



Background Paper

to Time for Action: The National Council's Plan
for Australia to Reduce Violence against
Women and their Children, 2009-2021

March 2009

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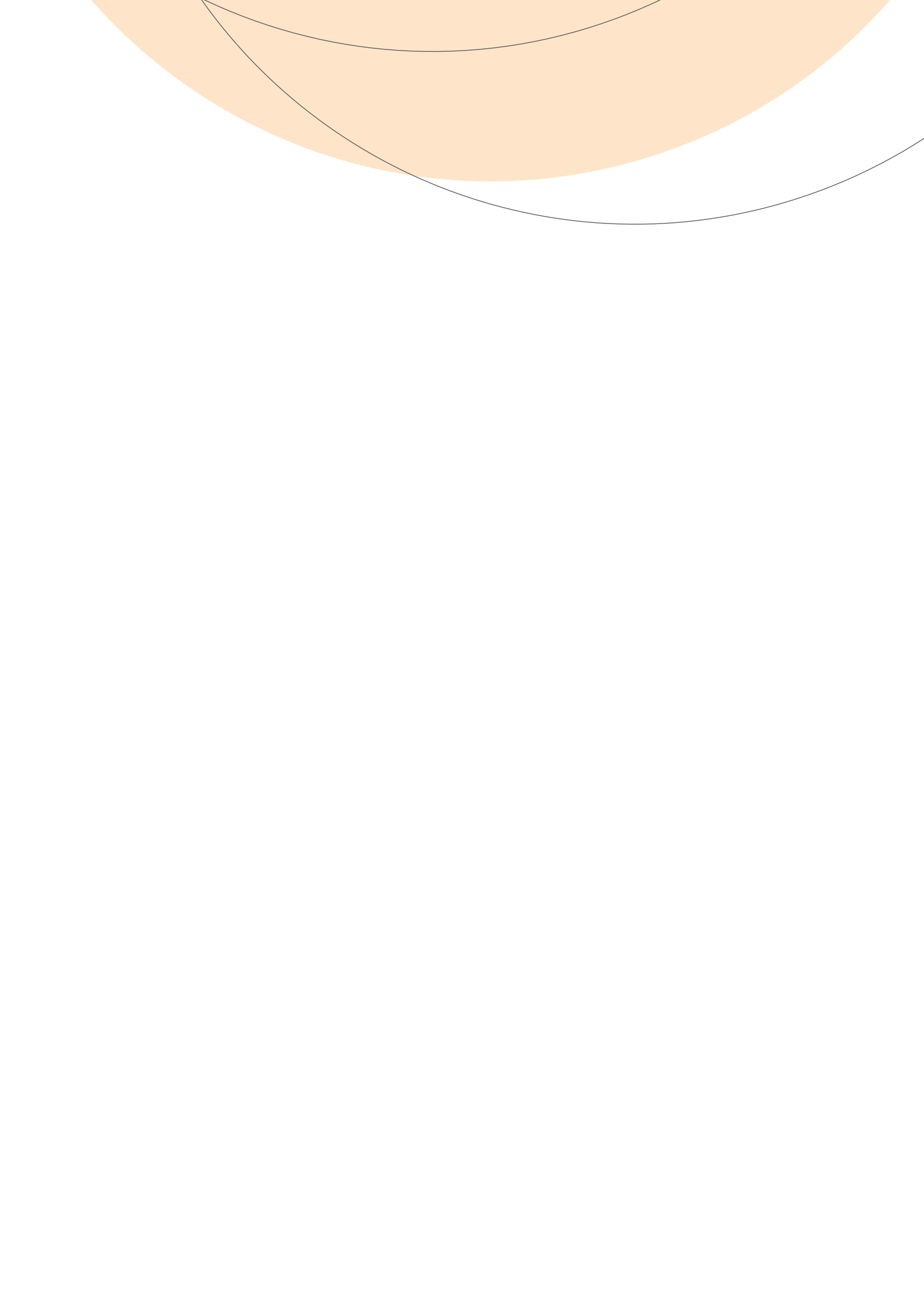
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1 Executive Summary

The National Council to Reduce Violence against Women and their Children (the Council) conducted extensive research and a jurisdictional 'As Is' analysis to support its *Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children* (the Plan of Action).

This *Background Paper* includes a summary and overview of the measures that Australia's states and territories and some Commonwealth Government agencies have adopted to prevent and respond to sexual assault and domestic and family violence. The evidence presented in this Background Paper has been used to inform the Plan of Action.

Part A of this *Background Paper* offers a review of the literature on this subject and Part B provides a nationwide snapshot of policies and investments in this area.


Methodology

The review of the relevant literature focused on the nature and extent of violence against women, its causes, its impacts and the effectiveness of various responses adopted by government and the services sector. The literature reviewed included academic and government sources from Australia and overseas.

Part B, the 'As Is' analysis of jurisdictional approaches, uses the fundamental principles outlined in Amnesty International Australia's report *Setting the Standard: International Good Practice to Inform an Australian National Plan of Action to Eliminate Violence Against Women*.

This 'As Is' jurisdictional analysis is based on a series of consultations conducted between August 2008 and January 2009 in every state and territory with representatives from government agencies involved in sexual assault and domestic and family violence. Consultations were also held with Commonwealth agencies. The findings reflect the feedback (both in person and in writing) from representatives of 66 Commonwealth, state and territory government agencies across Australia. (A list of these agencies is provided at Appendix B.)

The structure of the analysis divides the elements of the approaches of each jurisdiction into tables using Amnesty International's recommended structure of the 'three S's' – structural, strategic and sustainable – and the 'three P's' – prevention, provision and prosecution. These are explained in Part B.



The number of approaches is extensive and provides considerable insight into the scale and type of investment in the issue across the country. Nevertheless, while extensive, it is acknowledged that, despite best endeavours, there may be gaps in the analysis.

Key findings

The 'As Is' jurisdictional analysis found that all states and territories have implemented, or are in the process of implementing, cross-departmental and inter-agency approaches to sexual assault and domestic and family violence, having recognised that single agency approaches to dealing with these issues are ineffective.

Some jurisdictions include non-government agencies as key partners. Where there is strategic interaction or coordination between states and territories, the National Women's Safety Taskforce (a subordinate committee of the Women's Advisers Meeting) acts as the main linking mechanism.

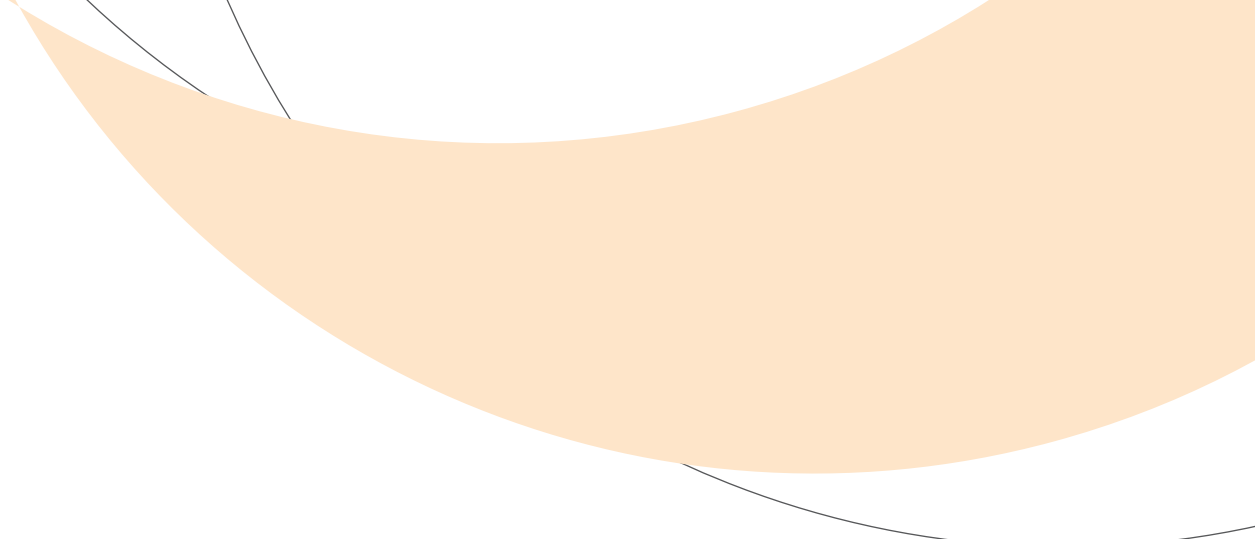
Whole-of-government approaches also vary in the details across jurisdictions – some strategies contain specific actions, assign agencies as drivers and include targets, while others are more strategic 'global statements of intent'. No mechanisms to monitor and evaluate whole-of-government strategies appear to be in place.

While policy commitments appear fairly uniform across all jurisdictions, funding commitments vary widely with many initiatives operating as pilot programs. There is also variance in service provision, particularly in terms of the coordination of government divisions and agencies, and the provision of specialist courts to address sexual assault and domestic and family violence matters.

The justice system's response diverged with Tasmania and the Australian Capital Territory favouring a pro-arrest, anti-bail and pro-prosecution approach. This is not the stance adopted in other jurisdictions.

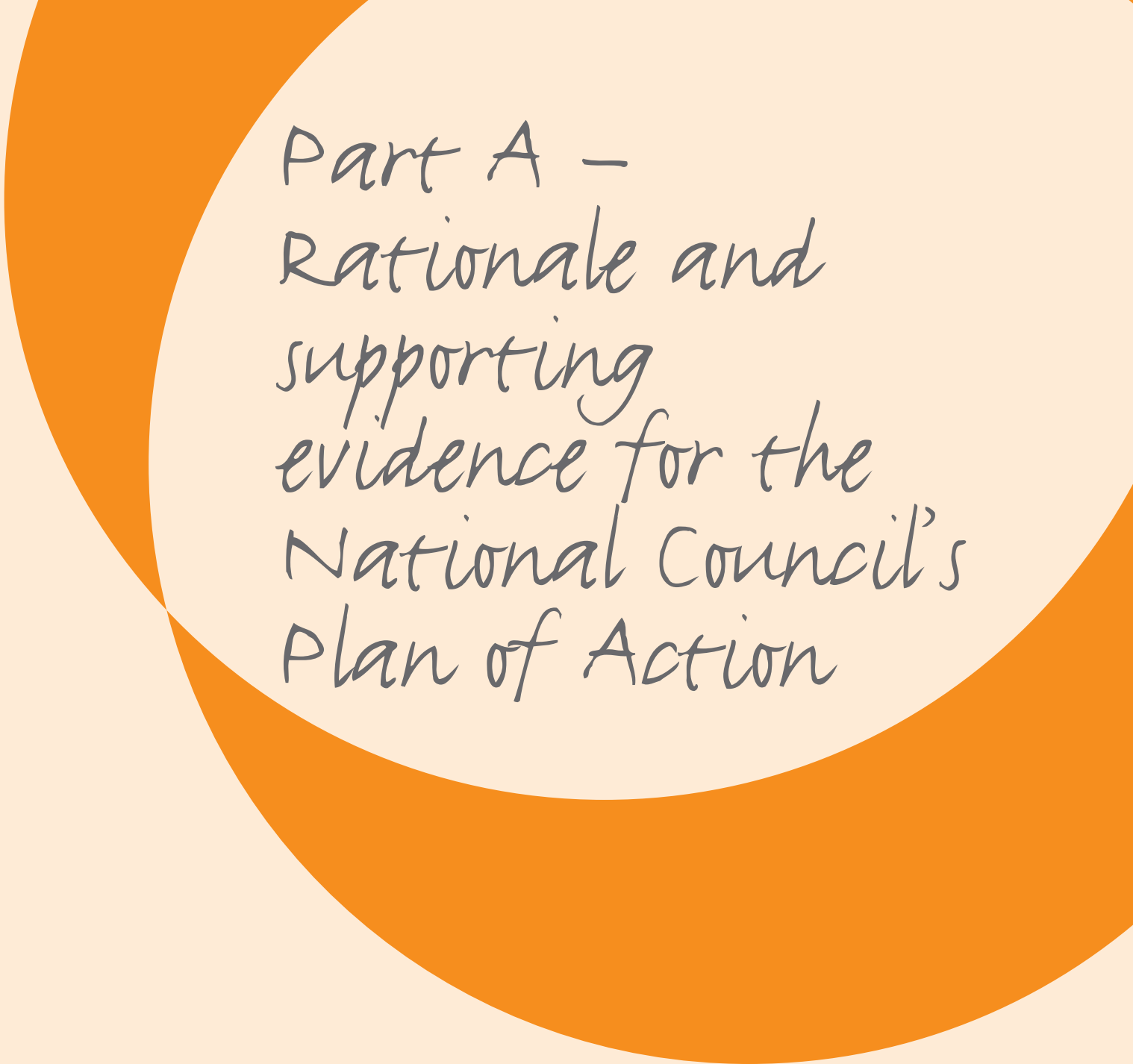
The 'As Is' jurisdictional analysis suggests some intervention approaches could effectively address violence against women and their children at a national level. These include:

- ministerial commitment to strategic initiatives (including police, education, health and human welfare, community services, justice, etc.);
- the establishment of a high-level, whole-of-government coordination forum to oversee reform;

- 
- the development of integrated cross-sectoral strategies and action plans that incorporate accountability mechanisms;
 - the development of integrated responses at the local level;
 - the provision of specialist courts to hear sexual assault and domestic and family violence matters in a sensitive manner, and that are informed by up-to-date evidence;
 - the encouragement of excellence in legal response across jurisdictions towards violence against women;
 - consistent legislation for domestic and family violence and sexual assault across Australia;
 - consistent data collection methods and standards;
 - specific initiatives for Aboriginal and Torres Strait Islander peoples that acknowledge key risk factors and issues specific to these communities;
 - specific Aboriginal and Torres Strait Islanders family violence initiatives delivered at the national level in consultation with the communities and people;
 - responsiveness tailored to the special needs of women with disability;
 - tailored responses for minority groups;
 - prevention and public awareness strategies;
 - consistent assessment and response procedures;
 - joint training for all service providers;
 - ongoing funding commitment.

In its entirety, the analysis reveals many similarities between jurisdictions in the way they respond to violence against women and their children. This suggests that there is considerable scope for greater cooperation and collaboration between the Commonwealth, states and territories in developing a unified, national approach to one of Australia's most pressing social issues.



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Part A – Rationale and supporting evidence for the National Council's Plan of Action



2 Supporting evidence for the National Council's Plan of Action

This part of the *Background Paper* provides information about the Plan's central concepts and the issues surrounding sexual assault, domestic and family violence. It complements and supports the evidence outlined in *Time for Action: the National Council's Plan for Australia to Reduce Violence against Women and their Children*.

2.1 What is violence?

There is no one universally accepted definition of violence against women and their children. The *United Nations Declaration on the Elimination of Violence against Women 1993* defines it as: 'any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life'. The Plan of Action uses this definition.


The Council understands that the extent and range of violent actions perpetrated against women are very broad and that violence and abuse is not always perpetrated by intimate partners, ex-intimate partners or family. Nor is it always perpetrated in the woman's home, community, domestic or social surroundings.

The Council does not believe one form of violence is intrinsically more important than others. However, given that Australian research confirms that the overwhelming majority of violence against women is by way of sexual assault and domestic and family violence, most of which is perpetrated by intimate partners and in the home, the Plan of Action primarily focuses on these areas.

Defining Sexual Assault

As with violence against women, there also is no universally agreed definition of what constitutes sexual assault. Definitions used in Australia vary between jurisdictions, legislation, agencies and surveys. Sexual assault may include behaviours such as sexual harassment, stalking, forced or deceptive sexual exploitation (such as having images taken and/or distributed without freely given consent), indecent assault and rape. For the purposes of the Plan of Action, sexual assault is defined as both an 'experience' and an 'offence'¹.

1 Australian Bureau of Statistics, *Sexual Assault in Australia: a Statistical Overview*. ABS cat. no. 4523.0, Commonwealth of Australia, Canberra, 2004.



The 'experience' definition describes sexual assault as unwanted behaviour of a sexual nature directed towards a person:

- which makes that person feel uncomfortable, distressed, frightened or threatened, or which results in harm or injury to that person;
- to which that person has not freely agreed or given consent, or to which that person is not capable of giving consent;
- which involves another person using physical, emotional, psychological or verbal force or (other) coercive behaviour against that person.

The 'offence' definition describes sexual assault as physical assault of a sexual nature directed towards another person without their consent. Consent requires 'free agreement' and a person cannot be said to freely agree where the person is fearful for themselves or for someone else; has been threatened; is mistaken about the identity of the person or the nature of the sexual act; wrongly believes that the act is for medical purposes; is incapable of consenting because of the influence of alcohol or other drug(s); or, is legally deemed incapable of giving consent because of age, temporary or permanent incapacity, or where there is a familial relationship or other relationship of trust.

Most Australian states and territories have moved towards a definition of consent to reflect the community's understanding of 'free agreement' which increasingly requires evidence of mutual participation in sexual activity. The most progressive definitions require juries to consider what a complainant has said or done to indicate their 'free agreement', rather than assume silence or submission equals consent.

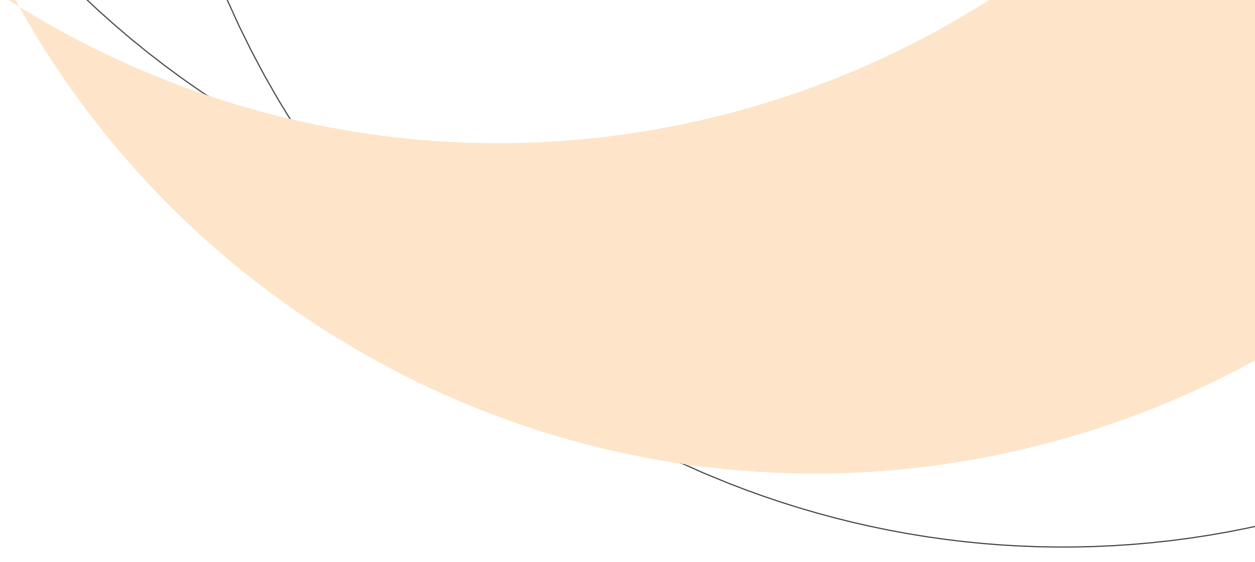
"I was very drunk and did not want to have sex with this person. I had just met him and was attracted to him and thought we were just going to make out, and I said no to sex, but he didn't listen, and I finally just went along with it. But after it was over, he got up and left me there lying naked and I was so disgusted and embarrassed²."

