

Professor Richard Chisholm AM
The Family Law Courts Violence Review
c/- Family Law Branch
Commonwealth Attorney General's Department
3-5 National Circuit
Barton
ACT 2600

Dear Professor Chisholm

Family Courts Violence Review

LFAA submission

The following is a supplementary submission by the Lone Fathers Association (Australia) Inc. (LFAA) to the Family Courts Violence Review. It provides information about the handling of domestic violence issues in the ACT.

The submission refers to the experience that the LFA has gained over more than 30 years in helping separated fathers and their children, including a period of three years running a Men's and Children's Accommodation and Crisis Service (MAACS) in the ACT.

In the experience of the LFA, the system for handling domestic violence issues in the ACT discourages the disclosure of information to the police and/or the courts in cases where a man is the victim of violence by his female partner. Where a man is the victim, support provided to him in the ACT is at present minimal, in marked contrast to the level of support being provided to women.

The system as a whole is a long way from applying "best practice" in providing non-discriminatory assistance to all victims. Many men are forced to deal unexpectedly and at short notice with allegations of violence - often exaggerated and sometimes false - with no legal representation at all. Men caught up in the system often do not know what they can and/or should say in court, and as a result fail to defend themselves (and other members of their family) effectively.

Courts could contribute significantly to proper outcomes in alleged domestic violence cases by making greater use of "amici curiae", "McKenzie Friends", and (possibly) non-practicing lawyers.

MAACS experience with domestic violence

The LFA's Men's and Children's Accommodation and Crisis Service (MAACS) over the period 1999-2002 helped 90 men and 60 children.

40% of the men at MAACS reported that they had been seriously abused by their female partners (within the ACT Police's definition of "domestic violence"), and 20% reported that they had been victims of serious physical violence by their female partners. 5% of the men said they themselves had been abusers.

It became clear during the operation of MAACS that the system for dealing with domestic violence in the ACT operates with a heavy bias against male parents. Police statistics in this area are distorted. Victimised men usually do not complain to the police, and many of them end up with a DVO imposed on *them* rather than their partner.

Men assisted by MAACS included, amongst others:

Male feminist opposition to MAACS

The MAACS service was faced with ideological opposition from feminist groups, who wanted the money to be spent instead on women's refuges - in spite of the fact that there were already a dozen refuges for women and children in the ACT and none for men and their children.

The above included a male feminist group which claimed that there was *no need* for a service for separated fathers and their children in the ACT (in part, because there are virtually no male victims of domestic violence), and, when that claim was proven to be wrong, decided that the service should continue but they should be running it.

The following claims by the male feminist group at the commencement of MAACS are an indication of the very poor quality of information coming from that group.

(a) "Mens' Refuge" in "Mens' Discussion Group", No. 784

(<http://www.egroups.com/group/ms-discussion/784.html>)

Male feminist claim	Comment
<p>"The (MAACS) service was justified (to the Government) on the basis of two small, poor quality surveys by a person within the LFA itself."</p>	<p>Wrong on all counts. The service was not justified on the basis of "two surveys", but on a large amount of information collected over more than twenty years. One of the two "surveys" being referred to was a survey of "Male Victims of Domestic Abuse". That survey was completely independent of the submission for the establishment of MAACS, was not referred to in the submission, and was not conducted by a "person within the LFA itself". The survey that actually <i>was</i> used as part of the basis for the establishment of MAACS was not "small". The survey in question involved virtually all the organisations in the ACT which deal in the relevant areas, and was well designed for the purpose.</p>

<p>“There was almost no community consultation done either by the LFA or the ACT Government in establishing the service.”</p>	<p>Wrong. There was a considerable amount of community consultation, including through an Advisory Committee which consulted other mens’ referral services, community services, mental health authorities, the psychology profession, and the Department of Education and Community Services.</p>
<p>“Nor was there any assessment as to whether members of the LFA are the most appropriate people to manage the service.”</p>	<p>Wrong. The LFA developed the concept of the service over many years, and convinced the Government of its importance and feasibility. The LFA members principally involved have spent more than twenty years advising and counselling approximately 200,000 people who have sought assistance. It was clear that no other group had either the interest or the experience to make MAACS work as effectively as the LFA. The Government understood this.</p>
<p>“...rather than one of the long-existing emergency accommodation services such as St Vincent de Paul or the Salvation Army.”</p>	<p>Neither St Vincent de Paul nor the Salvation Army had expressed any interest whatever in running MAACS.</p>
<p>“The LFA had no experience or expertise in the kind of protocols and procedures which are common for similar services.”</p>	<p>Wrong. Members of the LFA, through their connection with Parents Without Partners, have had significant experience in running a mens’ accommodation service elsewhere in Australia. The Policy and Procedures Manual for MAACS was Australian best practice from Day 1 of MAACS’ operation.</p>

