

20 October 2023

To the Justice Committee

Manaaki Tāngata Victim Support's submission on Family Proceedings (Dissolution for Family Violence) Amendment Bill

Introduction

Manaaki Tāngata Victim Support is a non-government organisation that has been offering emotional support, practical assistance, information, and criminal justice system support to victims of crime and traumatic events for more than 30 years. Last year Victim Support helped more than 48,000 people affected by crime, suicide and traumatic events in the immediate aftermath, through the justice process, and beyond.

Victim Support supports the Family Proceedings (Dissolution for Family Violence) Amendment Bill, which allows victims of family violence with a protection order to dissolve their marriage or civil union without a two-year waiting period for two key reasons:

1. The impacts of remaining associated with a family violence relationship
2. The necessity for victims to move forward with their lives.

1. The impacts of remaining associated with a family violence relationship

There are numerous impacts for victims in a family violence relationship,¹ which may continue even when the victim has left the relationship but must remain associated with the abuser because the relationship has not been formally dissolved.

The longer victims remain formally associated with their abuser, the longer they remain unsafe.² The cycle of violence demonstrates how abusers' behaviours can change drastically from one day to the next, making it difficult for victims to leave.³ Our legal system is therefore failing victims by prolonging their association with their abuser, making it difficult for them to cut ties and keep themselves safe.

¹ Rakovec-Felser Z. (2014). Domestic Violence and Abuse in Intimate Relationship from Public Health Perspective. *Health Psychology Research*, 2(3), 1821.

² Martin, A. J., Berenson, K. R., Griffing, S., Sage, R. E., Madry, L., Bingham, L. E., & Primm, B. J. (2000). The process of leaving an abusive relationship: The role of risk assessments and decision-certainty. *Journal of Family Violence*, 15(2), 109-122.

³ SafeChoices. (2019). *The Cycle of Violence*. <https://www.safechoicesttas.org.au/news/the-cycle-of-violence>

The ongoing association can also act as a constant reminder of the violent relationship, which can prolong stress, distress, fear and anxiety.⁴ This can result in frequent flashbacks as well as the development of psychological illnesses⁵ and physical ill health.⁶

2. The necessity for victims to move forward with their lives

Due to the impacts associated with remaining associated with a violent relationship, there is a real necessity for victims to be able to move forward with their lives once they have ended the relationship. The benefits for victims who have had the opportunity to end their association with the abuser are well documented.

Besides finally feeling safe, victims who can move on often regain their sense of self, peace of mind, freedom, inner strength, and hope – all of which enhance holistic wellbeing.⁷ This can then help victims make life-changing decisions such as exploring their interests, setting personal goals, and pursuing activities that may have been previously off-limits.⁸ Examples include pursuing educational⁹ or career opportunities that promote financial independence¹⁰ – financial dependence is often a reason victims remain in violent relationships.¹¹ Victims are also able to rebuild their social lives, providing them with the necessary support network that may also have been off-limits while associated with the abuser.¹²

Conclusion

Given that family violence victims are a vulnerable population, this bill is a step in the right direction by enabling victims to formally dissolve a violent relationship without the current two-year stand-down period. It ensures victims no longer have to face the safety risk and detrimental impacts that come with such an association, thereby enabling them to stay safe, focus on their own wellbeing, and rebuild their lives.

⁴ Social Policy & Research Team. (2009). Moving forward: Women's journeys after leaving an abusive relationship. The Benevolent Society.

⁵ Chemtob, C. M., & Carlson, J. G. (2004). Psychological effects of domestic violence on children and their mothers. *International Journal of Stress Management*, 11(3), 209–226.

⁶ Social Policy & Research Team. (2009).

⁷ Estrellado, A. F., & Loh, J. M. (2019). To Stay in or Leave an Abusive Relationship: Losses and Gains Experienced by Battered Filipino Women. *Journal of Interpersonal Violence*, 34(9), 1843–1863.

⁸ Social Policy & Research Team. (2009).

⁹ Morgan, A. (2007). 'You're nothing without me!': The positive role of education in regaining self-worth and 'moving on' for survivors of domestic abuse. *Research in Post-Compulsory Education*, 12(2), 241–258.

¹⁰ Showalter, K. (2016). Women's employment and domestic violence: A review of the literature. *Aggression and Violent Behavior*, 31, 37–47.

¹¹ Conner, D. H. (2013). Financial freedom: Women, money, and domestic abuse. *William & Mary Journal of Race, Gender, and Social Justice*, 20(2), 339–397.

¹² Social Policy & Research Team. (2009).