Quote sourced from S Harned, 2005

Defining Domestic and Family Violence

Domestic and family violence is a complex phenomenon. It can take as many different forms as families and family arrangements and includes abuse of the elderly, sibling abuse, carer abuse, violence between same-sex partners, violence by adolescents against parents, or female to male partner violence. However, in the overwhelming majority of cases, domestic and family violence is perpetrated by males against their female partners.

² S Harned, 'Understanding Women's Labeling of Unwanted Sexual Experiences with Dating Partners', *Violence Against Women*, vol. 11 no. 3, March 2005, pp. 374-41; Domestic Violence and Incest Resource Centre, *What's in a Name? Definitions and Domestic Violence*, Discussion Paper 1, DVIRC, Melbourne, 1998.



A central element of domestic violence³ is that of an ongoing pattern of behaviour aimed at controlling one's partner through fear (for example, by using violent and threatening behaviour) and occurs between people who have, or have had, an intimate relationship.

Generally, the violent behaviour is part of a range of tactics used by the perpetrator to exercise power and control over women and children, and can be both criminal and non-criminal in nature⁴. The laws in each state and territory differ in this respect – some define emotional abuse as a crime while others do not.

The Plan of Action states clearly that while some aspects of domestic and family violence constitute a criminal offence, all behaviour that causes a victim to live in fear is intolerable.

Behaviour associated with domestic and family violence includes⁵:

- **Emotional abuse** – blaming the victim for all problems in the relationship, constantly comparing the victim with others to undermine self-esteem and self-worth, sporadic sulking, withdrawing all interest and engagement (for example weeks of silence), emotional blackmail.
- **Verbal abuse** – swearing and continual humiliation, either in private or in public, with attacks following clear themes that focus on intelligence, sexuality, body image and capacity as a parent and spouse.
- **Social abuse** – systematic isolation from family and friends through techniques such as ongoing rudeness to family and friends to alienate them; instigating and controlling the move to a location where the victim has no established social circle or employment opportunities; and forbidding or physically preventing the victim from going out and meeting people.
- **Economic abuse** – complete control of all money, including: forbidding access to bank accounts; providing only an inadequate 'allowance'; not allowing the victim/survivor to seek or hold employment; and using all wages earned by the victim for household expenses.
- **Psychological abuse** – includes: driving dangerously; destruction of property; abuse of pets in front of family members; making threats regarding custody of any children; asserting that the police and justice system will not assist, support or believe the victim; and denying an individual's reality.
- **Spiritual abuse** – denial and/or misuse of religious beliefs or practices to force victims into subordinate roles; or misuse of religious or spiritual traditions to justify physical violence or other forms of abuse.

3 In Aboriginal and Torres Strait Islander communities, family violence includes sexual assault. Queensland Government, *Queensland Government Responses to the Aboriginal and Torres Strait Islander Women's Task Force on Violence: The First Step*, Queensland Government, Queensland, 2000.

4 Department for Planning and Community Development, *Family Violence Risk Assessment and Risk Management Framework*, Victorian Government, Melbourne, 2007.

5 Flinders Institute for Housing, Urban and Regional Research, *Women, Domestic and Family Violence and Homelessness: A Synthesis Report, Report prepared for the Office for Women*, Department of Families, Housing, Community Services and Indigenous Affairs, Canberra, 2008.

- **Physical abuse** – includes: direct assault on the body (strangulation or choking, shaking, eye injuries, slapping, pushing, spitting, punching, or kicking); use of weapons including objects; assault of children; locking the victim out of the house; and sleep and food deprivation.
- **Sexual abuse** – any form of pressured/unwanted sex or sexual degradation by an intimate partner or ex-partner, such as sexual activity without consent; causing pain during sex; assaulting genitals; coercive sex without protection against pregnancy or sexually transmitted disease; making the victim perform sexual acts unwillingly (including taking explicit photos without their consent); criticising, or using sexually degrading insults.

“The solutions to family violence and abuse, including in Indigenous communities, are complex, multi-faceted and require long-term focus and commitment to address. They require bi-partisan political will and leadership at the highest levels of government.”

*The Hon. Catherine Branson QC, President
Australian Human Rights Commission, 2008*

For Aboriginal people and Torres Strait Islanders, when describing violence or abuse of this nature, the term ‘family violence’ is used. Family violence better describes the matrix of aggressive behaviours that centre around family relationships. The term encapsulates not only the extended nature of Aboriginal and Torres Strait Islander families, but the context in which different and common forms of violence occur between kinsfolk in Aboriginal and Torres Strait Islander communities⁶.

Family violence in Aboriginal and Torres Strait Islander communities may involve:

- the perpetrator being an individual or a group;
- the victim being an individual or a group;
- the term ‘family’ meaning extended family, which more technically means a kinship network of discrete intermarried descent groups and, in many such cases, ‘family’ may constitute an entire community;
- the ‘community’ being remote, rural or urban; its residents living in one location or dispersed, but nevertheless interacting and behaving as a social network;
- the violence constituting physical, psychological, emotional, social, economic and/or sexual abuse;
- acts of violence continuing over a long period of time⁷.

⁶ P Memmott, R Stacy, C Chambers & C Keys, *Violence in Indigenous Communities*, Commonwealth Attorney-General's Department, Canberra, 2001.

⁷ Ibid.

For women in same-sex relationships, abusive partners can rely on homophobia or heterosexism as a tool to control their partner. This type of abuse can involve:

- 'outing' or threatening to 'out' their partner to friends, family, police, church or employer;
- telling their partner that she will lose custody of the children as a result of being 'outed';
- telling a partner that the police or the justice system will not assist because the legal justice system is homophobic;
- telling a partner that the abusive behaviour is normal within gay relationships and convincing the abused partner that she does not understand lesbian or gay relationships and sexual practices because of heterosexism⁸.

2.2 What do we know about the prevalence of violence against women and their children in Australia?

Australian data regarding violence against women and their children is limited. Information is not collected consistently across jurisdictions, and where data exists, there are many limitations.

Key limitations include⁹:

- Under-reporting, particularly given sample populations of large surveys often do not reach the most vulnerable groups of women such as: those experiencing housing instability; Aboriginal and Torres Strait Islander women in rural or remote areas without direct access to a telephone; women with limited or no English; women in custody; women under the age of 18; and women in group homes and institutional care.
- Some surveys are more effective at promoting disclosure from participants than other surveys.
- There is an over-reliance on data not supported by in-depth, detailed research that would provide a better understanding of the relevance of different social, physical, cultural, geographical and economic contexts.

⁸ S Chan, *Domestic Violence in Gay and Lesbian Relationships*, Australian Domestic and Family Violence Clearinghouse Topic Paper, Sydney, 2005.

⁹ Issues concerning the reliability of data on violence against women are acknowledged in key articles including W DeKeseredy & M Schwartz, *Measuring the Extent of Woman Abuse in Intimate Heterosexual Relationships: A Critique of the Conflict Tactics Scales*, VAWnet, Harrisburg, 1998, viewed November 2008, http://new.vawnet.org/Assoc_Files_VAWnet/AR_ctscrit.pdf; H Johnson, *The International Violence Against Women Survey: challenges and issues in developing an international comparative research project*, Proceedings of Evaluation in Crime and Justice: Trends and Methods Conference, Canberra, March 2003, viewed November 2008, <http://www.aic.gov.au/conferences/evaluation/johnson.html>; Australian Bureau of Statistics, *Information Paper: Measuring Crime Victimization, Australia: the Impact of Different Collection Methodologies*, ABS cat. no. 4522.0.55.001, Commonwealth of Australia, Canberra, 2002, viewed November 2008, <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/C7A5DB6A3C9F49BACA256E30007C91E2>.

Barriers to women reporting sexual assault and domestic and family violence include: a perception that it is too minor to report to police; a lack of awareness that such action constitutes an offence; a desire to 'keep it private' and deal with it themselves; shame; fear of the perpetrator; a sense of ongoing responsibility for the safety of other family members; a lack of awareness about, or lack of availability of, culturally responsive services; a fear of not being believed or that no one can help; and previous experience of asking for help but feeling re-victimised by parts of the service response (such as having to re-tell one's story to multiple services, or being cross-examined)^{10 11 12}.

Australia's knowledge about the extent of violence against women has therefore been derived from data drawn from sources that are not necessarily comparable due to different collection and analytical approaches. Notwithstanding these limitations, the following story about violence against women emerges from the available data.

Overview

Violence against women and their children is a profound moral and social problem in Australia. About one in three Australian women experience physical violence and almost one in five women experience sexual violence over their lifetime¹³. Violence cuts across all aspects of the Australian community – it knows no geographical, socio-economic, age, ability, cultural or religious boundaries¹⁴.

10 J Mouzos & T Makkai, *Women's Experiences of Male Violence: Findings from the Australian component of the International Violence Against Women Survey (IVAWS)* Australian Institute of Criminology, Research and Public Policy Series, no.56, Canberra, 2004.

11 A Neame & M Heenan, *What lies behind the hidden figure of sexual assault? Issues of prevalence and disclosure*, Australian Centre for the Study of Sexual Assault, Briefing no.1, September 2003, viewed November 2008, http://www.aifs.gov.au/acssa/pubs/briefing/acssa_briefing1.pdf.

12 D Lievore, *Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review*, Australian Institute of Criminology, Report for the Commonwealth Office for the Status of Women, Australian Institute of Criminology, Canberra, 2003, viewed November 2008, <http://www.aic.gov.au/publications/reports/2003-06-review.pdf>.

13 Australian Bureau of Statistics, *Personal Safety Survey*, ABS Cat. No. 4906.0. Commonwealth of Australia, Canberra. 2005.

14 L Heise, 'Violence against women: an international, ecological framework' *Violence Against Women*, vol. 4, pp. 6 – 90, 2003. See also S Rees & B Pease, *Refugee Settlement, Safety and Wellbeing: Exploring Domestic and Family Violence in Refugee Communities - Paper Four of the Violence Against Women Community Attitudes Project*, Immigrant Women's Domestic Violence Service Incorporated and VicHealth, Melbourne, 2006.

“As a nation, the time has well and truly come to have a national conversation – a public national conversation, not a private one – about how it could still be the case that in 2008 half a million Australian women could have experienced violence from their partner... And the objective is to turn this terrible statistic around.

Because each of these statistics is a human face.

And it is my gender – it is our gender – Australian men – that are responsible.

And so the question is: what are we going to do about it?

...There are no circumstances in which the threat of violence against women is acceptable.

There are no circumstances in which the thought of violence against women is acceptable.

That on violence against women, we have simple, clear policy in two words: zero tolerance¹⁵.”

*The Hon. Kevin Rudd MP
Prime Minister of Australia, 2008*

While women and children subjected to violence share many of the same experiences, some women experience higher rates of violence and face greater barriers when seeking support services, or may be more likely to receive inadequate or inappropriate responses. This increases their vulnerability to the risk and affects of violence. For example, Aboriginal and Torres Strait Islander women report higher levels of physical violence during their lifetime than do non-Aboriginal and non-Torres Strait Islander Australian women, and they are much more likely to experience sexual violence and to sustain injury^{16 17 18}.

¹⁵ K Rudd, 'Respecting Women and Leading Men' Proceedings of the White Ribbon Foundation White Tie Dinner, Prime Minister of Australia, 17 September 2008, viewed November 2008, http://www.pm.gov.au/media/speech/2008/speech_0478.cfm

¹⁶ In the past 18 months, for example, the following significant reports have been released: F Al-Yaman, M Van Doeland & M Wallis, *Family Violence Among Aboriginal and Torres Strait Islander Peoples*, AIHW cat. no. FHW 17, Australian Institute of Health and Welfare, Canberra, 2006; R Wild & P Anderson, *Ampe Akelyerneman Meke Mekarle: Little Children are Sacred – Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse*, Northern Territory Government, Darwin, 2007; New South Wales Attorney General's Department, *Breaking the Silence: Creating the Future. Addressing Child Sexual Assault in Aboriginal Communities in New South Wales*, Report of the New South Wales Aboriginal Child Sexual Assault Taskforce, New South Wales Government, Sydney, 2007; and Human Rights and Equal Opportunity Commission, *Ending family violence and abuse in Aboriginal and Torres Strait Islander communities: Key Issues, An overview paper of research and findings by the Human Rights and Equal Opportunity Commission 2001-2006*, Commonwealth of Australia, Canberra, 2006.

¹⁷ J Mouzos & T Makkai, *Women's Experiences of Male Violence: Findings from the Australian component of the International Violence Against Women Survey (IVAWS)* Australian Institute of Criminology, Research and Public Policy Series, no.56, Canberra, 2004.

¹⁸ D Lievore, *Non-reporting and Hidden Recording of Sexual Assault: An International Literature Review*, Australian Institute of Criminology, Report for the Commonwealth Office for the Status of Women, Australian Institute of Criminology, Canberra, 2003, viewed November 2008, <http://www.aic.gov.au/publications/reports/2003-06-review.pdf>

The prevalence and seriousness of Indigenous family violence must be seen in the context of the historical, political, social and cultural environments in which it occurs¹⁹. As pointed out by the (Queensland) *Aboriginal and Torres Strait Islander Women's Taskforce on Violence Report (2000)*: 'the high incidence of violent crime in some Indigenous communities, particularly in remote and rural regions, is exacerbated by factors not present in the broader Australian community'²⁰. The factors referred to include: 'dispossession, cultural fragmentation and marginalisation (which) have contributed to... high unemployment, poor health, low educational attainment and poverty (that) have become endemic in Indigenous lives'²¹.

Similarly, women with disability are more likely to experience partner or sexual violence, of great severity, and over a longer period of time, than women without disability²².

*"Women with disability are not only marginalised and ignored but, paradoxically, experience violence within and by the very systems and settings which should be affording them care, sanctuary and protection ... All too often women with disability are let down by the criminal justice system and are subject to discriminatory, insensitive, aggressive and/or doubting attitudes from those working in it"*²³.

Women with Disabilities Australia, 2008

For women who identify themselves as lesbian, bisexual, transgender or intersex, more than a third has been in a relationship in which their partner has abused them²⁴. Immigrant women are more likely than other women to be murdered as a result of domestic and family violence and are less likely to receive appropriate assistance from services when they attempt to leave a violent relationship²⁵.

The Council's Plan of Action recognises that women are not a homogenous group and that a 'one-size fits all approach' to overcoming the problem is not effective. The Plan focuses on helping women in different circumstances and from different backgrounds to live free from violence and the threat of violence. It uses an intersectional analysis to enhance our understanding of the way lifestyle factors affect women. This is because the ways in which women and their children experience

19 H Blagg, D Ray, R Murphy & E Macarthy, *Crisis Intervention in Aboriginal Family Violence: Strategies and Models for Western Australia*, Partnerships Against Domestic Violence, Canberra, 2000.

20 Department of Aboriginal and Torres Strait Islander Policy and Development. *Aboriginal and Torres Strait Islander Women's Taskforce on Violence Report*, Commonwealth of Australia, Canberra, 2000, p. ix.

21 Ibid p. x.

22 Australian data on this is limited. It is reported in S Murray & A Powell, 'Sexual assault and adults with a disability: enabling recognition, disclosure and a just response' ACSSA Issues 9, Australian Institute of Family Studies, Canberra, 2008; that 25 per cent of Victorian women who reported sexual assault to the police had a disability. 15 per cent had an intellectual disability, and 5.9 per cent had a physical disability. A Canadian study found that in a representative sample of women, women with disability had 40 per cent greater odds of experiencing domestic violence than women without a disability (see D Brownridge, 'Partner violence against women with disability', *Violence Against Women*, vol. 12, no. 9, 2006, pp. 805-822).

23 Women with Disabilities Australia, 'Forgotten Sisters: a global review of violence against women with disability' *Resource Manual on Violence Against Women with Disabilities*, Women With Disabilities Australia, Hobart, 2007.

24 M Pitts, A Smith, A Mitchell, and S Patel., 'Private Lives: A report on the health and wellbeing of GLBTI Australians.' *Gay and Lesbian Health Victoria and the Australian Research Centre in Sex, Health and Society*. Monograph Series no. 57, March 2006.

25 M Dimopoulos & H Assafiri 'Pathologising NESB women and the construction of the 'cultural defence'. Point of contact: Responding to children and domestic violence.' *Partnerships Against Domestic Violence*, Commonwealth of Australia, Canberra, 2004.

violence, the options open to them in dealing with violence, and their access to services that meet their needs in all their diversity, are shaped by the intersection of gender with factors such as disability, English language fluency, ethnicity, geographical location and migration experience²⁶.

Prevalence of sexual assault

- Approximately one in five women (19 per cent) have experienced sexual violence at some stage in their life since the age of 15²⁷.
- About one in three women who experience physical violence are also raped by violent partners²⁸. Sexual violence by male intimate partners remains one of the least recognised, under-reported, and consequently, least prosecuted crimes²⁹.
- Sexual assault is common among young women and the majority of perpetrators are known to the victim/survivor. In 2005, more than 950,000 Australian women reported that they were sexually abused before the age of 15. Fewer than 10 per cent of these young women reported that they were abused by a stranger³⁰.
- Young women experience sexual assault at higher rates than older women. For example, in 2005, of all the women who experienced sexual violence in the previous year, 30.7 per cent were aged between 18 and 24, 29.8 per cent were 25-34, 24.6 per cent were 35-44; and 14.9 per cent were 45 and over³¹.
- Reports of sexual assault have increased by an average of four per cent each year since 1995 but it is estimated that fewer than one in five sexual assaults are reported to police — a reporting rate lower than for other major crime categories³².
- With respect to rape offences that proceed to prosecution, fewer than one in five are likely to result in conviction when the accused pleads guilty or is found guilty at trial³³. Estimates suggest that only one in 10 victims who choose to report a sexual assault to the police will succeed in achieving some kind of punishment³⁴ for the alleged offender.
- For some sub-groups of women, there are few or no statistics on the percentage of members that report incidents, or on the percentage of these reports that are then brought to trial, or on the percentage of these trials that result in convictions.

