



## **Family Law Amendment (Family Violence) Bill 2010 Submission**

### **The Men's Advisory Network**

The Men's Advisory Network (MAN) is the peak body for service providers, organisations and individuals concerned with men's health, well-being and other issues affecting men and boys in Western Australia. MAN was established in 1997 and incorporated in 2000. It is a not-for-profit non-government organisation that receives financial support from the WA Department of Health.

The primary role that MAN plays is supporting service providers, organisations and professionals from various disciplines, who work with men and boys. In addition, MAN provides information to individuals about appropriate services and professionals, plus provides general community education and raises awareness of the issues affecting men and boys. Further information is available on the website: [www.man.org.au](http://www.man.org.au)

### **MAN's Position on Violence and Abuse**

*MAN says NO* to all forms of abuse and violence and has made several submissions on the issue. These, plus other submissions that MAN has made on domestic violence and other issues are available at:

<http://www.man.org.au/AboutMAN/Submissions/tabid/81/Default.aspx>

All forms of abuse and violence have a devastating impact on the victims, their families and communities, and often the perpetrators.

### **Intimate Partner Abuse of Men**

MAN received funding from Lotterywest to investigate the nature of intimate partner abuse of men. Researchers from the School of Psychology at Edith Cowan University undertook the study.

The report of the study is available at:

<http://www.man.org.au/Portals/0/docs/Intimate%20Partner%20Abuse%20of%20Men%20Report.pdf>

This submission is based on the findings of that research. ***The implications for the legislation are highlighted.***

The study found that men suffer from the same forms of family and domestic abuse and violence as women.

***In broadening the definition of family violence, it must be realised that men suffer the same forms of abuse and violence from intimate partners as do women.***

## **Legal-Administrative Abuse**

The study also identified an additional form of abuse that had not previously been identified in the literature.

“The categories of abuse reported by Stage One participants were consistent with those found in the family violence literature. However, we also identified one form of abuse that has not been researched before. We labelled this legal-administrative abuse. Legal-administrative abuse involves a person using legitimate services in a way that abuses the rights of others (p1).”

Legal-administrative abuse refers to such issues as making false accusations in order to obtain a violence restraining order, denying a father access to his children and undertaking vexatious actions in the Family Court or through the Child Support Agency.

***These forms of legal-administrative abuse have direct relevance to this legislation.***

***Abuse of such legitimate and otherwise essential legal and administrative processes, could lead to children being prevented from having a meaningful relationship with the falsely accused parent.***

This is discussed in section 4.2.1.6 on pages 20 and 21.

“A theme that has not been mentioned by other researchers was that certain participants reported that some perpetrators manipulate legal and administrative resources to the detriment of their male partners. They believed that this happened because employees of the relevant non-governmental and government agencies hold stereotypes that men are always the perpetrators and that females are the victims (p20).”

The survey of service providers supported that this form of abuse existed. See Table 10 on page 49 and Table 12 on page 51.

However, the researchers do place a caveat on their findings:

“Legal and Administrative Abuse needs more examination before we can be confident in accepting it as a distinct category of abuse. In our data it seems to be very closely linked to Family Court litigation and we cannot be sure that it reflects a more general abuse of legal and social systems to exert control over one’s ex-partner’s life rather than simply being a legal strategy. Of course, it is possible that it reflects both legal strategy and an abuse of process aimed at exerting control over an ex-partner’s life. More research is needed on this issue.”

There is also the serious issue of *malicious* aiding, abetting, counselling or procuring of the breach of a protection order. There are anecdotal reports of persons who have breached a protection order after the person protected by such an order maliciously aided and abetted its breach with the intent of entrapping and harming the other person.

## **Abuse of Children**

***When considering the damaging impact of family violence on children, it must be realised that this also applies to situations where the female partner is the abuser.***

“Participants indicated that men were frequently not the only victims of abusive females and that the abuse aimed at them was often a reflection of a broader pattern of abusive behaviour. They reported that other victims of perpetrators included the *children* of perpetrators (p 21).”