<p>The ACT Department of Education and Community Services had to purchase consultancy services to assist them.</p>	<p>Wrong. The Department was not required to do any such thing. The Department suggested that there could be some value in obtaining advice from an independent expert on these matters (at Departmental expense). The LFA is always happy to listen to advice from anyone who might have something to contribute. The advice received, although quite helpful, was not necessary.</p>
<p>“The surveys were conducted by a student on placement with the LFA itself.”</p>	<p>Wrong. Only one of the “surveys” referred to was used in the submission proposing the establishment of MAACS. The other “survey” was not conducted by a “student on placement with the LFA itself”, and had nothing to do with the LFA.</p>
<p>“Nor was this quality research.” “This is a tiny sample size...” “The ways in which the survey defines...” “The survey’s methodology...”</p>	<p>Given that the survey being referred to here was not used by the LFA in its submission for the establishment of MAACS, the allegations made about the survey methodology are/were irrelevant.</p>
<p>“The questionnaire to service providers... pre-judged what kind of service was needed.”</p>	<p>Wrong. The point of the questionnaire was to ask relevant organisations in the ACT which types of services they thought should be provided. The organisations were asked about everything from access handover services to family law advice and referral to telephone crisis services to health services (and anything else that the informants might recommend).</p>

Virtually every statement made above by the male feminists about MAACS was wrong. It is not clear why any other statements made by the group should be assumed to be any more accurate.

(b) SBS program on “Battered men”

Some other odd claims were also made by the male feminist group in Insight, an SBS program dealing with “Battered men”, which featured MAACS. The male feminist claims and comments on those claims are as follows:

Male feminist claim	Comment
Recognition of male victims of domestic violence in Australia is a “red herring”	The recognition of male victims of domestic violence may not be helpful to careers in the ANU Centre for Women’s Studies. It was/is, however, highly relevant and important to the hundreds of thousands of male victims of domestic violence in Australia.
The attention that male victims of domestic violence are now receiving is due to the efforts of mens’ rights groups.	It is laudable that someone is doing something to draw attention to this very large and previously ignored problem.
“Mens’ rights groups” are mobilising public opinion.	Current myths about domestic violence (e.g., that all domestic violence is perpetrated by men) have been promulgated and reinforced by professional misandrists for many years, almost without opposition, e.g., from academics who should know better. It is essential that policy in future be based on facts rather than myths.
The research by Headey, Scott, and de Vaus into domestic violence by men and women in Australia does not canvas issues of assault after separation.	Wrong. The research by Headey, Scott, and de Vaus did in fact include cases of assault after separation.
People who draw attention to the facts of male victims of domestic violence are “fuelled by anti-women agendas”, and are “attempting to prevent the rolling back of men’s power in society”.	There was/is no basis for this paranoia. People are drawing attention to the fact of male victims of domestic violence in order that this important issue can be properly addressed. Properly dealing with the issue will be highly beneficial for the health of Australian families and society generally.

Client feedback on MAACS

Of clients who completed the MAACS exit forms over the 1999-2002 period, 90% indicated that they regarded the service provided at MAACS as “Very satisfactory” (the highest possible rating). The same rating was given also to the extent to which they were comfortable with the staff, and the usefulness of the information supplied.

Several clients informed the LFA that coming to MAACS saved them from committing suicide. Many clients telephoned, even months later, to thank the Chairman and staff for the service provided.

Comments from clients indicated that MAACS, in their view, had:

- helped men back on their feet after marital breakdown
- helped overcome the pains of homelessness
- provided a secure and supportive emotional climate for healing to commence/continue
- assisted clients regain contact with their much-loved children
- provided an environment that was enjoyed by the children
- demonstrated respect for clients and the validity of their experiences
- provided counselling to help deal with stressful situations
- helped overcome panic and facilitate rational planning for the future
- provided a high standard of accommodation
- provided practical assistance in obtaining future accommodation and recovery from addiction or other problems
- enabled clients to settle into an appropriate routine
- mitigated the effects of public persecution and ridicule by the judicial system
- helped counter the baleful influence of anti-male groups in causing and/or exacerbating conflict between spouses
- demonstrated a high level of competence and professionalism, and
- provided a service that was coordinated as a total team effort.

Detailed comments included the following:

AB

“Once again I’m writing to you to express my heartfelt gratitude for all the help your organisation has offered me through the very difficult time of my divorce proceedings. Through my personal ordeal I have been assisted by many generous organisations. Without a shadow of a doubt, I believe that I am in a position to say that the kind of services offered by your organisation are the most appropriate for the needs of men dealing with marriage breakdowns, particularly, and most importantly, for cases where children are involved.