26 J Stubbs, 'Violence Against Women: the Challenge of Diversity for Law, Policy and Practice.' *Second National Outlook Symposium: Violence Crime, Property Crime and Public Policy*, Australian Institute of Criminology, Canberra, 1997.

27 Australian Bureau of Statistics, *Personal Safety Survey*, ABS Cat. No. 4906.0. Commonwealth of Australia, Canberra, 2005.

28 J. C Campbell, M Garza, A Carlson Gielen, P O'Campo, J Kub, J Dienemann, A.S Jones & E Jafar, 'Intimate partner violence and abuse among active duty military women' *Violence Against Women*, vol. 9, no. 9, 2003, pp. 1072-1092.

29 D Parkinson, *Rape By A Partner, A Research Report*, Women's Health Goulburn North East, Australian Institute of Family Studies, Canberra, 2008; M Heenan, *Just Keeping the Peace, A Reluctance to Respond to Male Partner Sexual Violence*, Australian Centre for the Study of Sexual Assault, Issues Paper 1, Australian Institute of Family Studies, Melbourne, 2004.

30 A Quadara, *Responding to Young People Disclosing Sexual Assault*, Australian Institute of Family Studies, Canberra, 2008.

31 Ibid.

32 Ibid.

33 Victorian Law Reform Commission, *Sexual Offences Interim Report*, Victorian Law Reform Commission, Melbourne, 2003.

34 B Cook, F David and A Grant, 'Sexual Violence in Australia,' *Research and Public Policy Series*, no. 36, Australian Institute of Criminology, Canberra, 2001, pp.43-44.



Prevalence of domestic and family violence

- One in three women (33 per cent) has experienced physical violence at some stage in her life since the age of 15³⁵.
- The majority of cases are perpetrated by men against women and their children³⁶.
- Women are mostly assaulted at their home, often repeatedly, by a man they know and with whom they are/were engaged in an intimate relationship³⁷.
- Intimate partner homicides account for about one in five homicides nationally³⁸.
- Where violence occurred between current partners, more than a quarter of incidents involved children witnessing the violence. In situations of violence between former partners, children were witnesses to more than a third of cases³⁹.
- Older women experience violence and abuse at a rate that is 2.5 times more than older men⁴⁰.
- Almost one in four children in Australia have witnessed violence against their mothers or stepmothers⁴¹.
- There is a high co-occurrence of adult partner violence and child abuse, estimated to be between 30 per cent and 60 per cent⁴².
- For some sub-groups of women, there are few or no statistics on the percentage who report incidents or on the percentage of reports that are prosecuted.

35 Australian Bureau of Statistics, *Personal Safety Survey*, ABS Cat. No. 4906.0. Commonwealth of Australia, Canberra. 2005.

36 Ibid.

37 Ibid.

38 M Davis & J Mouzos, 'Homicide in Australia: 2005-06,' *National Homicide Monitoring Program annual report*, Australian Institute of Criminology, Research and Public Policy Series no.77, 2007, pp.23-4, viewed November 2008, <http://www.aic.gov.au/publications/rpp/77/rpp77.pdf>

39 Australian Bureau of Statistics, *Personal Safety Survey*, ABS Cat. No. 4906.0. Commonwealth of Australia, Canberra. 2005.

40 D Boldy, M Webb, B Horner, M Davey & B Kingsley 2002, *Elder Abuse in Western Australia* Report of a Survey Conducted for the Department for Community Development – Seniors' Interests, Curtin University of Technology, Western Australia, 2002.

41 Crime Research Centre and Donovan Research, *Young people and domestic violence: national research on young people's attitudes to and experiences of domestic violence*, Commonwealth Attorney-General's Department, Canberra. Cited in D Indermaur, 'Young Australians and domestic violence' *Trends and Issues in Crime and Criminal Justice* no. 195, Australian Institute of Criminology, Canberra, 2001.

42 J Edleson 'The overlap between child maltreatment and woman battering' *Violence Against Women*, vol. 5, no.2, 1999, pp. 134-154.

Other facts on prevalence

- Nearly one in six women have experienced violence by a current or previous partner in their lifetime⁴³.
- Women more often talk to family or friends about the violence they are experiencing than go to the police or a support agency⁴⁴.
- More women are reporting violence to police than 10 years ago⁴⁵.
- Physical and sexual abuse increases the risk of alcohol and substance abuse and criminal offending.
- The majority of women in Australian gaols have experienced physical, sexual or psychological abuse as children or adults⁴⁶.

Data analysis and research demonstrates that women can be victims of violence at any stage of life – prior to birth, as a baby or child, as a young person, in a dating relationship, in long-term relationships, during marriage or a *de facto* relationship, during separation, while being dependent on others for their care, or in old age^{47 48}.

The persistent and pervasive nature of the above statistics support the view that the prevention of violence against women and their children must feature as a key priority for policy transformation and the repositioning of investment by the nation's leaders. Making the prevention of violence against women and their children a public national priority will ensure that sexual assault and domestic and family violence are not legitimised through silence and inaction⁴⁹.

43 Australian Bureau of Statistics, *Personal Safety Survey*, ABS Cat. No. 4906.0. Commonwealth of Australia, Canberra, 2005.

44 Ibid.

45 Australian Government Office for Women, *Women in Australia 2007*, Department of Families, Housing, Community Services and Indigenous Affairs, Canberra, 2007, viewed November 2008, http://www.ofw.facsia.gov.au/women_in_australia/women_in_australia_2007/default.htm

46 H Johnson, 'Drugs and Crime: a study of incarcerated female offenders', *Australian Institute of Criminology: Research and Public Policy Series*, no. 63, Canberra, 2004.

47 J Farrell & S Cerise, *Fair's fair: A snapshot of violence and abuse in Sydney LGBT relationships 2006*, AIDS Council of NSW, Sydney, 2006.

48 A Quadara, 'Considering 'elder abuse' and sexual assault,' *ACSSA Aware 15*, Australian Institute of Family Studies, Melbourne, 2007.

49 The Nation's Plan of Action also puts in place strategies to improve the quality of data on the extent of the problem so that the responses are more focused and effective.

2.3 What is the international response to violence against women and their children?

Australia is not alone in this problem – violence against women and their children is a worldwide phenomenon. Historical cultural tolerance of the unequal power balance between women and men has resulted in a range of inequalities in every society. One of the manifestations of this unequal power balance has been the traditional acceptance of the use of violence against women.

The growing international consensus on human rights stresses the right of women and their children to live free from violence. Domestic and family violence can no longer be hidden as a private matter within families, nor sexual assault hidden as a personal shame beyond the reach of our governments or the sanction of our communities. Violence against women and their children violates the universal human rights instruments to which the international community has agreed through the United Nations (UN). These instruments include:

- The *Universal Declaration on Human Rights* – which recognises the inherent dignity and the equal and inalienable rights of all members of the human family. It protects the right to life, liberty and security of person for everyone; provides that no one shall be subjected to cruel, inhuman or degrading treatment or punishment; and identifies that mothers and children are entitled to special care and assistance.
- The *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) – which guarantees women equal rights with men in all spheres of life, including education, employment, health care, electoral voting and marriage. In November 2008, Australia formally moved to become a party to the CEDAW Optional Protocol. This protocol enables women in Australia to make a complaint to the UN Committee on the Elimination of Discrimination Against Women about alleged violations of Australia's obligations under CEDAW, once domestic legal options have been exhausted. The protocol also permits a UN investigation process⁵⁰.
- The *Declaration on the Elimination of Violence Against Women* – which explicitly states that violence against women is a violation of the rights and fundamental freedoms of women, and sets out the responsibility of nation states to ensure prevention, investigation and consequences for all perpetrators⁵¹.

⁵⁰ Attorney-General the Hon. Robert McClelland MP & Minister for the Status of Women the Hon Tanya Plibersek MP, 2008, *Australia comes in from the cold on women's rights*, Department of Families, Housing, Community Services and Indigenous Affairs, Canberra, 24 November 2008, viewed November 2008, http://www.tanyaplibersek.fahcsia.gov.au/internet/tanyaplibersek.nsf/content/womens_rights_25nov08.htm media

⁵¹ United Nations, *Declaration on the Elimination of Violence Against Women*, United Nations, New York, 2003, viewed November 2008, [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.48.104.En](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.48.104.En). See also <http://www.un.org/womenwatch/daw/vaw/reports.htm> for further details on the work of the United Nations General Assembly on violence against women.

- The *Convention on the Rights of the Child* – which articulates the basic human rights of children: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life⁵².
- The *Convention on the Rights of Persons with Disabilities* – which outlines the rights of people with a disability, and aims to ‘promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity’⁵³.
- The *Vienna Declaration and Program of Action of the World Conference on Human Rights* – which mandated the creation of a Special Rapporteur on violence against women and established that women’s human rights must be protected in public and in the home⁵⁴.
- The *Beijing Platform for Action 1995* – which established strategic objectives and specific commitments by governments to act to prevent and eliminate violence against women⁵⁵.
- The *Millennium Development Goals* – are eight international development goals identified by the UN in 2000. The goals centre on assisting developing countries more proactively, with a focus on reducing poverty and increasing child health outcomes⁵⁶.

In addition to the above instruments, on 25 February 2008, the UN Secretary-General launched a *Framework for Action* report under *Campaign UNiTE to End Violence against Women 2008-2015* to mobilise international efforts to prevent and respond to all forms of violence against women and girls in all parts of the world. The *Framework for Action* identifies five key outcomes as benchmarks for the campaign which are to be achieved in all countries by 2015:

- adoption and enforcement of national laws to address all forms of violence against women and girls, in line with international human rights standards;
- adoption and implementation of multi-sectoral national plans of action that emphasise prevention and that are adequately resourced;
- establishment of data collection and analysis systems, and the collection and analysis of data on the prevalence of various forms of violence against women and girls;

52 UNICEF, *Convention on the Rights of the Child*, United Nations, New York, n.d., viewed November 2008 <http://www.unicef.org/crc/>

53 United Nations, *Convention on the Rights of People with a Disability 2007* – Article 1, viewed 30 January 2009 <http://www.un.org/disabilities/default.asp?id=261>

54 Office of the High Commissioner for Human Rights, *World Conference on Human Rights*, United Nations, New York, 1996, viewed November 2008 <http://www.unhchr.ch/html/menu5/wchr.htm>

55 United Nations - Division for the Advancement of Women, Department of Economic and Social Affairs, *Fourth World Conference on Women - Beijing Platform for Action*, United Nations, New York, 1997, viewed November 2008 <http://www.un.org/womenwatch/daw/beijing/platform/>

56 United Nations, *End Poverty 2015 – Millennium Development Goals*, United Nations, New York, 2001, viewed February 2009 <http://www.un.org/millenniumgoals/>

- establishment of national and/or local campaigns and the engagement of a diverse range of civil society actors in preventing violence and in supporting women and girls who have been abused;
- systematic efforts to address sexual violence in conflict situations and to protect women and girls from rape as a tactic of war, and full implementation of related laws and policies⁵⁷.

Australia is signatory to each of the above international instruments⁵⁸.

Consistent with Australia's international obligations, the Australian Government and the Federal Opposition are united and committed to the goal of reducing violence against women and their children.

“... all members of this House are united in their determination to reduce violence against women. The Coalition has been committed to that goal both in government and now in opposition⁵⁹.”

*The Hon. Malcolm Turnbull MP,
Leader of the Opposition, Member for Wentworth, 2008*

⁵⁷ United Nations General Secretary's Campaign, *Framework for Action, Program of the United Nations Activities and Expected Outcomes, 2008-2015, and Communications Plan*, United Nations, New York, 2008. Available from <http://endviolence.un.org/framework.pdf>

⁵⁸ It most recently acceded to the *CEDAW Optional Protocol* on the 24th November 2008, and the optional Protocol entered into force three months later.

⁵⁹ Hon Malcolm Turnbull MP, Leader of the Opposition, Commonwealth of Australia, House of Representatives, Official Hansard, No 17, 25 November 2008 p11215, <http://www.aph.gov.au/hansard/rep/dailys/dr251108.pdf>

2.4 Why is the Plan of Action focused on women and their children?

While both women and men can be perpetrators and/or victims of sexual assault and domestic and family violence, research shows that the overwhelming majority of violence and abuse is perpetrated by men against women⁶⁰.

Witnessing or experiencing violence as a child increases sharply the risk of becoming a perpetrator or victim of violence in later life⁶¹. Women who experience abuse as a child are one-and-a-half times more likely to experience violence, and twice as likely to experience sexual violence as an adult than those who have not⁶². Women who are physically and sexually abused in childhood also have an increased risk of being sexually abused in adulthood⁶³.

Evidence suggests there are strong relationships between physical and psychological abuse, and between physical and sexual abuse of children, with multiple forms of violence happening simultaneously in the same family⁶⁴. Having children taken into care by the child protection system is a common fear of many women experiencing domestic and family violence⁶⁵.

The majority of women who experience violence from their partner, first experience it during pregnancy. Women during pregnancy experience higher levels of violence. There is in no way a direct causal relationship between violence and pregnancy but rather a complex relationship that increases women's vulnerability^{66 67}.

Given children are dependent on adult caregivers to provide them with a safe environment and to shape their sense of what is normal and right, any form of domestic and family violence harms children, whether they are directly or indirectly a target or victim of abuse.

60 Australian Bureau of Statistics, *Personal Safety Survey*, ABS Cat. No. 4906.0. Commonwealth of Australia, Canberra, 2005.

61 C Coumarelos & J Allen, *Predicting Violence Against Women: The 1996 Women's Safety Survey*, NSW Bureau of Crime Statistics and Research and Women's Services Network Incorporated, Sydney, 1998, p. 9.

62 J Mouzos & T Makkai, *Women's Experiences of Male Violence: Findings from the Australian component of the International Violence Against Women Survey (IVAWS)* Australian Institute of Criminology, Research and Public Policy Series, no.56, Canberra, 2004.

63 J Coid, A Petrukevitch, G Feder, W Chung, J Richardson & S Moorey, 'Relation between childhood sexual and physical abuse and risk of revictimisation in women: a cross-sectional survey', *The Lancet*, no. 9280, vol. 358, 2001, pp. 450-454.

64 D. J Higgins & M. P McCabe, 'Multiple forms of child abuse and neglect: Adult retrospective reports' *Aggression and Violent Behaviour, A Review Journal*, vol. 6, 2001, pp. 547-578. D.J Higgins & M.P McCabe, 'Relationships between different types of maltreatment during childhood and adjustment in adulthood' *Child Maltreatment*, vol. 5, 2000a, pp. 261-272, and D.J Higgins & M.P McCabe, 'Multi-type maltreatment and the long-term adjustment of adults' *Child Abuse Review*, vol. 9, 2000b, pp. 6-18.

65 Flinders Institute for Housing, Urban and Regional Research, *Women, Domestic and Family Violence and Homelessness: A Synthesis Report, Report prepared for the Office for Women*, Department of Families, Housing, Community Services and Indigenous Affairs, Canberra, 2008, p.28.

66 A Taft, *Violence against women in pregnancy and after childbirth: Current knowledge and issues in health care responses*, Centre for the Study of Mothers' and Children's Health, La Trobe University. Issues Paper 6, Australian Domestic and Family Violence Clearinghouse, Sydney, 2002.

67 A 2004 study which interviewed 399 women accessing pregnancy services at the Royal Women's Hospital found that 27 per cent of these women had experienced physical and psychological violence and abuse in their current relationship or from the partner they had recently left due to his violence. D Walsh & W Weeks 'What a smile can hide – a report on the study of violence against women during pregnancy', *Family Matters*, The Royal Women's Hospital, Melbourne, 2004.



The Plan of Action therefore gives focus to the holistic and inextricably linked needs of women and their dependent children, but does not attempt to analyse or address strengths and weaknesses in the child protection systems across Australia. The *National Framework for Protecting Australia's Children* is under development and will address these issues and complement this Plan of Action.

2.5 What are the causes of violence against women and their children?

Violence is never caused or invited by the victim/survivor. The choice to use violence always rests with the perpetrator. The Plan of Action aims to ensure that perpetrators are held accountable for their use of violence and are challenged to take responsibility for their actions and stop their violence.

There is no single cause of violence against women and their children. Violence against women and their children arises from a complex interaction of many factors at the community and societal levels as well as the individual and relationship levels^{68 69 70}. Many of these factors are linked to the social inequality between men and women and some of the contributing factors are explored in the following sections.

In terms of preventing violence, it is important to note that female economic independence and education levels, and male education levels and socialisation, can be protective factors that decrease the likelihood of sexual assault and domestic and family violence⁷¹.

What role does power play in violence against women?

The biggest risk factor for becoming a victim of sexual assault and/or domestic and family violence is being a woman.

Sexual assault and domestic and family violence affects people of all races, classes, abilities and cultures. Socially learned attitudes and beliefs that men should have authority over women, and that violence is an acceptable way to gain control, can authorise violence against women within every culture.

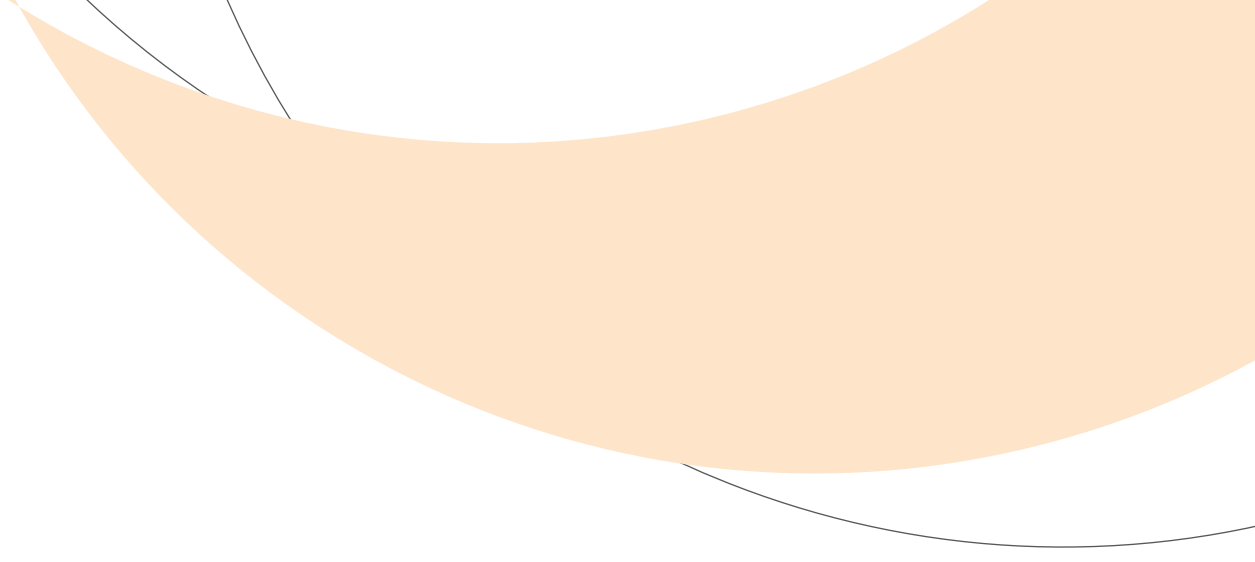
Power operates at all levels of society – overtly, with people directing others, and covertly, through the values and attitudes within our communities. It is evident in the practices of governments, courts, police, schools, religious environments, prisons, in business and in families. These institutions can reflect the norms and values of our communities and can shape them.

