. Ben went to jail for these offences, and Melissa moved elsewhere with the child.

Melissa was a single mother, working part-time and studying, and didn't see Ben for two years. During his jail term, Ben wrote to Melissa threatening to 'get her' on his release. Melissa took the letter to police, and believes that Ben's jail term was extended as a result, however she is not sure whether it was treated as a breach or parole matter; the police didn't advise her.

When Ben was out of jail, Melissa contacted him to ask if he wanted to see the child; she also wanted a second child. She says she'd felt lonely and longing for love, and Ben responded positively and warmly. However, soon after they resumed living together, and Melissa became pregnant, Ben's sexual violence started again. There were times when Melissa ran up the street naked and hid at a neighbour's house to escape Ben's force. He also continued the abusive name-calling, and told Melissa he hoped she got cancer and her body was maimed.

After the birth of their second child, the child safety services were briefly interested in the family's welfare. Melissa believes it was likely the police who alerted them to Ben's violence. Aware of the risk of the children being removed by child safety, Melissa stopped reporting the violence and abuse, notwithstanding its increasing severity and danger. Ben had once pushed her down the stairs while still pregnant and she'd sustained extensive blood loss from her injuries. On another occasion, he raped her while menstruating; and police arrived after being alerted by a neighbour. Police took a statement from Melissa and questioned her as to why she was still living with Ben. They expressed irritation that they'd been through this multiple times before with her, yet offered her no referral to support services. Melissa was shocked and distressed when she learned that child safety had visited the school and daycare to question her children without first speaking with her.

This pattern of violent and abusive behaviour—and police and child safety responses—continued for years. When Melissa was pregnant with their fifth child, Ben came home in the early hours of one morning, in the aftermath of an intense drug bender, and began sexually assaulting Melissa. She physically attacked him, terrified of how he would react, fled the house carrying her own injuries. A family member returned to take care of the children and call the police. Melissa made a statement to police, and advised child safety of the incident. She and the children went to stay temporarily with a family member before returning to the home where Ben had stayed on. Child safety visited on a number of occasions, but never suggested the children would be removed. Melissa felt that they were more interested in hygiene than safety, and because she kept an immaculately clean and tidy house, they didn't appear concerned. The police did not charge Ben with breach of the protection order.

After the birth of their fifth child, Melissa left hospital early so that Ben could depart for his regular work stint away. On her return home, Ben spat in her face. Melissa says this was the point at which she snapped. She decided she would no longer tolerate Ben's behaviour, and rang the police. Ben left the house for an extended period, during which Melissa understands he got into trouble with his job and the law.

Ben continued working and contributing to the mortgage and family living expenses. Melissa was on leave from work following the birth of their fifth child. Given their combined incomes, she had never been on welfare benefits; however she became increasingly concerned about the violence and volatility in the family and applied for Centrelink assistance to protect herself and the children. She was also worried about how the children had been affected by their long-term exposure to Ben's violence and abuse, and sought counselling from a local service, which she found very supportive and helpful.

Ben returned after nearly twelve months. Melissa believed it was an attempt to reconcile, which she briefly and regrettably allowed. She was also aware that Ben was due to go to jail again, and could appreciate that he wanted to see the children. Melissa has Family Court residence orders for the first child, and no orders in relation to the remaining children. They have never lived with Ben other than when he and Melissa were residing together, and Ben never sought contact during his many absences from the family. Melissa is now considering the merits of seeking orders for her other four children.

Melissa believes the periods of separation imposed by Ben's terms of imprisonment and working away from home probably gave her the time she needed to recover from the acute impacts of Ben's violence and abuse, and to get on and work and care for the children. However, these circumstances also prolonged the violence and abuse over 17 years. Melissa says it is unlikely that Ben would reform if required to undertake behaviour change courses as part of his sentencing.

Reflecting on her involvement with the court system, Melissa believes that domestic and family violence isn't treated with the seriousness it deserves, that perpetrators can avoid service or attendance and matters have to be constantly adjourned, and that penalties are often fines or 'a slap on wrist'. Ben would taunt her that 'DV was just a piece of paper', and recklessly breached his protection orders on countless occasions. As to police and child safety, Melissa feels she received very little constructive support, and at times felt that she and the children were treated as a burden and frustration to these systems.