“The facilities offered at the MAACS residence stand well above any comparable men’s accommodation available throughout the ACT.

“Last but not least, a special word of thanks to the Lone Father’s Association (Inc.) organisation for making possible that MAACS be a magnificent reality in offering such an important community service”.

MS

“I wish to thank you and MAACS for assisting me back to my feet when I was overcome with my marital problems and found myself homeless in June 2001.

“I am grateful to you for your efforts to ensure that men faced with crisis do not become destitute and that true compassion and genuine sincerity is extended to those facing the discriminatory establishment known loosely as our legal system.

“For 17 June to 17 July of this year, you and your staff took me in and provided me with secure shelter during my trepidations. Counselling and support were most graciously forthcoming during this troubled time for me, and the assistance provided by your organisation, in my opinion, was pivotal in the direction of my life.

“I am glad to say that, with the assistance of MAACS, I have been allocated a public housing flat located close to the Canberra City Centre and have regained my self-confidence and my self esteem.

“It is unfortunate that men are subjected to ill-advised and ill-informed presumptions held by members of the judiciary in this country. When publicly persecuted and ridiculed, safe-havens such as the crisis centre in _____ provide a suitable respite from the unjust. The management and staff at the crisis centre have proved themselves to be professional and competent in dealing with men facing tragedy. Any claims of shortcomings could only come from short-sighted plebeians and are unwarranted.

“I wish to convey my gratitude to you, once again, for what you have done for myself and men in general. Should you require my support or if I may assist you in any way, please do not hesitate to call on me.”

RB

“Many thanks to you (L), J, and B for your help and assistance to me while I was staying with you, say hello to the others there who treated me with respect, it was much appreciated. I will always remember what you done for me.

P.S. I (now) have my son _____ living with me, he is _____ years old, I got him before he got into drugs ... I am a very happy man to have _____ ...”

NC

“I write this in regard of the care and attention I have received at MAACS. I have found this to be exemplary in every way. I found the accommodation facilities to be of the highest possible standard.

“I found the assistance of yourself (B), J, L ..., and C ... of the utmost assistance.

“I also found the accommodation both homely and comfortable for both myself and my children which was much appreciated in my time of need. ... as a facility to help men in time of need I found this facility unsurpassable”.

“I would however like to mention that whilst in MAACS I had numerous contact(s) with my wife which had left me feeling that most of our problems had been overcome. Alas each time she returned to her own women’s refuge and counselling sessions, her attitude and opinions had drastically been altered.

“I was left of the opinion that the counsellors in her women’s refuge had forced ideas on her in an outright biased way without knowing myself or personal circumstances. I feel as if this matter should be looked into and if at all possible corrected.”

KC

“I think that this place is the best for men. It is about time there is. The men here are very helpful and understanding and very supportive. You could not get much more support than that. They are so helpful. I couldn’t stress that enough.”

“I appreciated the fact that there was a caretaker who was available after hours to talk to and assist me in other ways.”

PG

“Thank you for allowing me to stay here, albeit temporarily ...

“The house is fantastic: clean, hygienic, wonderful facilities, my room excellent, my bed comfortable. The house rules are sensible and make me feel secure.

“It was just four days ago that I had all but “given up” ... Just as I was facing the reality of being literally homeless (a year-old streetkid), I was lucky enough to follow a series of phone messages to eventually reach J. at MAACS.

“That was, indeed, the turning point of my life.

“My four days here have given me the opportunity to stop the panic, take stock of my situation, plan a strategy (for accommodation, etc), follow referrals from the Support Worker to receive material help (food, clothing), get back into a routine of eating sensibly, showering regularly, using the laundry, relaxing, reading, and enjoying the company of peers ...

“MAACS is a wonderful concept.

“The staff are fantastic; kind, helpful, courteous, pleasant, empathetic ... perfect in this situation. Their patience and tolerance is exceptional.

“I will never forget MAACS and staff, an absolute blessing in my life.”

GM

“Hi there. and I arrived safely up in and have settled into the house here ... started at his new school yesterday and already has made some friends. We both thank you for what you have done for us.”

PW

“It has been a week since I moved out of MAACS. I would like to thank you for the great help you and staff members of MAACS and Lone Fathers have provided through this period.

“No doubt this has been the most difficult period in my life, being thrown into the alleged domestic violence situation with no justification. This is done to such a extent that I still cannot believe that this can actually happen in this great country.

“The concrete advice and discussion you people provided has certainly improved my ability to ability to manage and handle the situation. Most importantly, you have helped me to regain my confidence. I can imagine life would be much harder if it was not because of this help.

“The physical living conditions at MAACS were also good. The place is clean and well managed. I particularly appreciate the baby facility I used for my baby.