68 World Health Organisation, 2007, *Primary Prevention of Intimate Partner Violence and Sexual Violence: Background Paper for WHO Expert Meeting*, World Health Organisation, Geneva, 2007.

69 VicHealth, *Preventing violence before it occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria*, Victorian Government, Melbourne, 2007, viewed November 2008 <http://www.vichealth.vic.gov.au/assets/contentFiles/framework%20web.pdf>

70 H Johnson 'The role of alcohol in male partners' assaults on wives' *Journal of Drug Issues*, vol. 30, no.4, 2000, pp. 725 740.

71 A Morrison, M Ellsberg & S Bott, 'Addressing gender based violence: A critical review of interventions' *The World Bank Research Observer*, vol. 22, no.1, 2007, pp. 25-51.



Power imbalances that impact negatively on women are exacerbated when additional factors such as disability or language barriers are present and can increase an individual woman's vulnerability to violence.

Leadership from people in positions of power can influence community values and attitudes, resulting both in negative as well as positive outcomes. Power can be exercised by institutions in ways that have strong negative consequences for individuals, families and communities. The sexual abuse of children within religious organisations, which was denied for many decades, or the law's omission until the 1980s to criminalise rape in marriage, are two such examples. However, the practices employed by institutions also have the potential to promote equity and redress past wrongs. The 2008 Australian Government's Apology to Aboriginal and Torres Strait Islander peoples is a clear example of positive leadership as is the Inteyerrkwe Statement from the 2008 Aboriginal Male Health Summit. Legal reforms across Australian jurisdictions to address the needs of victims of sexual assault and domestic and family violence are another.

"We acknowledge and say sorry for the hurt, pain and suffering caused by Aboriginal males to our wives, to our children, to our mothers, to our grandmothers, to our granddaughters, to our aunties, to our nieces and to our sisters. We also acknowledge that we need the love and support of our Aboriginal women to help us move forward⁷²."

Inteyerrkwe Statement: Aboriginal Male Health Summit, 2008

In the interpersonal context, all relationships are imbued with power. This power may have positive intentions as, for example, when a parent sets reasonable limits on a child's behaviour. But when this power is used in an abusive or excessive way, the outcomes can be very different. A young man coercing his girlfriend to have sex with him through psychological manipulation or using physical force is an example of an abuse of his power both as a male and in his relationship with her.

The Plan of Action recognises and rejects the use of violence as an abuse of power by men against women. It includes strategies and actions to raise community awareness and change attitudes and behaviours in a way that fosters respectful relationships.

72 Central Australian Aboriginal Congress, *Inteyerrkwe Statement: Aboriginal Male Health Summit*, Northern Territory, 3 July 2008, viewed November 2008 <http://www.caac.org.au/malehealthinfo/malehealthsummit2008sorry.pdf>

“When I was 16 years old, my boyfriend bashed me almost to death. He beat me so badly I suffered a severe brain injury and was in a coma for four months. That evening when he bashed me he repeatedly stomped on and kicked my head. While lying in my hospital bed my family and nursing staff could see the imprint of his shoe in my very swollen face.

I was a young girl, who foolishly believed she was in love. There are many things I am aware of now, which should have led me to end our relationship. Like when he would often verbally abuse me or when he became physically violent towards me. Like when he introduced me to drugs and supplied me with them. When he would make me stay back from girls’ days out and threaten violence if I left. When alone with him, he would gain control by breaking down. He would become very emotional, cry and carry on telling some story which was so often, if not always a big, fat horrible lie (he was a very great actor)⁷³.”

Anj’s story, 2008

What role do controlling attitudes and behaviours play in violence against women?

Men’s attitudes about gender equality and controlling behaviours towards women are a major predictor of violence against women.

Studies of women’s experiences show that domestic and family violence is usually characterised by a pattern of controlling and abusive behaviours by the male partner⁷⁴. The acting-out of negative attitudes toward women, especially through men seeking to control and devalue their female partners, is an especially important predictor of violence. If the woman’s partner is engaged in controlling behaviour, she is six times more likely to experience physical violence⁷⁵.

73 Domestic Violence Resource Centre Victoria, *True Story: Anj’s story*, Domestic Violence Resource Centre Victoria, Melbourne, 2008, viewed February 2009 <http://www.dvirc.org.au/Disability/Anj.htm>

74 World Health Organisation, *WHO Multi-Country Study on Women’s Health and Domestic Violence*, WHO, Geneva, 2005, viewed November 2008 http://www.who.int/gender/violence/who_multicountry_study/en/

75 J Mouzos & T Makkai, *Women’s Experiences of Male Violence: Findings from the Australian component of the International Violence Against Women Survey (IVAWS)* Australian Institute of Criminology, Research and Public Policy Series, no.56, Canberra, 2004.

Societal norms also affect the forming of individual beliefs and attitudes that enable violence against women. For example, collective social attitudes and beliefs that favour conservative gender roles, trivialise violence and its effects, blame the victim, deny that violence has occurred, insist on the privacy of the family and encourage the sexual objectification of women⁷⁶. In particular, men who hold 'violence-supportive attitudes' are more likely to use violence against women, and violence is more common in those communities in which these attitudes are prevalent⁷⁷. When some sporting sub-cultures, especially team-based contact sports, express more sexist and conservative norms for gender and sexuality, they often are upholding violence-supportive attitudes⁷⁸.

There is evidence that suggests that these attitudes and behaviours are learned as children through family life and social norms, and have serious implications for children being raised in families where violence is occurring. In one study, women experiencing violence observed strong similarities in the behaviours and attitudes of their sons to those of their ex-partners. All observed that their sons used the same or similar words as their fathers when they verbally abused them. The sons showed a similar lack of respect and contempt for their mothers. Most women felt their sons had learnt these attitudes and behaviours from their fathers^{79 80}.

There is a critical need for interventions that change individual and social attitudes that support inequality between women and men, including those that accept controlling behaviours by men over their female partners.

What role does alcohol play in violence against women and their children?

Alcohol is usually seen as a trigger, or a feature, of violence against women and their children rather than a cause. Research shows that addressing alcohol in isolation will not automatically reduce violence against women and their children. This is because alcohol does not, of itself, create the underlying attitudes that lead to controlling or violent behaviour^{81 82}. While alcohol use or abuse is not a primary cause of violence against women and their children, there is evidence that it may influence the severity of the violence inflicted and injuries sustained⁸³.

76 VicHealth, *Two steps forward one step back: Community Attitudes towards women*, Department of Human Services, Melbourne, 2007, p.17, viewed November 2008 http://www.vichealth.vic.gov.au/assets/contentFiles/CAS_TwoSteps_FINAL.pdf

77 Ibid.

78 S Dyson & M Flood, *Building Cultures of Respect and Non-Violence: a review of the literature concerning adult learning and violence prevention programs with men*, Prepared for VicHealth and Australian Football League, LaTrobe University, Bundoora, 2008, Viewed January 2009 <http://www.vichealth.vic.gov.au/en/Resource-Centre/Publications-and-Resources/Mental-Health-and-Wellbeing/Preventing-violence/Building-Cultures-of-Respect-and-Non-Violence.aspx>

79 Inner South Community Health Services, *It all Starts at Home: Male Adolescent Violence to Mothers - a Research Report*, Monash University, Caulfield, 2008, viewed November 2008 [http://www.ischs.org.au/portals/0/documents/It all starts at home.pdf](http://www.ischs.org.au/portals/0/documents/It%20all%20starts%20at%20home.pdf)

80 It should be noted that children that do not grow up in violent households may also develop attitudes supporting of violence and it is not inevitable that those who do grow up with violence will become violent.

81 R Nicholas, *The role of alcohol in family violence*, Australasian Centre for Policing Research, Melbourne, 2005, p.2.

82 Ibid.

83 K Leonard, 'Domestic violence and alcohol: What is known and what do we need to know to encourage environmental interventions?' *Journal of Substance Use*, Vol 6, Issue 4, 2001, pp 235-47.

Women with male partners who get drunk twice or more a month experience more violence than other women⁸⁴. A study conducted in Central Queensland found that women whose partners drank excessively were more than twice as likely as other women to experience physical abuse, and more than one-and-a-half times as likely to experience psychological abuse⁸⁵. Alcohol and drug use is a feature of the vast majority of sexual and physical assaults by strangers met on the night of an assault⁸⁶.

The influence of alcohol on family violence is also of serious concern. More than 90 per cent of Aboriginal and Torres Strait Islander intimate partner homicides recorded in 2005-06 involved either the victim or offender, or both, being under the influence of alcohol. This compares to 39 per cent for non-Aboriginal and non-Torres Strait Islander intimate partner homicides⁸⁷.

“Historical trauma, racism, discrimination, dispossession – this is the lot of my mob, coupled with Foetal Alcohol Spectrum Disorder and mental health issues passed from generation to generation – Foetal Alcohol Spectrum Disorder is at the heart of the problem regarding the damage alcohol is doing to families and communities, black and white.”

*June Oscar, Chief Executive Officer
Marninwarntikura Women’s Resource Centre
Fitzroy Crossing, 2008*

What role does isolation play in violence against women and their children?

Geographical and social isolation compound problems of sexual assault and domestic and family violence, mainly because they reduce the victim’s access to support networks.

Victims of violence residing in rural and remote communities sometimes face considerable disadvantage in terms of:

- Isolation – the community may be isolated both geographically and culturally from appropriate supports (services, family and friends).
- Access to independent advice/support/assistance – smaller communities may have very limited access to basic services such as a community phone as a means through which to seek help. They also tend to have access to fewer professionals. For example, there may be one or no police officers in the area, or the local counsellor may have to support both the victim and the perpetrator.

84 J Mouzos & T Makkai, *Women’s Experiences of Male Violence: Findings from the Australian component of the International Violence Against Women Survey (IVAWS)* Australian Institute of Criminology, Research and Public Policy Series, no.56, Canberra, 2004.

85 H Nancarrow, S Lockie & S Sharma, *Intimate partner abuse of women in the Bowen Basin and Mackay region of Central Queensland* (Unpublished: under review for Australian Institute of Criminology Trends and Issues in Crime and Criminal Justice, 2008).

86 Data Analysis Australia, *Analysis of the 2005 Personal Safety Survey*, Project: FACSIA/7, FACSIA, Canberra, 2007.

87 M Davis & J Mouzos, ‘Homicide in Australia: 2005-06,’ *National Homicide Monitoring Program annual report*, Australian Institute of Criminology, Research and Public Policy Series no.77, 2007, pp.23-4, viewed November 2008 <http://www.aic.gov.au/publications/rpp/77/rpp77.pdf>


- Access to interpreters for women who do not speak English or women with complex communication needs – interpreters need to be accessible and well trained to be effective and this can be difficult in rural and remote communities. For Aboriginal and Torres Strait Islander people, gaining access to an appropriate interpreter may be almost impossible. Many victims may not have access to an interpreter who is not connected with the perpetrator or his family. For women with disabilities, there is an undersupply of sign-language interpreters Australia-wide, and particularly in non-urban areas.
- Access to appropriate services – fewer services and fewer service options are a reality in smaller communities and women and children may need to leave their community to access appropriate services.
- Lack of effective transport or alternative accommodation – limited transport options and fewer safe-crisis accommodation options are available in rural and remote locations.
- Difficulties in maintaining confidentiality and safety – confidentiality is more likely to be compromised in smaller communities and victims are more likely to encounter perpetrators in these communities as they go about their daily routine. Perpetrators may be high-profile or respected members of the community and victims may struggle to be believed and gain support.
- Accessibility of firearms – firearms are a prominent feature in rural life. The literature points to the threat or use of firearms as a major reason that women do not flee or seek help. Firearms play an important role in contributing to the disproportionate number of domestic violence-related homicides in rural and remote areas.

It is difficult to estimate the prevalence of violence against women in rural and remote locations as many of the broad-based Australian surveys have not sorted data by geographical region⁸⁸. The data that is collected frequently measures report rates to police rather than the actual frequency of the violence. However, there is evidence of a higher reported incidence of sexual assault and domestic and family violence in rural and remote communities than in urban Australia^{89 90}.

88 R Hogg & K Carrington, *Policing the Rural Crisis*, Federation Press, Sydney, 2006.

89 Women Services Network, 2000, *Domestic violence in regional Australia: a Literature Review*, A Report for the Commonwealth Department of Transport and Regional Services, Canberra, 2000, viewed November 2008 http://www.wesnet.org.au/publications/reports/0006RuralandRemote_report.pdf

90 NSW Bureau of Crime and Statistics, *Figures For Sexual Assault and Domestic Violence*, NSW Attorney-Generals Office, Sydney, 2007, viewed November 2008 http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/pages/bocsar_lgaranks_sexual07



An elderly widow in a rural area built a unit on the family property so her daughter and son-in-law could live in the family home. Her son-in-law embarked on a campaign of harassment. Everyday he would remove the circuit breaker from her electricity box so she could not cook meals or watch TV or do many of the things that needed doing around the unit. When she called someone for help, they were unable to access the property as he would bar the gates. Her daughter was too afraid of her husband to interfere.

Elderly woman from North Queensland, 2008

Some groups of women within rural and remote communities experience particularly high rates of domestic violence. For example, the proportion of Aboriginal and Torres Strait Islander Australians who reported being victims of physical or threatened violence has been found to be similar in remote and non-remote areas⁹¹. However, the proportion of Aboriginal and Torres Strait Islander people in remote areas who said that they, their family or friends had witnessed violence is three times as high as for Aboriginal and Torres Strait Islander people in non-remote areas⁹². In remote and very remote areas, more than three-quarters of homicide victims in 2005-06 were Aboriginal or Torres Strait Islander⁹³.

There are varying degrees of geographical isolation. Remoteness is generally determined by access to a range of services or by how far one must travel to populous centres. This can be measured by a combination of factors such as population density (distance from other people), road distance to the closest service centres, and accessibility⁹⁴. These factors combine in different ways for different individuals and different rural or remote communities.

91 Australian Bureau of Statistics. *National Aboriginal and Torres Strait Islander Social Survey 2002*, ABS cat. no.4714.0, Commonwealth of Australia, Canberra, 2004.

92 Australian Institute of Health and Wellbeing, *Family violence among Aboriginal and Torres Strait Islander peoples*, Commonwealth of Australia, Canberra, 2006, viewed November 2008 <http://www.aihw.gov.au/publications/ihw/fvaatsip/fvaatsip.pdf>

93 M Davis & J Mouzos, 'Homicide in Australia: 2005-06,' *National Homicide Monitoring Program annual report*, Australian Institute of Criminology, Research and Public Policy Series no.77, 2007, pp.23-4, viewed November 2008 <http://www.aic.gov.au/publications/rpp/77/rpp77.pdf>

94 Australian Institute of Health and Welfare 'Rural, regional and remote health: a guide to remoteness classifications' Rural Health Series, no.4, Canberra, 2004, viewed November 2008 <http://www.aihw.gov.au/publications/phe/rrrh-gtrc/rrrh-gtrc.pdf>

“He beat me badly and got three months in gaol. That didn’t do him any good though, or me. Nobody told him anything about his violence and how to stop it. He was just being punished for it, not getting help to stop it. He came out bigger and stronger because he used the gym for that whole three months he was in there, and he wasn’t afraid of gaol anymore. He beat me again when he got home and I’m scared he’s gonna kill me. I have to leave my island home just to be safe.

I had to run and hide on the island, keeping my kids as quiet as I could be so no-one could find us until the charter plane came. dvconnect paid for the charter plane but it took three days to come for us because many people charter that plane and you have to wait your turn. They took me to the women’s shelter on another island but we’re still not safe because he has lots of family here; we still have to hide and I still have to keep my kids quiet till we can save the money to go somewhere we will really be safe from him. It’s going to take a long time to save that money. My kids are really sad they’re leaving their home and school and they’re frightened about what it’s going to be like when we go the mainland.”

Woman living in an isolated location, 2008


It should be recognised that social isolation can occur in any setting, including urban centres. Social isolation relates more to individuals than places, and reflects an individual’s level of connection with the community and broader society around them. Women who have experienced partner violence often have less social support – such as someone to confide in, assistance with financial aid and transport, and people to provide information⁹⁵. Women who experience barriers to accessing a safe physical environment can experience extreme isolation irrespective of geographical location. Young women who are actively connected to schools and have links with supportive adults experience lower rates of violence than those who are poorly connected or without links to supportive adults⁹⁶.

For many immigrant and refugee women, insufficient knowledge of English creates a specific disadvantage in comparison to men in their families. English is often used as a tool of power and control, engendering the total dependence of refugee women on their husbands⁹⁷.

95 Women’s Health Australia *The Australian Longitudinal Study on Women’s Health: Partner Violence and the Health of Australian Women*, University of Queensland, Brisbane, 2005, viewed November 2008 <http://www.alswh.org.au/Reports/Achievements/achievements-violence.pdf>

96 VicHealth, *Preventing violence before it occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria*, Victorian Government, Melbourne, 2007, viewed November 2008 <http://www.vichealth.vic.gov.au/assets/contentFiles/framework%20web.pdf>

97 L Bouloukos, ‘Listening to Emerging Voices: Addressing Collective Needs,’ *The report of the Ethnic Communities Council of Queensland Ltd New and Emerging Communities Advocacy Project*, Ethnic Communities Council of Queensland Ltd, Brisbane, 2002.



Women who are sponsored by Australian citizens and residents are particularly vulnerable to abuse due to the threat of deportation⁹⁸. In the late 1980s and early 1990s, domestic violence practitioners became concerned about the number of repeat or serial sponsors who abused the women and then triggered their deportation⁹⁹. Predominantly, the concern related to the abuse of Filipino women by serial sponsors¹⁰⁰, although more recently concerns have increased about women sponsored from other countries such as Russia, Thailand, Indonesia and Fiji.

“When I first arrived in Australia, my husband refused to let me learn English and so I was locked in the house with no English – I couldn’t even speak to the neighbours. I know now that he used this as a way to control my whole life and to stop me from getting out and learning things that would give me the strength to leave him and the abuse that he put me through. My children were ashamed of me not speaking the English language, because I did not tell them that their father wouldn’t let me. I was always protecting him in front of the children. Learning English is so important, and it’s the key to helping non-English speaking women get out of the violence.”