“Participants also reported that the abuse had an immediate and long term effect on a number of people, such as grandparents, family and friends. It was, however, participants’ concerns about the psychological impact of the abuse on the children of the parties that was most prominent in the data (p31).”

“The data suggest that women who reportedly abuse their intimate male partners are likely to abuse other people as well (e.g., their children friends of their partners) and the abuse is sometimes part of a wider pattern of antisocial behaviour (p1 and p43-44).”

Other research evidence shows that mutual or reciprocal violence is more prevalent than one-sided or unilateral violence, and is also the most harmful to children who witness it.

***Therefore the prevention of the exposure of children to mutual or reciprocal family violence should be of the highest priority.***

#### **Barriers to Males Reporting Abuse**

***Practitioners involved in all aspects of family law need to be aware that men are very reluctant to disclose that they are a victim of intimate partner abuse or violence.***

“The data suggest that male victims of intimate partner abuse and their children suffer a range of consequences, such as psychological distress (including psychological disorders such as depression and anxiety disorders), suicidal ideation, impaired self-concept (in particular around one’s sense of masculinity), and loss of work.

Despite those impacts, participants reported that men are reluctant to disclose what is happening to them or to seek help. The reasons for this are complex. The major factors appear to be men’s denial of what is happening; their fear that they will not be believed, and their fear that even if they are believed they will not be assisted or will be blamed for the abuse. Participants believed that men would find it easier to seek help and disclose the abuse if there were greater public acknowledgement that males can also be victims of abuse, if there were appropriate services for men, and if they were confident that they will be given effective help (p 2).”

“We found similar barriers to what women report as barriers to them disclosing abuse: shame, fear of not being believed, fear that reporting it will make it worse, concern for the impact on others (e.g., children’s relationship with the perpetrator) (Leone et al., 2007; Merritt-Gray & Wuest, 1995; Stork, 2008). However, there were also several themes that reflect gender issues and gender politics. For example, several participants reported a fear of not being believed because IPA is seen as something that men do to women. For some the fear was of something worse; that they would be blamed for the

abuse, that they must have done something to provoke it or that the woman was retaliating against his own abuse of her. The themes of shame and humiliation also reflected gender issues such as some men's perceptions that they should be able to cope with the abuse or have sufficient power in their relationships to stop it.

All barriers were reportedly observed by at least a significant minority of service providers (no less than 33% for any barrier) and for most barriers by a majority of service providers (more than 80% for several barriers). We can't be sure if those who don't report a particular barrier have never had a client for whom that factor has delayed or facilitated disclosure or if they simply have not engaged in the type of conversation or assessment process that would have uncovered information indicating that the factor was relevant for that man. Certainly, the conclusion that can be drawn is that all of the barriers and facilitating factors that were identified in Stage One have been reported by at least a sizable minority, if not a large majority, of the service providers surveyed in Stage Two. The implication of these data for service providers and for policy makers is that we need to design services, train service providers, and educate the public in ways that will reduce if not remove those barriers and amplify those facilitating factors. If male victims, or the people who are close to them, are not able to disclose the abuse, then appropriate and effective interventions in that relationship will not be enacted, or at best will be delayed (p 67-68)."

### **Male Victims are Not Recognised**

MAN has been concerned for many years that male victims of intimate partner abuse are not even recognised as a legitimate client group by many government, social and community services and their existence, in effect, is denied.

***Although the proposed amendments to the legislation are gender neutral, there is a danger that the stereotype of male perpetrator and female victim will become the accepted norm within the family legal system. This could result in male victims not being believed, plus men being falsely accused and subsequently being denied the opportunity to have a meaningful relationship with their child.***

A similar situation arose prior to the 2006 amendments. Although there was no legislative requirement, the norm that was widely adopted was that a father could only see his child every second weekend.

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21 December 2010