“I think I was lucky to have lived at this place over this period. I believe that people with similar experience would feel the same if they did.”

BS

“I just would like to say a big thank you for all your help during my stay here and for being so helpful when my children came over to stay with me. They even said to me that they like L, he is nice, and to say thank you for your gifts.

“I have enjoyed the talk we had, so once again thank you L for being a friend.”

KM

“I would like to express my sincere gratitude to Mr W and the staff at MAACS, , J, L, and C, for their professional support during my stay at the Crisis Accommodation Centre for Men. This service that the LFA provide is most professional and needed in the time of the modern separated father and the children. Thank you.”

CS

“In my opinion, there has been an excellent delivery of high quality service in all areas, i.e., personal comfort, accommodation, counselling, etc. There is a total team effort to coordinate all levels of support, and it becomes evident that the staff constantly seek to improve the quality and delivery of the service.”

LP

“During the time I have spent here with my two children and carer, I have come to the conclusion that this place is in great need of more funding and more staff. And an extension on the length of time that fathers are allowed to stay. Although this house is a blessing for single fathers, and the workers J . . . , P, and L, carry out their jobs and responsibilities with true professionalism. This organisation can greatly benefit from more funding, employees, and extending the time of allowed stay . . . “

MM

“All the support and help was great. It has provided me with a useful stepping stone toward my future, and has given me good access to services (i.e., housing, Centrelink, etc.) No improvement necessary.”

MT

“Like a family. All OK perfect.”

The above testimonials in relation to MAACS and its tale of success were, to all intents and purposes, ignored by the ACT administration in pursuing its own ideological agenda.

As demonstrated in the testimonials, the service provided by MAACS was highly praised by its clients. The basis on which the service operated was evidently what was required to give maximum support to these men and their children.

Recommended legislative and administrative changes

Drawing on the experience with MAACS, a range of legislative measures were recommended by the LFAA in response to a Government investigation in 2004 of domestic violence legislation in the ACT.

It was suggested by the LFAA that modifications to existing legislation and other arrangements which would be useful in diminishing domestic violence and enhancing justice in these matters would include the following.

Abuses of the system

Effective steps should be taken to identify and prevent the frivolous use of DVO's.

Non-gender-neutral approaches

Non-gender-neutral approaches should be corrected and non-gender-neutral ideology be banned from agencies and services.

Non-gender-neutral material, and especially incorrect statements should be removed from official material, such as “service standards”.

Non-gender-neutral attitudes and approaches by consultants in producing material on domestic violence should be recognised as unacceptable.

Management of the system

The activities of the DVCS, a private body with a non-gender-neutral charter, but with public responsibilities, should be adequately monitored by a competent authority.

Definitions

Different levels of “violence” should be properly distinguished and implications for agency procedures properly recognised.

Models

A Family Systems Model for dealing with domestic violence should be implemented rather than the inappropriate Duluth model and other similar models.

Offences

Claims of domestic violence should be required to be made on oath, given that alleged breaches of DVO:s can so readily give rise to criminal sanctions.

The offences of “perjury” and “making a false statement to the police” should be applied and sanctions applied in all appropriate cases. These offences should apply, as appropriate, in the case of persons assisting in the drawing up of affidavits which make allegations.

The proposed offence of “personal injury” should be defined to include cases of oral and physical provocation of men as well as women.

Procedures

Ex parte applications should be permitted only where essential for the safety of the parties concerned.

The present arrangement of a “star chamber” closed court in the ACT should be abandoned. It is contrary to natural justice.

Supporting medical affidavits, to be required in cases of alleged injury, should be prepared independently of the DVCS.

Men involved in domestic violence as victims and/or perpetrators should be given exactly the same information as women.

Children should be consulted about their views, and be permitted to remove themselves from DVO’s in appropriate cases.

Firm and reliable guidance on rules for self defence and appropriate restraint should be developed to inform men, in particular, what steps they may take in self defence without laying themselves open to DVO's and/or criminal charges.

Legal aid in domestic violence cases should be made available equally to both parties by in-house gender-neutral specialists.

Presentation and use of information

Honesty and accuracy should be recognised and applied as the basis for disseminating information about domestic violence.

“Education” of judicial officers should be properly gender-neutral in nature.

Research required

A thorough, competent, and unbiased investigation of the misuse of DVO's should be undertaken by a properly balanced panel.

A thorough, competent, and unbiased study should be done of the nature and distribution of domestic violence, resulting in meaningful, accurate and comprehensive statistics.

The above suggestions were all ignored by the ACT administration.

It is *recommended* that the above measures should now all be considered carefully as part of the current Review.

B C Williams
President
LFAA

J B Carter
Policy Adviser
LFAA

19 November 2009