Client of the Canterbury Bankstown Migrant Resource Centre, 2008

For women in emerging communities, the disclosure of family violence may exacerbate their sense of isolation with the added burden of shame associated with ‘failure’ in the new country¹⁰¹. Immigrant women are often under extreme pressure to keep the family together in a situation where other supports are absent, in a context where English is not a familiar language, and the culture and legal system of the new country are not well understood. Where a family has already undergone the difficulties of immigration, and where they may feel isolated because of their perceived ‘difference’, maintaining the integrity of the family unit becomes an imperative beyond the woman’s individual sense of safety.¹⁰²

98 D Bagshaw, D Chung, M Couch, S Lilburn & B Wadham, *Reshaping responses to domestic violence: Final Report*, University of South Australia, Adelaide, 2000.

99 H Nancarrow, ‘Domestic Violence Provisions Are No ‘Loophole’’ *Queensland Centre for the Prevention of Domestic and Family Violence Newsletter*, vol. 1, no. 4, 2003, pp. 2–3, viewed November 2008 www.nonviolence.com.au/public/newsletters/news4.pdf

100 C Cunneen & J Stubbs ‘Cultural Criminology and the Engagement with Race, Gender and Post-Colonial Identities’ in J Ferrell, K Hayward, W Morrison, M Presdee, [Eds] *Cultural Criminology Unleashed*, Glasshouse Press, London, 2004, pp. 97–108; M Marginson, *Increasing Access for Filipina Survivors of Domestic Violence*, Conference Paper, *Not the Same* Proceedings of Conference on a strategy for domestic violence and sexual assault for non-English speaking background women, Melbourne, 22–23 March 1996; Office of the Status of Women and Phoenix Projects, *Attitudes to Domestic and Family Violence in the Diverse Australian Community: Cultural Perspectives*, Partnerships Against Domestic Violence, Canberra, 2000.

101 Partnerships Against Domestic Violence (PADV), *Attitudes to Domestic Violence in the Diverse Australian Community: A cultural perspective*, Commonwealth of Australia, Canberra, 2002.

102 M Hanson, *The Right to be Safe from Domestic Violence: Immigrant and Refugee Women in Rural Victoria*, Immigrant Women’s Domestic Violence Service, Melbourne, 2006, viewed November 2008 <http://www.iwdvs.org.au/publications/FinalWdvs-RuralReportMay06.pdf>

*“Why did you not bring this information forward 20 years ago? I have suffered for 46 years and after all I have gone through and had to put up with he left me for another woman. I did not speak about my situation to anyone, could not move around my own home freely, always fearful of [him]. Even after I became a grandmother he hit so hard my eardrum burst. After this incident he never hit again but he was worse with his verbal and other forms of abuse. Now I am free from him and his abuse but not from the gossip from the community. They talk behind my back, they blame me for him leaving with another woman. They say I was abusive towards him and that’s why he left. Why didn’t I talk to anyone? I did have close friends – and I had no family in Australia. I was fearful of losing my friends because of him. There is a saying, ‘Man is the sky-woman is the ground and ground will take rain’... Our community will judge women unfairly no matter what she puts up with. Women are very judgmental of other women, judging them unfairly. Still at community functions they... are talking about me. People will try to keep a couple together no matter what. Now women instead of talking to one another have turned to minor tranquilizers. They are just ‘popping pills’.”*¹⁰³

*Quote sourced from
Immigrant Women’s Domestic Violence Service, 2006*

Social isolation is also relevant to the perpetration of violence – men with weak social networks are more likely to perpetrate violence, particularly after the separation from an intimate partner. This is thought to be because social networks provide a buffer to stress or because they act to censure violence¹⁰⁴.

Improving service provision can mitigate the impacts of social and geographical isolation by strengthening the supports around women and their children and reducing men’s violence. The Plan of Action supports a range of measures to expand and improve the delivery of services, including for women of rural and remote communities and from culturally and linguistically diverse backgrounds.

¹⁰³ Immigrant Women’s Domestic Violence Service, *The Right to be Safe from Domestic Violence: Immigrant and Refugee Women in Rural Victoria*, Victoria, May 2006.

¹⁰⁴ VicHealth, *Preventing violence before it occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria*, Victorian Government, Melbourne, 2007, viewed November 2008 <http://www.vichealth.vic.gov.au/assets/contentFiles/framework%20web.pdf>

Contributing factors for Aboriginal people and Torres Strait Islanders

From an Aboriginal and Torres Strait Islander perspective, other systemic factors also impact on the nature of violence that is perpetrated, including:

- dispossession from land and traditional culture;
- breakdown of community kinship systems and erosion of traditional laws and customs;
- racism and vilification;
- economic exclusion and entrenched poverty;
- effects of overcrowding and inadequate housing;
- the effects of institutionalism and child removal policies;
- inherited grief and trauma;
- the loss of traditional Aboriginal female roles, male roles and status¹⁰⁵.

2.6 What are the effects of violence on women and their children?

The effects of sexual assault and domestic and family violence are long-term and wide-ranging.

This violence damages the health and wellbeing of women and their children. It also affects communities, disrupting community and intra-familial relationships, isolating people from social networks, encouraging negative norms and perpetuating social exclusion. Violence also places a large burden on the national economy through the cost of health, support and justice services and the loss of human capital.

Psychological impacts of sexual assault

The psychological effects of sexual assault are severe. They include: intense fear of death and disassociation during the assault; anxiety and ongoing fears; feelings of low self esteem, self-blame, and guilt; shock, confusion, and denial; self-harm, suicidal ideation and attempted suicide; and post-traumatic stress disorder¹⁰⁶. Common mythology suggests women should be responsible for avoiding sexual assault, for example, by dressing in particular ways. This can result in the victim of sexual assault immediately feeling guilty and responsible for the assault.

¹⁰⁵ Department for Victorian Communities, *Victorian Indigenous family violence taskforce – final report*, Victorian Government, Melbourne, 2003, p.6; Department of Aboriginal and Torres Strait Islander Policy and Development, *Aboriginal and Torres Strait Islander Women's Taskforce on Violence Report*, Queensland Government, Brisbane, 2000.

¹⁰⁶ A range of supporting studies are cited in VicHealth, *Preventing violence before it occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria*, Victorian Government, Melbourne, 2007, viewed November 2008 <http://www.vichealth.vic.gov.au/assets/contentFiles/framework%20web.pdf>

“My first experience of sexual abuse was when I was just six years old, and it came from a member of my family. Unfortunately, another member of my family witnessed the whole event. It was this second member of my family that continued the abuse. I was raised in an environment where I was continually raped. When I was old enough, I left home, thinking that now I could escape this abuse. But it continued. There were sporadic visits to my home from my perpetrator who, on each occasion, would rape me again. Sometimes it would be three years before he did it, sometimes one year. But it never stopped. Sometimes he would come to visit under the guise of bringing me a present, and I would let him in willingly, thinking that it was all over and he was trying to be nice and make up for what he did to me, but it was just a way for him to get a foot in the door without any struggle. Eventually, he couldn’t even be bothered with that. He knew that I was tormented by him, that I was scared and frozen stiff when he arrived, that I would let him in anyway because I knew that it was going to happen no matter how much I fought it.”

Victim/survivor from South Australia, 2008

The perceived threat of sexual assault also generates fear in women generally. Research has found that women are most worried about sexual assault by a stranger, feel most unsafe outside at night time, regard certain areas such as underpasses and parks as frightening, and consider neighbourhoods other than their own to be dangerous¹⁰⁷. Women say they employ strategies that minimise risk in public areas such as carrying a personal alarm, not going out at night, not going out alone, or being accompanied by a man^{108 109 110 111}. There is a clear discrepancy between this perceived threat and the actual nature of sexual violence. Women are, in fact, most at risk in their domestic dwellings and at the hands of people they know.

It is not only sexual assault and violence that impedes Australian women from living their lives, but the very real fear of violence. This can severely limit women’s actions and their full participation in the society, the political system and the economy¹¹².

107 K Day, *Strangers in the night: Women’s fear of sexual assault on urban college campuses*, Journal of Architectural Planning and Research, vol. 16, no. 4, 1999, pp. 289–312, cited in Z Morrison, A Quadara & C Boyd ‘Ripple Effects of Sexual Assault’ ACSSA Issues paper 7, Australian Institute of Family Studies, Melbourne, 2007, viewed November 2008 <http://www.aifs.gov.au/acssa/pubs/issue/i7.html>

108 Z Morrison, A Quadara & C Boyd ‘Ripple Effects of Sexual Assault’ ACSSA Issues paper 7, Australian Institute of Family Studies, Melbourne, 2007, viewed November 2008 <http://www.aifs.gov.au/acssa/pubs/issue/i7.html>

109 Australian Centre for the Study of Sexual Assault, ‘Good practice around Australia,’ ACSSA Newsletter, Issue 7, Melbourne, June 2005.

110 J Corcoran, ‘Treatment Outcome research with the non-offending parents of sexually abused children: a critical review,’ *Journal of Child Sexual Abuse*, vol. 13, no.2, 2004, pp 59–84.

111 P.E Mullen & J Fleming, ‘Long term effects of child sexual abuse,’ *Issues in Child Abuse Prevention*, no. 9, Autumn 1998.

112 AusAID Office of Development Effectiveness, *Violence against women in Melanesia and East Timor: Building on Global and regional promising approaches*, Commonwealth of Australia, Canberra, 2008.

“The rape occurred 11 years ago, I was raped by stranger at knife-point aged 17, whilst walking along the beach. I reported the crime immediately to police and was taken to the sexual assault service, and forensic evidence was collected. Nine years later, I was contacted by police via telephone to be informed that a suspect with matching DNA had been found and would I like to press charges. A year after that a trial happened, he was found guilty and sentenced to 14 years jail.

Prior to the rape, I had just completed my final year of high school and was looking forward to starting university in March. I was a happy, confident 17-year-old girl. I was easy going and well-adjusted. I trusted people and found it easy to make friends. I was part of a supportive family, had a very close group of friends and felt very much in love with my boyfriend.

The rape changed my life. It was the most terrifying and traumatic experience of my life; I believed that the perpetrator could have killed me.

In the days and months that followed, my emotions fluctuated between anger, fear and emptiness. My relationships with my family and friends changed. I felt isolated from them as I think it was difficult for them to cope with what had happened. My relationship with my boyfriend also changed. I relied on him as my main support person, which put too much pressure on the relationship and we broke up.

I found it difficult to start new friendships and relationships, as I lost the ability to trust. I felt that the rape had taken over my identity. I found it difficult to concentrate on my studies and would start crying for no reason. I was worried about the possibility of having caught HIV, of him tracking me down and of being raped again.”

Victim/survivor from South Australia, 2008

Psychological impacts of domestic and family violence

The effects of domestic and family violence have a cumulative impact on the mental health of the victim/survivor. Many women describe the long-term psychological impacts of emotional, verbal, social and economic abuse as being more devastating. Women who have experienced partner violence are also more likely to suffer mental health issues including post-traumatic stress disorder, depression, anxiety, self-harm tendencies and suicidal thoughts^{113 114}.

113 Women's Health Australia, *The Australian Longitudinal Study on Women's Health: Partner Violence and the Health of Australian Women*, the University of Newcastle Australia and the University of Queensland, Newcastle, 2005.

114 Z Morrison, A Quadara & C Boyd 'Ripple Effects of Sexual Assault' *ACSSA Issues paper 7*, Australian Institute of Family Studies, Melbourne, 2007, viewed November 2008 <http://www.aifs.gov.au/acssa/pubs/issue/17.html>

Women can interpret their partner's actions in the context of prior violence and controlling behaviour, and often become experts at reading behavioural cues that signify danger and which may not be evident to anyone else¹¹⁵. In between incidents of violence, women experience fear and dread – and similar feelings are often experienced by their children. The very real fear of domestic and family violence limits women's capacity to identify and access services and support, as a result preventing their full participation in society, the political system and economy.

Effects of violence on physical health and wellbeing

Violence against women and their children is a primary indicator of future health outcomes.

Women who have experienced sexual assault may suffer major physical health effects, which could include immediate injuries; sexually transmitted infections (STIs); unwanted pregnancies¹¹⁶; and ongoing physical problems such as chronic diseases, headaches, irritable bowel syndrome, eating disorders and gynaecological conditions. Other studies have found sexual assault seriously affects women's mental health, causing depression, post-traumatic stress disorder; and affecting women's reproductive health¹¹⁷. Studies have also demonstrated the wider ripple effects of the trauma of sexual assault on the woman's family, friends and professionals working in the sexual assault field^{118 119}.

Australian studies show that women who have experienced partner violence have poorer health and use health services more frequently than other women, even after they are no longer exposed to the violence¹²⁰. Domestic violence is the leading contributor to death, disability and illness in Victorian women under the age of 45, eclipsing other common risk factors such as obesity, smoking and high blood pressure¹²¹. Long-term physical symptoms include pain and fatigue, allergies and respiratory disorders, insomnia, obsessive-compulsive disorder, bowel problems, onset of breast cancer, and eyesight and hearing difficulties.

115 R Hunter, cited in L Blazejowska, *Family violence – seeking real integration between the courts, the police and the legal community*, Proceedings of the National Access to Justice and Pro Bono Conference, Sydney 14-15 November 2008.

116 Ibid.


117 Ibid.

118 Ibid.

119 VicHealth, *The health costs of violence: Measuring the burden of disease caused by intimate partner violence. A summary of findings*, Victorian Health Promotion Foundation, Carlton South, 2004.

120 Women's Health Australia, *The Australian Longitudinal Study on Women's Health: Partner Violence and the Health of Australian Women*, the University of Newcastle Australia and the University of Queensland, Newcastle, 2005.

121 VicHealth, *The health costs of violence: Measuring the burden of disease caused by intimate partner violence. A summary of findings*, Victorian Health Promotion Foundation, Carlton South, 2004.



For younger women, violence affects their reproductive health. The chances of miscarriage, herpes, Hepatitis C and Human Papilloma Virus are between two and 11 times higher for women who have experienced partner violence than for women who have not. For older women, there is an association between partner violence and cervical cancer; higher stress levels and an increased likelihood of physical and mental illness. Victims/survivors of violence also have a higher use of tobacco and alcohol¹²².

However, studies show that health improvements are possible – particularly when women are no longer exposed to the violence, have received appropriate medical and emotional counselling support and have suitable social supports in place.

The human cost is greatest when women cannot escape the violence. In 2006-07, 21 per cent of female homicide victims were killed by family members, and 53 per cent were killed by an intimate partner^{123 124}.

Effects on children

Exposure of children to family violence causes long-term psychological, emotional, physical and behavioural problems¹²⁵.

Children and young people exposed to sexual assault and domestic and family violence experience anger, sadness, shame, guilt, confusion, helplessness and despair. Children do not need to be physically present when violence occurs to suffer negative consequences. Living in an environment where violence occurs is extremely damaging to children and there is little difference in outcomes for children whether they see the violence or not.

Living with domestic and family violence can directly affect infants, causing negative developmental, social, emotional and behavioural consequences¹²⁶. At a time of rapid neurological growth, an infant's development may be compromised by exposure to ongoing violence, whether or not they are the target of the violence¹²⁷. Infants may have symptoms typical of post-traumatic stress.

122 Women's Health Australia, *The Australian Longitudinal Study on Women's Health: Partner Violence and the Health of Australian Women*, the University of Newcastle Australia and the University of Queensland, Newcastle, 2005.

123 J Dearden & W Jones, 'Homicide in Australia: 2006-07,' *National Homicide Monitoring Program Annual Report*, Monitoring reporting series, no.1, Australia Institute of Criminology, Canberra, 2008.

124 M Davis & J Mouzos, 'Homicide in Australia: 2005-06,' *National Homicide Monitoring Program annual report*, Australian Institute of Criminology, Research and Public Policy Series no.77, 2007, pp.23-4, viewed November 2008 <http://www.aic.gov.au/publications/rpp/77/rpp77.pdf>

125 B Perry in M Murburg (ed.), *Catecholamine function in post-traumatic stress disorder: Emerging concepts*, American Psychiatric Press, Washington, 1994. Cited in Domestic Violence Victoria, Melbourne, 2006, viewed November 2008 <http://www.dvvic.org.au/>

126 F Buchanan, 'Domestic violence and young children', *Every Child*, vol. 11, no.1, 2005, pp. 9-11; J.L Edleson, 'Children's witnessing of adult domestic violence', *Journal of Interpersonal Violence*, vol. 14, no. 8, 1999, pp. 839-870; A Gewirtz & J.L Edleson, 'Young Children's Exposure to Adult Domestic Violence: towards a developmental risk and resilience framework for research and intervention,' *Early Childhood, Domestic Violence, and Poverty: helping young children and their families paper series*, Paper 6, University of Iowa, Iowa, 2004. P Jaffe, M Sudermann & R Geffner, 'Emerging issues for children exposed to domestic violence', *Journal of Aggression, Maltreatment & Trauma*, vol. 31, 2000, pp. 1-7.

127 R Rossman 'Longer term effects of children's exposure to domestic violence,' in SA Graham-Bergmann & J.L Edleson (eds.), *Domestic Violence in the Lives of Children: the future of research, intervention, social policy*, American Psychological Association, Washington, 2001, pp. 35-65.

“My daughter would cry and tell me she was scared of him. The psychologist told me what my child confided to her. That he had hit her and kicked her and punched the bed she was in. He took photos of her with no clothes on. That was on an access visit.

I have to live with the guilt of not being there for her, not knowing what he was capable of, not knowing what he did. The last time he saw her, she came home with bruises. I didn’t let her go back.

She tells me she wants to punch him in the chest really hard, that he is a mean person and she hates him. She knows what he did was wrong. But how can I undo what he did to her? She is scared, won’t sleep alone and if she hears a knock at the door, she will wet her pants, thinking it is her father coming to hurt us.

She is always anxious and easily scared. She suffers from repetitive behaviours and cries a lot. She was always sick and distressed as a baby. He wouldn’t feed, bath or change her nappy during access visits when she was a toddler. She remembers him punching, hitting and spitting on me. To this day, whenever people raise their voice or there is a loud noise, she still gets frightened and runs to me.”

Survivor’s story, Queensland, 2008

Chronic exposure to traumatic events as a child, such as witnessing or being the victim of violence, results in chronic over-activity of the body’s stress response (the fight or flight response, separation anxiety) and permanent changes to the brain’s architecture¹²⁸. It stops children who grow up in this kind of environment from focusing on the developmental tasks appropriate to their age.

The mental health effects of domestic violence include loss of self esteem and decision-making ability, depression, anxiety, phobias, self-harm, somatisation and dissociative disorders, including sleep disturbances, night terrors, separation anxiety, aggressiveness, hyperactivity, emotional detachment and constriction¹²⁹. Domestic and family violence is known to directly compromise infant mental health. The negative effects on an infant’s behaviour and development can affect the mother’s desire to care for and bond with the infant, so the infant finds the mother’s availability becomes less predictable¹³⁰.

