



Protection from Domestic Violence

There has been an upswing in media reportage of domestic violence. With domestic violence campaigner Rosie Batty as the 2015 Australian of the year, domestic violence has never been so topical or newsworthy.

The media seems to mostly shine its light on the physical side of domestic violence – the murders, the beatings, the actions that physical scars and bruising. This physical violence, while tragic, is not the only type of domestic violence experienced by Australians.

Statistics

A snapshot of domestic violence in Australia from the Domestic Violence Prevention Centre provides the following statistics:

- Just under half a million women reported that they experienced physical or sexual violence in the last 12 months.
- 37.8% of these women said the perpetrator was a current or ex-partner.
- 34.4% said that the perpetrator was a male family member or friend.
- 73.7% of men who had experienced physical or sexual violence in the last 12 months had had the violence perpetrated by other men.

What constitutes domestic violence?

The Australian Parliament has defined the following as being examples of domestic violence:

- Emotional abuse, including attacks on the victim's self-esteem, undermining, and unjust blaming of the victim for all the problems that are experienced in the relationship;
- Verbal abuse, including swearing and yelling in public and private;
- Social abuse, such as isolating the victim from friends, family and the community;
- Economic abuse, including not allowing the victim to make or keep their own money, leaving them reliant on the abuser;
- Psychological abuse, such as making threats about the safety of children, dangerous driving, terrorising in order to scare the victim and keep them compliant;
- Spiritual abuse, which can involve denying the victim access to their own religion or using religious beliefs as an excuse to abuse the victim;

- Physical abuse, including food and sleep deprivation, using physical violence, locking the victim out of the house or hurting child victim/s to control the adult victim; and
- Sexual abuse, including rape, coercing the victim into unwanted sexual activity, degrading the victim sexually, not using protection to prevent STD transmission or pregnancy or even forcing the victim to have sex with other people outside of the relationship.

Why don't these victims just leave? They don't have to put up with this!

Domestic violence is a very complex issue, and there are rarely 'textbook' cases. Some abusers are members of the victims birth family, and have been abusing them for their whole lives, isolating them and keeping them away from functional family members who might recognise that there is a problem. Some abusers use the victim's children as living hostages to ensure that their parent won't risk harm coming to them. Some victims have no money, no access to transport and do not speak English. They may have been told that the world outside their walls is more dangerous than the world within. Some victims have a disability that makes it hard for them to communicate. Some victims live in remote areas and no one knows they are there at all.

The most compelling reason that victims of domestic violence don't leave is that they do not see how they can.

Domestic Violence in Australia

According to the Australian Bureau of Statistics, 1 in 5 women and 1 in 20 men have experienced violence at the hands of an intimate partner.

Domestic violence is prevalent in Australian society, with hundreds of thousands of families affected. Domestic violence includes a wide range of abusive behaviour and can be found across a wide range of Australian society.

What should you do?

In a family law matter, the Court can make orders restraining one or both parties from engaging in certain conduct. A restraining order is usually intended to protect people or property, or it might be to force one person to vacate the parties' former home.

The Court takes the issue of family violence very seriously and that is often a factor in making a restraining order. The Court also takes the breach of restraining orders seriously, and it has the power to impose a range of significant penalties.

If you or someone you know wants more information or needs help or advice, please contact us on 03 9387 2424 or email info@rrrlawyers.com.au.