128 B Perry, ‘Incubated in Terror: Neurodevelopmental Factors in the ‘Cycle of Violence’ In J. Osofsky (ed.) *Children, Youth and Violence: The Search for Solutions*, Guilford Press, New York, 1997, pp. 124-148.

129 B Zuckerman, M Augustyn, B McAlister Groves, S Parker, ‘Silent Victims Revisited: The Special Case of Domestic Violence’ *Pediatrics*, vol. 96, no. 3, September 1995, pp. 511-513.

130 F Buchanan, *Mother and Infant Attachment Theory and Domestic Violence: Crossing the Divide*, Australian Domestic and Family Violence Clearinghouse, Sydney, 2008 http://www.adfvc.unsw.edu.au/PDF/files/Stakeholder_Paper_5.pdf

It would be reasonable to assume that if a child is forced to go on contact visits (with an abusive father) by the mother, because she is legally compelled to send him/her, this must have negative consequences for the child's trust of, confidence in, and relationship with, the mother¹³¹.

The effects of domestic and family violence can be compounded by risk factors associated with immigrant children and families. For example, a history of persecution and trauma, loss of an extended family network, the stress of adapting to a new culture, isolation from the broader community due to language and other barriers, lack of available resources, and so forth, can reduce the protective factors that help children and families cope.

On the other hand, many immigrant families enjoy the support of their extended family, religious affiliation and strong community ties. This often provides children of immigrant families with a dependable network of interested adults to nurture and support them. This broad network of support also assists with the children's development of a strong cultural identity. Engagement with sporting and other extra-curricula organisations, and commitment to education, also supports children who may experience the trauma of family violence¹³².

Costs to society

A 2004 study estimated that the total annual cost of violence against women by their partners was \$8.1 billion¹³³. Violence against women and their children has, for far too long, carried not only an unacceptable physical and emotional cost to victims and their families, but an enormous economic cost to society.

The study focused on violence between adult partners living in intimate relationships, although the effect of that violence on children was also taken into account. This figure included costs associated with:

- pain, suffering and premature mortality;
- health costs – private and public health costs associated with treating the effects of domestic violence on the victim, perpetrator and children;
- production related costs – lost production (wages plus profit) from absenteeism, search and hiring costs, lost productivity of victim, perpetrator, management, co-worker, friends and family, lost unpaid work, retraining costs and long term costs of permanent loss of work capacity;
- consumption related costs – property replacement, bad debts, long-term costs of lost economies of scale in household;

131 K Pendell, Z Rathus & A Lynch 'An Unacceptable Risk: A report on child contact arrangements where there is violence in the family,' *Women's Legal Service*, Brisbane, November 2000, p.42.

132 Victorian Department of Human Services, *Every Child, Every Chance: Specialist Practice Guide – Cumulative Harm*, State Government of Victoria, Melbourne, 2007, viewed November 2008 http://www.dhs.vic.gov.au/office-for-children/cpmanual/Output%20files/Practice%20research/Output%20files/Execute/cumulative_harm_spg.pdf

133 Access Economics Pty Ltd, *The cost of domestic violence to the Australian economy: Part I*, Commonwealth of Australia, Canberra, 2004.

- second generation costs – private and public sector costs of childcare, changing schools, counselling, child protection services, remedial/special education, increased future use of government services, and increased juvenile and adult crime;
- administrative and other costs – private and public sector costs of legal/forensic services, temporary accommodation, paid care (i.e. housekeeper), counselling, perpetrator programs, interpreter services and funerals;
- transfer costs – victim compensation, income support, accommodation subsidies, lost taxes, financial help to the victim from friends, family and child support.

The largest proportion of the \$8.1 billion cost in 2003 was attributable to pain, suffering and premature mortality, at \$3.5 billion. The cost burden of domestic violence that was borne by victims was \$4 billion.

Another study of the cost of sexual assault to Australia has suggested that the likely economic cost of the 93,000 sexual assaults in 2001 would total more than \$230 million¹³⁴. This is likely to be an under-estimate given it focuses on the costs of crisis responses after recent assaults only.

It does not include the costs associated with adult victims recovering from childhood or past sexual assaults. A United Kingdom study has found sexual assault is the second most expensive interpersonal crime, after homicide¹³⁵.

The Access Economics study was repeated by KPMG in January 2009 to update the 2002-03 Access cost estimates and to project the costs to 2021-22. The study captured reported violence only – in other words, unreported violence is not included in either the Access Economics or the KPMG study.

In today's figures, the KPMG study estimates 750,000 Australian women will experience and report violence in 2021-22, costing the Australian economy an estimated \$15.6 billion. For every woman whose experience of violence can be prevented through the implementation of the Plan of Action, \$20,766 can be saved. To place this in perspective, if the Plan of Action yielded an average reduction in violence against women and their children of just 10 per cent by 2021-22, about \$1.6 billion in costs to victims/survivors, their friends and families, perpetrators, children, employers, governments and the community could be avoided.

The full KPMG report, entitled *The Cost of Violence against Women and their Children*, is provided as a separate supporting document to the Council's Plan of Action.

¹³⁴ Z Morrison, A Quadara & C Boyd 'Ripple Effects of Sexual Assault' ACSSA Issues paper 7, Australian Institute of Family Studies, Melbourne, 2007, viewed November 2008 <http://www.aifs.gov.au/acssa/pubs/issue/i7.html>

¹³⁵ R Dubourg, J Hamed & J Thorns, *The economic and social costs of crime against individuals and households 2003/04 Home Office Online Report 30/05*, Research, Development and Statistics Directorate, Home Office, London, 2005, viewed November 2008 <http://www.crimereduction.gov.uk/statistics/statistics39.htm>

Economic hardship

Australian¹³⁶ and international studies¹³⁷ show that domestic and family violence affects women across all socio-economic groups. But Australian women who have lived with a violent partner are more likely than other women to experience financial difficulty¹³⁸. Domestic and family violence can include economic abuse such as imposing controls on household money, preventing the female partner from engaging in paid work, denying access to bank accounts, and providing an inadequate allowance.

“Some women felt they did not have the option to leave the relationship as they were not economically independent, were fearful they would be homeless and they would not be able to provide for their children. Fear of homelessness was a major concern for the women and acted as a deterrent to leave the violent situation.”¹³⁹

*Quote sourced from
J Irwin, F Waugh & M Wilkinson, 2002*

Women generally are more at risk of poverty than men in Australia due to their concentration in lower wage earning occupations and in casual and part-time employment, and to their time out of the workforce when caring for family members. For those in paid employment, Australian women earn 84 cents for every dollar that men earn¹⁴⁰. Many Australian women are economically dependent on their partner. This has implications for women's safety as economic dependence is a risk factor for domestic and family violence, limiting women's capacity to escape violent partners. Poverty and a lack of independent income are a major cause of homelessness for victims of domestic and family violence¹⁴¹.

Women who have been victims of violence may lack confidence, have health issues and may lack skills due to interrupted education and training. Therefore, they may need support to either enter or re-enter the workforce, and to maintain their employment. Violence can also interrupt women's lives, leaving a legacy of ongoing examinations, court appearances and/or the dislocation experienced by leaving a dangerous household. All of these interruptions make it more difficult to hold down a stable job and maintain a career path.

136 Women's Health Australia, *The Australian Longitudinal Study on Women's Health: Partner Violence and the Health of Australian Women*, the University of Newcastle Australia and the University of Queensland, Newcastle, 2005.

137 A Morrison, M Ellsberg & S Bott, 'Addressing gender based violence: A critical review of interventions' *The World Bank Research Observer*, vol. 22, no.1, 2007, pp. 25-51.

138 Women's Health Australia, *The Australian Longitudinal Study on Women's Health: Partner Violence and the Health of Australian Women*, the University of Newcastle Australia and the University of Queensland, Newcastle, 2005.

139 J Irwin, F Waugh & M Wilkinson, *Domestic Violence and Child Protection – A research report*, The University of Sydney, Sydney, 2002.

140 Australian Bureau of Statistics, *Average Weekly Earnings*, ABS cat. no. 6302.0, Commonwealth of Australia, Canberra, 2008.

141 In 2003-04, the majority (82 per cent) of women affected by domestic and family violence in Supported Assisted Accommodation Program accommodation were on some form of government benefit or pension; while one in 20 presented with no income at all. See Flinders Institute for Housing, Urban and Regional Research, *Women, Domestic and Family Violence and Homelessness: A Synthesis Report, Report prepared for the Office for Women*, Department of Families, Housing, Community Services and Indigenous Affairs, Canberra, 2008.

“I am so worried that I am not going to get an intervention order because he has the money to pay for the best barristers. I just know I won’t be able to stand up to them.”

As told to a family violence counsellor, Victoria, 2008

Homelessness

Across Australia, one of the many causes of homelessness among women is domestic or family violence¹⁴². One in five women seeking supported accommodation is escaping violence at home¹⁴³. Children and young people also experience homelessness as a result of sexual abuse and family violence.

The perpetrator’s violence often makes the family home uninhabitable. Women and their children can lose not only their physical home but their support network when they leave the family home and local neighbourhood in their bid to achieve safety.

Homelessness caused by domestic and family violence is different from other forms of homelessness¹⁴⁴. In many cases, the perpetrator remains in the home and many women will cycle in and out of homelessness as they return to the perpetrator and the family home, often because of financial constraints and limited crisis services^{145 146 147}.

“Why bother leaving when there is nowhere to go? He pays \$25 to the company for this house whereas if I left I would have to move towns just to find a crappy flat for \$400. I don’t make that kind of money.”

Woman in mining town, Central Queensland, 2008

Sexual assault is also directly aligned with homelessness. It is the primary reason that young women become homeless initially, and homelessness, in turn, increases their vulnerability to further sexual assault – on the street, in hostels, refuges and squats, and through links with drug use and prostitution¹⁴⁸.

142 Australian Institute of Health and Welfare, ‘Homeless people in SAAP: SAAP National Data Collection annual report 2006-07’ SAAP NDCA report series 12, cat. no. HOU 185, Commonwealth of Australia, Canberra, 2008, p.31, viewed November 2008 <http://www.aihw.gov.au/publications/hou/hpissndcar06-07au/hpissndcar06-07au.pdf>

143 Ibid.

144 G Marcus & R Braaf, *Domestic and Family Violence Studies, Surveys and Statistics: Pointers to Policy and Practice Stakeholder Paper 1*, Australian Domestic and Family Violence Clearinghouse, Sydney, 2007.

145 Australian Bureau of Statistics, *Personal Safety Survey*, ABS Cat. No. 4906.0. Commonwealth of Australia, Canberra, 2005.

146 Flinders Institute for Housing, Urban and Regional Research, *Women, Domestic and Family Violence and Homelessness: A Synthesis Report, Report prepared for the Office for Women*, Department of Families, Housing, Community Services and Indigenous Affairs, Canberra, 2008, p.16.

147 Ibid.

148 A Neame & M Heenan, *What lies behind the hidden figure of sexual assault? Issues of prevalence and disclosure*, Australian Centre for the Study of Sexual Assault, Briefing no.1, September 2003, viewed November 2008 http://www.aifs.gov.au/acssa/pubs/briefing/acssa_briefing1.pdf

Aboriginal and Torres Strait Islander women are more likely to become homeless after a sexual assault in their homes. They leave their homes and stay with extended family members, contributing to overcrowding and placing themselves and their children at risk of further victimisation.

Meanwhile, those who have perpetrated the violence remain in the comfort of the family home while the victim/survivor and her children have to cope with homelessness and the loss of access to their social and work/school environments. A more just approach is the 'safe at home' model that seeks to have the perpetrator of the violence removed from the home in circumstances where it is safe, appropriate and desirable for the woman and her children¹⁴⁹. This preserves the autonomy and social support networks of victims; reduces the financial, social and health impacts; and ensure that perpetrators experience consequences for their violent actions.

While no state or territory has legislation for stand-alone 'exclusion', 'sole occupancy' or 'ouster' orders¹⁵⁰, all jurisdictions' civil domestic and family violence laws provide for such a condition on a protection order. These orders enable the court to prohibit a perpetrator of domestic violence from remaining in, or approaching, a premise, requiring him to find alternative accommodation. Such orders override any legal or equitable interest the perpetrator may have in the property¹⁵¹. For example, in Queensland, this legislative provision has been in place for 20 years. Since the mid-1990s, it has been supported by an inter-relationship with the *Residential Tenancies Act 1994* to enable relevant changes to tenancy agreements at the time an ouster order is made.

However, these legislative provisions are rarely used due to concerns about the impact on the man¹⁵². Not only is enabling women and their children to stay in their own home after violence a more just outcome, it may also enable women and children to relocate to a more secure situation within a timeframe that suits their needs, rather than having to relocate at a time of crisis, resulting in one or more short-term, disruptive moves in and out of temporary accommodation. Multiple short-term accommodation moves can have a devastating effect on economic, physical, social and emotional well-being. This adds to the cost of domestic and family violence carried by the victim of violence and the broader Australian community.

149 D Chung, R Kennedy, B O'Brien & S Wendt, *Home Safe Home: the link between domestic and family violence and women's homelessness*, Report prepared for WESNET, Commonwealth Department of Family and Community Services, and Partnerships Against Domestic Violence, Commonwealth of Australia, Canberra, 2000; Domestic Violence and Incest Resource Centre, *Family Violence and Homelessness: Removing the perpetrator from the home*, Domestic Violence Resource Centre, Victoria, 2002; Partnerships Against Domestic Violence, *Improving Women's Safety*, Office for Women, Canberra, 2004; R Edwards, *Staying Home Leaving Violence: Promoting choices for women leaving abusive partners*, Australian Domestic and Family Violence ClearingHouse, Sydney, 2004.

150 See discussion in Flinders Institute for Housing, Urban and Regional Research, *Women, Domestic and Family Violence and Homelessness: A Synthesis Report, Report prepared for the Office for Women*, Department of Families, Housing, Community Services and Indigenous Affairs, Canberra, 2008.

151 R Field & B Carpenter, 'Domestic violence and homeless children: are ouster orders the answer?' *ON LINE opinion*, 2003, viewed November 2008 <http://www.onlineopinion.com.au/view.asp?article=587>

152 R Field, B Carpenter & S Currie 'Issues in the Making of Ouster Orders Under the Domestic Violence (Family Protection) Act, 1989 (Qld)' in J Dewar and S Parker (eds.) *Family Law: Processes, Practices and Pressures - A selection of papers from the International Society of Family Law's 10th World Conference*, Hart Publishing, UK, 2003.

Removing the perpetrator often incurs costs related to upgrading house security, safety planning, financial and legal advice, and liaison with police and other services to ensure the family home environment is safe. These costs are borne primarily by women and their children. Addressing such costs would go some way to creating more sustainable options for women to be safe in their own home.

“The safety of women and their children is an overarching principle in responding to domestic and family violence... The rights of women and children to remain in the home and live free from violence whilst the perpetrator of violence is removed from the home is a position supported by participants in the study.”¹⁵³

*Quote sourced from
D Chung, R Kennedy, B O'Brien & S Wendt, 2000*

The Council acknowledges that this approach is not the only solution and will not help all women experiencing domestic and family violence. Given it is relatively new, an evaluation of the effectiveness of the safe-at-home model in supporting women's safety, health and wellbeing; improving stability for victims and their family; and increasing perpetrator accountability; will be helpful for all Australian jurisdictions. In the meantime, different approaches are needed to respond to the range of risks, needs and circumstances of all women who face homelessness due to violence.

153 D Chung, R Kennedy, B O'Brien & S Wendt, *Home Safe Home: the link between domestic and family violence and women's homelessness*, Report prepared for WESNET, Commonwealth Department of Family and Community Services, and Partnerships Against Domestic Violence, Commonwealth of Australia, Canberra, 2000.

2.7 Preventing violence against women and their children – what works?

The unacceptability and injustice of violence against women and their children has been widely acknowledged. A range of approaches have been developed and tested to understand and reduce violence.

Some examine the issue of violence against women in terms of gender, justice, public health, human rights, victimology and/or intersectional perspectives. History and experience confirms that no single approach and examination will be effective in stopping violence against women. However, the ecological model proposed by the World Health Organisation (Figure 1) is useful. It highlights the need for multi-level approaches to understanding the main contexts for violence against women and their children.

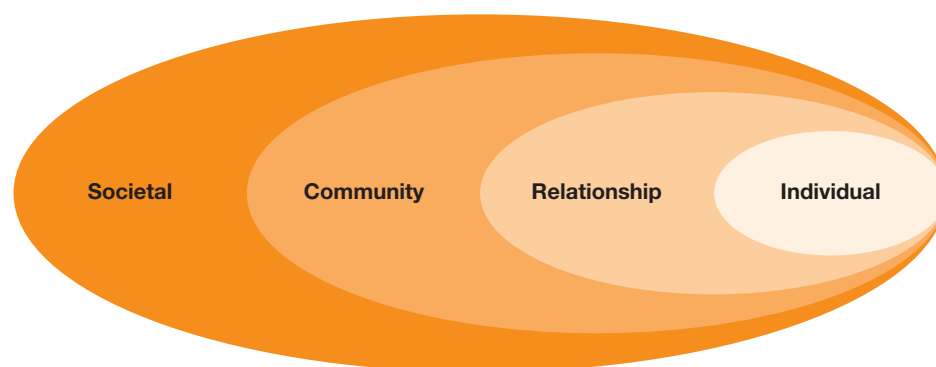


Figure 1: The ecological model for understanding violence. Source: World Health Organisation. *World report on violence and health*. WHO: Geneva, 2002.

In tackling the issue of violence against women and their children, contemporary thinking suggests that, unless society addresses the issue on all these levels (individual, relationship, community and societal), it will make little difference to the number of women whose lives are affected by men's violence¹⁵⁴.

Many of the risk and protective factors associated with this violence operate at these four levels. An integrated, coordinated and collaborative approach between, and across, governments, communities and individuals is necessary to address these contributors to, and determinants of, violence.

¹⁵⁴ VicHealth, *Preventing violence before it occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria*, Victorian Government, Melbourne, 2007, viewed November 2008 <http://www.vichealth.vic.gov.au/assets/contentFiles/framework%20web.pdf>

Prevention methodologies can be grouped as:

- primary prevention – activities that work to prevent violence before it occurs by: reducing individual and family risk factors and bolstering protective factors; promoting attitudes and behaviour that support respectful relationships and gender equality; and altering environments to make them safer for women^{155 156 157};
- secondary prevention (sometimes also referred to as early intervention) – activities that target the early signs of violence and seek to change the attitudes, behaviours and skills of individuals and groups who are already at risk of being violent;
- tertiary intervention – activities that provide support, counselling and advocacy for victims, and that impose criminal justice responses, including programs for offenders after violence has occurred, that seek to break the cycle of abuse and promote recovery and rehabilitation.

With primary prevention an emerging area of practice, organisations are undertaking rigorous evaluations of primary prevention approaches. To facilitate this work, the international and national evidence base on the effectiveness of services, programs and other initiatives in preventing violence against women and their children needs to be expanded¹⁵⁸.

Promising primary prevention approaches that appear to be working internationally include¹⁵⁹:

- public information and awareness campaigns to break the silence that surrounds sexual assault and domestic and family violence; to inform and influence attitudes and social norms that allow violence; and to build political will to address the problem;
- early childhood and family-based approaches to developing children's problem-solving, emotional management and social skills; reducing children's exposure to violence and other adverse effects of family violence; and building parental capacity to care for their children;
- school-based approaches that equip children and young people with the ability to identify inappropriate sexual or violent behaviour; build their protective behaviour skills; and shape their expectations and capacity to build and sustain respectful relationships;

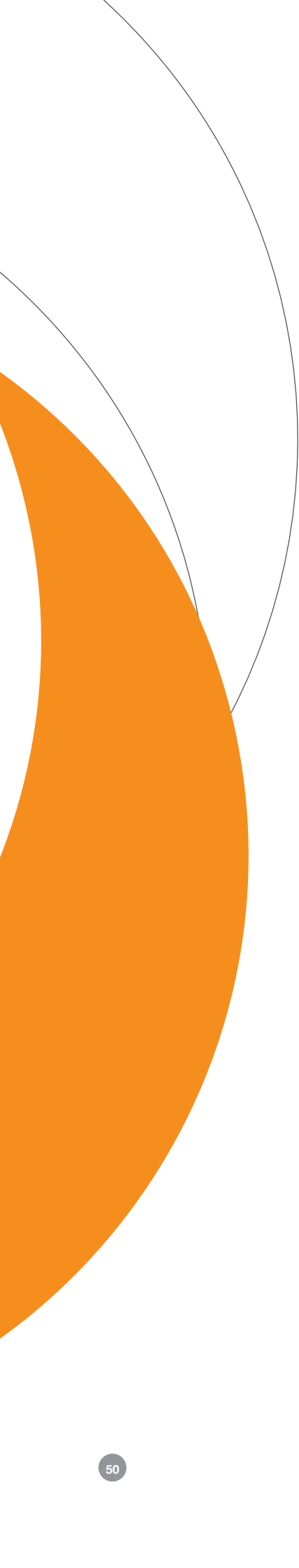
155 VicHealth, *A public health model for the prevention of violence against women*, Victorian Government, Melbourne, 2005, viewed November 2008 http://www.vichealth.vic.gov.au/assets/contentFiles/publichealthmodel%20VAW%20for%20campaign%20review_updated%20.pdf

156 R Jewkes 'Intimate partner violence: causes and prevention,' *The Lancet*, vol. 359, no. 9315, 2002, pp.1423 – 1429.

157 A Morrison, M Ellsberg & S Bott, 'Addressing gender based violence: A critical review of interventions' *The World Bank Research Observer*, vol. 22, no.1, 2007, pp.25-51.

158 VicHealth, *Preventing violence before it occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria*, Victorian Government, Melbourne, 2007, viewed November 2008 <http://www.vichealth.vic.gov.au/assets/contentFiles/framework%20web.pdf>

159 A Harvey, C Garcia-Moreno & A Butchart, *Primary prevention of intimate-partner violence and sexual violence: Background paper for WHO expert meeting May 2–3*, World Health Organisation, Geneva, 2007.

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- changes to media regulations that reduce the level of violence displayed;
 - interventions to reduce and regulate alcohol and substance misuse and harm, including the regulation of alcohol pricing and taxation.

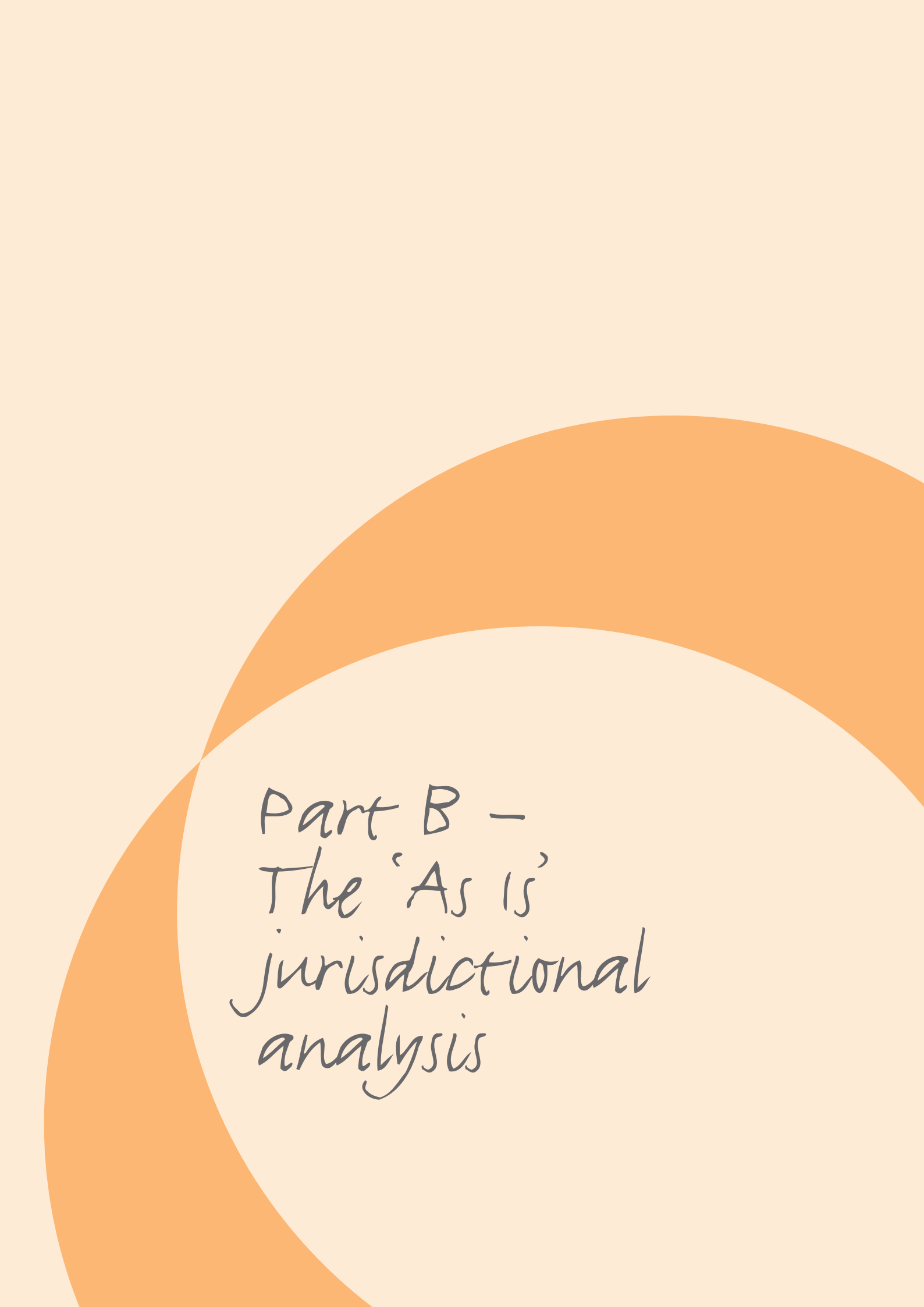
In addition, promising secondary or early intervention activities include¹⁶⁰:

- the mobilisation of communities to act against violence;
- structural and policy approaches that strengthen gender equality, improve criminal justice system responses and engage men and boys to reduce violent behaviour.

Accordingly, the approach articulated in the Council's Plan of Action incorporates the areas of action that show promising results and includes:

- an acknowledgement that all forms of violence against women and their children is wrong and intolerable as violence is a fundamental violation of human rights;
- a focus on prevention activities that change community attitudes and build individual and community resilience;
- a focus on collaboration and coordination across agencies involved in the prevention of, and response to, violence against women and their children;
- an emphasis on ensuring just responses to sexual assault, domestic and family violence.

¹⁶⁰ Ibid.



Part B –
The 'As Is'
jurisdictional
analysis



3 Background

3.1 Terms of Reference

The terms of reference for the 'As Is' jurisdictional analysis were determined by the National Council to Reduce Violence against Women and their Children (the Council) and the Australian Government Department for Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). The analysis was commissioned to provide preliminary high-level research to support the development of *Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children* (Plan of Action).


In undertaking the development of the analysis, KPMG liaised with the Chair and several members of the National Council and FaHCSIA to gain guidance and input. In these discussions, it was agreed that the recently published Amnesty International document entitled *Setting the Standard: International Good Practice to Inform an Australian National Plan of Action to Eliminate Violence Against Women* provided a sufficiently detailed international analysis and perspective and that no further research of interventions at the international level was required. The primary requirement was for an 'As Is' assessment of Australian jurisdictional profiles and trends.

3.2 Approach

Amnesty International's *Setting the Standard* draws on the findings of the United Nations, other international organisations and other countries to establish principles and practices for a national plan.

These principles state that a national plan of action must be:

- *structural* - it not only needs to create structures that will harmonise efforts of government agencies in all Australian jurisdictions (an all-of-government response), it must take a socio-structural approach to violence against women. This means recognising the relationship between violence and the patriarchal traditions that have found expression in laws, institutions, attitudes and perceptions;

- 
- *strategic* - an action plan needs to be long-term and holistic in its response. It must be built around targets and timeframes that are linked to accountability mechanisms (assigning responsibility to relevant agencies) and evaluation;
 - *sustained* - recommendations must include substantial and continued funding and a leadership body that is stable and permanent¹⁶¹.

The underlying principles of an action plan should also include:

- *prevention* - violence against women and their children requires long-term strategies, such as education and public-awareness campaigns, to change community attitudes and help prevent violence in the first instance;
- *provision* - appropriate and targeted services should be available to all victims/survivors for their physical, mental and social wellbeing, as well as for their protection from further violence;
- *prosecution* - barriers to prosecution must be removed and any action plan should ensure that all forms of violence against women and their children are investigated, prosecuted and punished in accordance with the gravity of the crime, and that victims/survivors receive appropriate remedies¹⁶².

¹⁶¹ Amnesty International Australia, *Setting the Standard: International Good Practice to Inform an Australian National Plan of Action to Eliminate Violence Against Women*, Amnesty International Australia, Broadway, 2008.

¹⁶² Ibid.

3.3 Structure of this report

The remainder of this report is structured accordingly:

- *Sections 3-12* provide summary tables of the 'As Is' analysis of the domestic, family and sexual violence initiatives, structures and protocols for each Australian jurisdiction. This is followed by a more in-depth profile of many of the strategies, policies and programs, legislation and services referred to in the summary tables.
- *Section 13* provides a summary of the similarities, differences and gaps in jurisdictional approaches.
- *Appendix A* provides a list of acronyms used throughout this report.
- *Appendix B* provides a list of agencies consulted for confirmation of the 'As Is' analysis.



4 Australian Government

4.1 Overview

The following table provides a high-level overview of the support systems for victims/survivors of sexual assault and domestic and family violence provided by the Australian Government in terms of the ‘three S’s’ – structural, strategic and sustained environments.

Principles of Practice in Formulation – the three S’s

Structural
<ul style="list-style-type: none">• Australian Government’s Safety Taskforce (FaHCSIA)• Commonwealth, State, Territory and New Zealand Ministers’ Conference on the Status of Women (MINCO)• Standing Committee of Attorneys-General (SCAG)• Social Inclusion Unit (Department of the Prime Minister and Cabinet)• Community and Disability Services Ministers’ Conference (CDSMC)/Council of Australian Governments (COAG)
Strategic
<ul style="list-style-type: none">• Development of <i>Time for Action: The National Council’s Plan for Australia to Reduce Violence against Women and their Children</i> (2009, FaHCSIA)• <i>Women’s Safety Agenda – Elimination of Violence 2005</i> (FaHCSIA)• Development of the <i>National Indigenous Law and Justice Framework</i> (SCAG)• <i>Northern Territory Emergency Response 2007</i>• <i>Domestic and Family Violence Strategy 2005-08</i> (Centrelink)• <i>Social Inclusion Agenda</i> (Department of the Prime Minister and Cabinet)• <i>Family Violence Strategy 2004</i> (Family Court of Australia)• <i>Australasian Policing Strategy on the Prevention and Reduction of Family Violence</i> (2008)• <i>Development of the National Framework for Protecting Australia’s Children</i> (FaHCSIA)

Principles of Practice in Formulation – the three S's

Strategic cont.

- *National Homelessness Strategy* (FaHCSIA)
- *National Women's Health Policy* – in development, due 2010 (Department of Health and Ageing)
- *The National Strategic Framework for Aboriginal and Torres Strait Islander Health 2003-2013* (Department of Health and Ageing)

Sustained

- National Council to Reduce Violence against Women and their Children (FaHCSIA)
- National Women's Safety Taskforce (FaHCSIA)
- National Indigenous Law and Justice Advisory Body – establishment in progress (Attorney-General's Department)
- Australian Social Inclusion Board (Department of the Prime Minister and Cabinet)
- National Child Support Stakeholder Engagement Group (Department of Human Services - Child Support Program and FaHCSIA)

The following table provides a high level overview of the support systems for victims/survivors of sexual assault and domestic and family violence provided by the Australian Government in terms of the ‘three P’s’ – prevention, provision and prosecution.

Principles of Practice in Content – the three P’s

Prevention
<ul style="list-style-type: none"> National Council to Reduce Violence against Women and their Children (FaHCSIA)
Provision
<ul style="list-style-type: none"> FaHCSIA funds the <i>Women’s Safety Agenda</i> and currently provides: <ul style="list-style-type: none"> training for nurses and Aboriginal health workers in regional and rural areas funding of research projects on domestic violence and sexual assault Mensline (a 24-hour help line) a dedicated 24-hour domestic violence and sexual assault help line the Australian Domestic and Family Violence Clearinghouse and the Australian Centre for the Study of Sexual Assault (research services) a ‘Big Issue’ scoping study funding for the Women’s Services Network (WESNET) capacity-building grants funding for the National Association of Services Against Sexual Violence for primary prevention funding for the White Ribbon Foundation Relevant programs under FaHCSIA include: <ul style="list-style-type: none"> the Domestic and Family Violence and Sexual Assault Initiative (grants) the Family Services Program element of the Northern Territory Emergency Response funding (via the Northern Territory Government), that provides safe houses, mobile child-protection teams and remote Aboriginal family and community workers funding to states and territories that sub-contract for programs such as safe houses and traditional healing the Reconnect Program that targets youth homelessness and focuses on reuniting children with their families Newly Arrived Youth Support Services Local Answers, funded through the <i>Stronger Families and Communities Strategy</i> (through which non-government organisations can apply for funding for activities such as education campaigns) Family Services Program

Principles of Practice in Content – the three P's

Provision cont.

- The Attorney-General's Department funds the following services:
 - Family Relationship Centres
 - Family Relationship Advice Line
 - Family Relationships Online
 - Family Dispute Resolution
 - Family Counselling
 - Children's Contact Services
 - Parenting Orders Program
 - Post Separation Cooperative Parenting
 - Supporting Children after Separation Program
 - Community Legal Centres
 - Family Violence Prevention Legal Services – via community legal awareness and education
 - Legal Aid for Indigenous Australians Program - community legal education and referral
 - Legal Aid for family law matters
- Centrelink provides the following services:
 - a priority referral assistance phone service for people at risk of violence
 - the delivery of payments on behalf of several agencies such as FaHCSIA, the Department of Human Services - Child Support Program and the Department of Education, Employment and Workplace Relations
 - the management of registration exemption requests for child support payments in cases of violence
 - Social work services

Principles of Practice in Content – the three P's

Provision cont.

- The Department of Human Services, through the Child Support Program funds and provides:
 - a priority and proactive referral assistance phone service for people at risk of violence or harm to self or others
 - referral to Centrelink for cases where violence could suggest an appropriate situation for exemption from registering for child support payments
 - immediate reporting and referral to police of trusted reports relating to violence
 - self-help booklets for parents (*Me and My* series) that enhance quality family relationships and support anger management to reduce the likelihood of violence
 - the Staying Connected training program for parents (primarily men) that enhances family relationships and supports anger management to reduce the likelihood of violence
 - self-help books for teenagers (books for younger children are in production) used in the Supporting Children after Separation Program that aim to help children cope with separation and avoid violence
 - a Family Pathways internet product that includes a specific pathway for families suffering, or at risk of suffering, domestic violence (that links families directly to options and services)
 - proactive, warm transfer referrals and an online Community Service Directory that links families to support services, including domestic violence services
- The Department of Education, Employment and Workplace Relations:
 - manages income support payments for working people such as the Parenting Payment, Newstart Allowance and Youth Allowance
 - develops and manages policy for principal carer parents including exemptions from participation requirements
 - manages the delivery of the Personal Support Program for people with non-vocational barriers because of difficult circumstance including domestic violence
- The Australian Crime Commission provides the National Indigenous Violence and Child Abuse Intelligence Task Force supplying research and intelligence services

Principles of Practice in Content – the three P's

Provision cont.

- The Department of Immigration and Citizenship (DIAC) provides:
 - an avenue for certain visa applicants in Australia to obtain permanent residence if they, or a member of their family unit, have experienced relevant family violence committed by their spouse or interdependent partner
 - a Family Violence contact officer in each DIAC state and territory office in Australia, who will advise visa applicants claiming family violence on how to proceed with their application and how to contact relevant professional family violence community service providers
- The Australian Human Rights Commission provides the following services:
 - awareness raising, monitoring and prevention of human rights violations (including violence and abuse) of immigration detainees
 - training to Indigenous community legal education workers
 - related research and reporting
 - sexual harassment education
- The Department of Defence:
 - through the Defence Community Organisation, provides support to Australian Defence Force families who are experiencing or are at risk of domestic violence through case work and referrals to community service organisations
 - provides safe houses for Australian Defence Force family members who are experiencing domestic violence
 - has policies in place to control access to weapons by Australian Defence Force members who are the subject of relevant court or police orders
 - has a comprehensive mental health strategy
- The Department of Health and Ageing:
 - provides payments through the Practice Incentives Program (PIP) to encourage practices to act as a referral point for women experiencing domestic violence
 - supports and facilitates access to training for practice nurses and Aboriginal health workers in PIP eligible practices in regional, rural and remote areas
 - provides the New Early Intervention Services for Parents, Children and Young People measure
- The Department of Veterans' Affairs, through the Veteran and Veterans' Families Counselling Services:
 - provides assessment and referral to specialist services for families experiencing domestic violence
 - has developed comprehensive protocols to assist staff making referrals and notifications and has a domestic violence fact sheet available for clients

Principles of Practice in Content – the three P's

Prosecution

- *Racial Discrimination Act 1975*
- *Family Law Act 1975*
- *Sex Discrimination Act 1984*
- *Human Rights and Equal Opportunity Commission Act 1986*
- *Child Support Assessment Act 1989*
- *Social Security Act 1991*
- *Migration Regulations 1994*
- *Family Law Amendment (Shared Parental Responsibility) Act 2006*
- *Northern Territory Emergency Response Act 2007*
- *United Nations Convention on the Elimination of all Forms of Discrimination against Women* (signatory 1983) and the *Optional Protocol 2008*
- *United Nations Convention on the Rights of the Child 1990*
- *United Nations Convention on the Rights of Persons with Disabilities*. Ratified 17 July 2008 (Article 16 Freedom from exploitation, violence and abuse)
- National Interest Analysis proposing that Australia become a party to the *Optional Protocol to the Convention on the Rights of Persons with Disabilities* tabled 3 December 2008

4.2 Profile

This section outlines in further detail the Australian Government's current response to violence against women and their children, using Amnesty International's structure of the 'three S's' – structural, strategic and sustainable, and 'three P's' – prevention, provision and prosecution.

4.2.1 Structural

The Australian Government has structures in place that seek to harmonise responses to violence against women and their children both within the Australian Government and with the states and territories. These include the following:

- The Office for Women and the Safety Taskforce Branch are policy and program branches within the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). The primary goal of the Office is to mainstream women's issues to ensure that people recognise that women's experiences, issues and perspectives affect everyone and are therefore everyone's business. The Safety Taskforce Branch funds activities targeting sexual assault and domestic and family violence, including the Women's Safety Agenda and the Indigenous Family Safety Program. It is also responsible for the coordination and development of *Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children*.
- The Commonwealth, State, Territory and New Zealand Ministers' Conference on the Status of Women (MINCO) which aims to: provide a Commonwealth/state and territory mechanism for the coordination and development of policies that affect the status of women, especially on issues that cross Commonwealth/state, territory and New Zealand borders; facilitate action on matters of mutual concern; and refer and/or present agreed strategic issues to other ministerial groupings. It meets annually. The Secretariat is provided by the Australian Government's Office for Women.
- A senior officials' group, the Women's Advisers Meeting (WAM), provides high level support to MINCO. The National Women's Safety Taskforce is a sub-committee of the WAM.
- The Standing Committee of Attorneys-General (SCAG), which is a national ministerial council. Its members are the Australian Attorney-General and the Minister for Home Affairs, the state and territory Attorneys-General and the New Zealand Attorney-General. Norfolk Island has observer status at SCAG meetings. SCAG provides a forum for Attorneys-General to discuss and progress matters of mutual interest. It seeks uniform or harmonised action between the portfolios of its members. The types of issues that SCAG considers are varied – an item is likely to be appropriate for SCAG if it requires joint action from the Australian, state and territory governments; involves the development of model or uniform model legislation; or is of relevance to Attorneys-General¹⁶³.

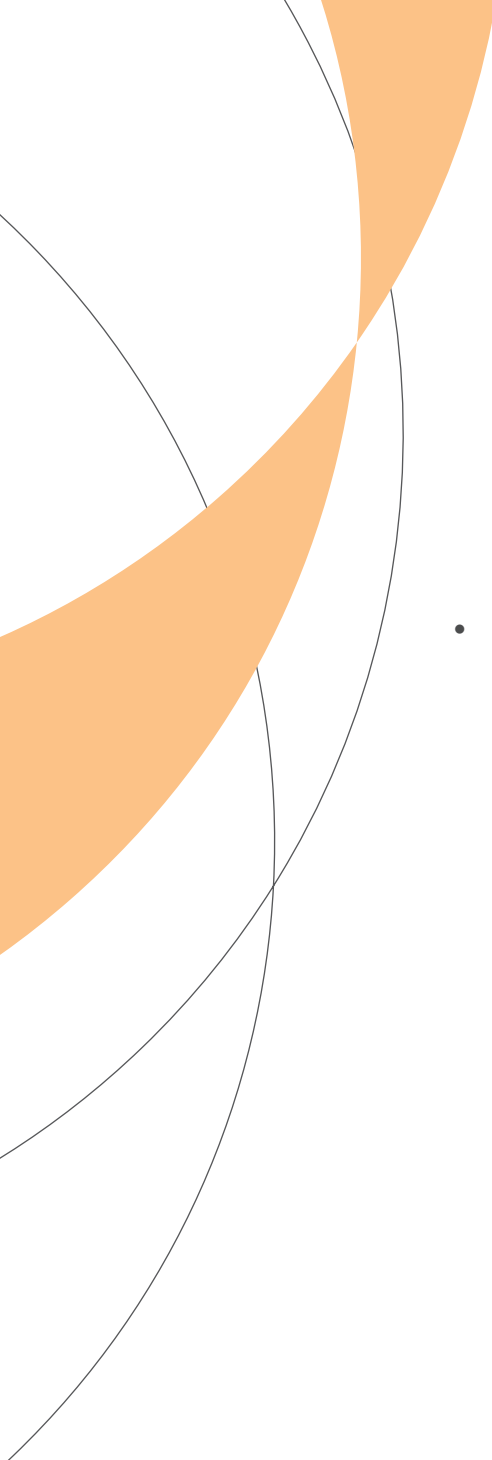
163 Attorney-General's Department, *Family Relationship Services – Overview of Program*, Commonwealth of Australia, Canberra, viewed December 2008 http://www.ag.gov.au/www/agd/agd.nsf/Page/Committeesandcouncils_Ministerialcouncils_StandingCommitteeofAttorneysGeneral

- The Social Inclusion Unit, which was established in December 2007 in the Department of the Prime Minister and Cabinet. The unit advises the government on ways to achieve better outcomes for the most disadvantaged people in our community. It performs a strategic policy advisory and coordination function across government and reports to the Prime Minister and the Deputy Prime Minister. It also provides support to the Australian Social Inclusion Board.
- The Community and Disability Services Ministers' Conference (CDSMC) is a national ministerial council. Its membership comprises all Australian Government, state and Territory Ministers with family, youth, community and disability services and welfare responsibilities. These include the Ministers for Family, Aged Care, Youth, Child Care, and Juvenile Justice. The New Zealand Minister for Social Development is also a full member of the CDSMC, and the Papua New Guinean Minister for Social Welfare and Development attends as an observer. The Community and Disability Services Ministers' Advisory Council (CDSMAC) provides support to the CDSMC and other Ministerial Councils and the Council of Australian Governments in relation to emerging national and international issues of priority where nationally coordinated management would be of benefit.

4.2.2 Strategic

The Australian Government's key strategies and plans to respond to violence against women and their children include the following.

- *The National Plan of Action to Reduce Violence against Women and their Children*, that has been coordinated and overseen by the 11-member National Council to Reduce Violence against Women and their Children and the Safety Taskforce Branch in FaHCSIA.
- *The Women's Safety Agenda* that addresses four broad themes: prevention, health, justice and services. It aims to reduce the effects of domestic violence and sexual assault upon the community by building on the achievements of the *Partnerships Against Domestic Violence* initiative and the *National Initiative to Combat Sexual Assault*. It turns the spotlight on violence prevention and early intervention, and support for those affected by violence.
- *The National Indigenous Law and Justice Framework* is underway and is led by SCAG. The framework aims to develop a coordinated, long-term and multi-jurisdictional approach to reducing the pressing and complex law and justice issues affecting Indigenous Australians.

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- The Northern Territory Emergency Response, which was announced by the former Australian Government in June 2007 as a 'national emergency response to protect Aboriginal children in the Northern Territory from sexual abuse and family violence'. The urgency of the response reflected the first recommendation of the *Little Children are Sacred* report from the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse. The measures introduced included:
 - widespread alcohol restrictions on Northern Territory Aboriginal land;
 - welfare reforms to stem the flow of cash towards substance abuse and to ensure funds for children's welfare are used for that purpose;
 - enforcing school attendance by linking income support and family assistance payments to school attendance for all people living on Aboriginal land, and by providing meals for children at school at parents' cost;
 - voluntary health checks for all Aboriginal children to identify and treat health problems;
 - sexual assault Mobile Outreach Services (MOS) in remote communities to deliver counselling services to Aboriginal children and their families and communities;
 - holding a summit to explore how Aboriginal males in Central Australia can change behaviours to address child abuse and related issues in their communities;
 - acquiring townships prescribed by the Australian Government through five-year leases, including payment of just-terms compensation;
 - increasing policing levels in prescribed communities, including requesting secondments from other jurisdictions to supplement Northern Territory resources, funded by the Australian Government;
 - requiring intensified on-the-ground clean-up and repair of communities to make them safer and healthier by marshalling local workforces through 'work-for-the-dole';
 - improving housing and reforming community living arrangements in prescribed communities through measures such as the introduction of market-based rents and normal tenancy arrangements;
 - banning the possession of X-rated pornography and introducing audits of all publicly funded computers to identify illegal material;
 - scrapping the permit system for common areas, road corridors and airstrips for prescribed communities on Aboriginal land;
 - improving governance by appointing managers of all government business in prescribed communities.

Further information about the Northern Territory Emergency Response is found in Section 7 of this report.

- Centrelink's *Domestic and Family Violence Strategy 2005-08* and its action plan, that aim to ensure that Centrelink's domestic and family violence response is comprehensive, informed and supportive of the needs of its customers and the community. As an agency-wide strategy, it recognises that Centrelink is often a first-contact agency. It consists of four main components: training Centrelink customer service staff about domestic and family violence issues; improving customer service for victims of domestic and family violence; working in partnership with community; and providing input to policy.
- The Department of the Prime Minister and Cabinet's *Social Inclusion Agenda*, which is a whole-of-government approach to providing opportunities for all Australians to participate in the life of the nation. The Agenda recognises the importance of allowing all Australians access to services they need and the opportunity to work; to connect with their family and friends; to become involved in their local community; to have the skills to deal with crises; and to make their voices heard. It recognises there are barriers that prevent participation. The Agenda recognises the critical role the not-for-profit sector plays in delivering services, advising and developing social policy, and advocating on behalf of marginalised groups. A strong relationship between the government and the sector will be crucial to the success of the Agenda and related reforms¹⁶⁴.
- The Family Court of Australia's *Family Violence Strategy 2004*, which addresses family violence when it is an issue for its clients. It reflects considerable consultation with the legal profession, the community, clients and other service providers and recommends five key action areas, and plans for their implementation. These are: information and communication; safety; training; resolving the dispute; and making the decision. An external reference group has been established to help the Family Violence Steering Committee implement the strategy and to ensure it includes a range of views that address diverse needs and circumstances.
- *The Australasian Policing Strategy on the Prevention and Reduction of Family Violence 2008*, which was launched in November 2008 by the Australasian Police Commissioners. It will ensure that responses by Australasian jurisdictions are based on more consistent policies and practices and focuses on improving early intervention strategies and programs, systems of information and intelligence-sharing between police and between partnership agencies.

The strategy earmarks 10 priorities for action including:

- education and training – improved investigation and management of family violence;
- research and knowledge base – sharing success across jurisdictions;

¹⁶⁴ Department of the Prime Minister and Cabinet, *Social Inclusion website*. Commonwealth of Australia, Canberra, viewed December 2008 <http://www.socialinclusion.gov.au/default.htm>.

- police and legal responses – influencing policy and legal reform;
 - incident response – applying greater consistency;
 - early intervention – shifting from reaction to prevention;
 - communication and information sharing – removing barriers between jurisdictions and agencies;
 - diverse and emerging communities – instilling confidence in the police role;
 - Indigenous family violence – addressing the over-representation of Indigenous people as victims and offenders;
 - children at risk – protecting children from family violence;
 - people affected by family violence – ensuring responses reflect the needs of victims;
 - The framework also emphasises the development of specific responses to address domestic and family violence within Indigenous families and diverse and emerging communities.
- The *National Framework for Protecting Australia's Children*, which is under development to produce a practical, action-focused framework to make a difference to the well-being of all children. Some \$2.6 million has been allocated for the 2008-09 financial year to develop and implement the framework. FAHCSIA will be the lead agency.
 - A *National Homelessness Strategy*, which has developed approaches to prevent and reduce homelessness and to integrate service delivery to those vulnerable to homelessness. It aims to provide a framework that:
 - improves collaboration and links between existing programs and services in a way that improves client outcomes and reduces the incidence of homelessness;
 - identifies promotable, replicable best-practice models that enhance existing homelessness policies and programs;
 - builds the capacity of the community to improve networks;
 - raises awareness of the issue of homelessness throughout all areas and levels of government and the community.

Two streams of funding are provided under the strategy: demonstration project funding (for opportunities to trial and evaluate new and innovative approaches that prevent, reduce or respond to homelessness) and communication activity funding (for small scale, one-off initiatives that share knowledge, raise awareness and/or promote best-practice models/principles for preventing and/or responding to homelessness). Under the 2007-09 round of funding, seven demonstration projects and six communication activities received support. An example is the Djabulukgu Association's (Kakadu Health Service) *Bidygarra – Helping Everyone* project which focuses on integrated and effective access to social support services in a culturally appropriate manner. The program addresses the contributing factors of homelessness such as substance misuse and family violence.

- The Department of Human Services through the Child Support Program is producing a *Domestic and Family Violence Strategy* and action plan. This is as an agency-wide initiative which recognises that the agency is often one of the first contact points for separated families who have experienced domestic and family violence. It aims to ensure the agency's response is comprehensive, informed and supportive of the needs of its customers and the community. It will comprise a comprehensive review, and update, of staff procedures; staff training and development; customer service; and continued engagement and partnership with stakeholders to address issues and improve outcomes.
- The Department of Health and Ageing is developing a *National Women's Health Policy* during 2009. The policy will be developed in consultation with women, women's groups, state and territory governments and other stakeholders. As in the previous *National Women's Health Policy*, violence against women may be an area of concern for women that is raised during the consultation process. The policy is expected to be finalised in 2010.
- The Department of Health and Ageing also has a *National Strategic Framework for Aboriginal and Torres Strait Islander Health 2003-2013*¹⁶⁵. The *National Strategic Framework* is a framework for action which was signed by all Australian governments in 2003. The aims of the *National Strategic Framework* are consistent with the priorities of the Australian Government in terms of life expectancy and mortality. The first two aims of the *National Strategic Framework* are to:
 - increase life expectancy to a level comparable with non-Indigenous Australians;
 - decrease mortality rates in the first year of life and decrease infant morbidity by:
 - › reducing relative deprivation;
 - › improving well being and quality of life.

Key Result Area Four of the *Framework* is specifically aimed at enhancing the emotional and social well being of Aboriginal and Torres Strait Islander peoples and in particular targets mental health, suicide, alcohol, and substance misuse and family violence issues, including child abuse. One of the specific objectives of this key result area is the significant reduction of the incidence of family violence and child abuse in Aboriginal and Torres Strait Islander communities.

The *Australian Government Implementation Plan 2007-2013* (the Implementation Plan) details the specific activities to be undertaken by the Australian Government to realise the aims and objectives of the *National Strategic Framework*. Health portfolio progress (including state and territory governments) against the implementation plan will be reported every year, and whole-of-government progress every second year.

165 Department of Health and Ageing, *The National Strategic Framework for Aboriginal and Torres Strait Islander Health 2003-2013*, Commonwealth of Australia, Canberra, 2002, viewed December 2008 <http://www.health.gov.au/internet/main/publishing.nsf/Content/health-oatsih-imp07-13>

4.2.3 Sustained

The efforts of the Australian Government to ensure that there is ongoing funding and leadership of activities to respond to violence against women and their children are as follows.

- The National Council to Reduce Violence against Women and their Children ('the Council') was formed on 26 May 2008 to help fulfill the Government's election commitment to address sexual assault and domestic and family violence in Australia. The Council is responsible for providing expert advice and direction to the Government on measures to reduce the incidence and impact of these offences on women and their children. It comprises 11 members¹⁶⁶ selected for their extensive knowledge, expertise and networks in this field. Support is provided by the Safety Taskforce Branch within FAHCSIA.

The Council's Terms of Reference are to:

- Provide expert advice and direction to the Australian Government on measures to reduce the incidence and impact of domestic and family violence and sexual assault on women and their children.
- Provide guidance to achieve the implementation of key elements of the Government's election commitments to improve women's safety, including progressing the development of a *National Plan to Reduce Violence against Women and their Children*.
- Provide leadership in the identification of best practice, and policy and program development to prevent violence against women and their children.
- Consult widely across government and the community, including policy makers, funding agencies, service providers, peak sector organisations, and victims survivors and perpetrators.
- Report biannually on progress on women and their children's safety to the Minister for the Status of Women.
- The National Women's Safety Taskforce was established in 2003 as a subcommittee of Women's Advisers Meeting to address three issues of women's safety: sexual assault, domestic violence and Indigenous family violence. The Taskforce comprises officials with responsibility for these areas across Commonwealth, state and territory governments and aims to identify opportunities for strategic collaboration.
- The Attorney General's Department's National Indigenous Law and Justice Advisory Body is being established.

166 Council members are: Libby Lloyd (Chair), Heather Nancarrow (Deputy Chair), Council members Pauline Woodbridge, Dorinda Cox, A/Professor Moira Carmody, Dr Melanie Heenan, Maria Dimopoulos, Rachel Kayrooz, Vanessa Swan, Andrew O'Keefe and Lisa Wilkinson (as of March 2009).

- The Australian Social Inclusion Board was established in May 2008 to act as the main advisory body to the Australian Government on ways to achieve better outcomes for the most disadvantaged in our community. The board comprises members of the Australian community with a variety of backgrounds and a common goal of contributing to Australian society by advancing the Social Inclusion Agenda. The board met for the first time in Melbourne on 21 May 2008. The Social Inclusion Unit in the Department of the Prime Minister and Cabinet provides support to the board.
- The Child Support National Stakeholder Engagement Group was established in 2006 as the main advisory body that identifies ways to improve the Child Support Scheme and its administration through the Child Support Program. The group is jointly managed by the agency and FAHCSIA and comprises members from advocacy groups for the 1.5 million parents in the child support system, community service providers, researchers, courts, legal practitioners, government agencies and children. The group has an annual work plan which this year includes the identification and improvement of issues for families suffering, or at risk of suffering, domestic violence.

4.2.4 Prevention

To change community attitudes and prevent violence against women and their children, the Australian Government has put in place the following measures.

- Set up the National Council to Reduce Violence against Women and their Children to develop a comprehensive, evidence-based National Plan of Action.
- Funded a number of activities that support the development of the Plan including:
 - Allocating \$1 million over four years to the White Ribbon Foundation to expand its campaign to promote culture change among young men into rural and regional areas.
 - Capacity building in the domestic violence network to support early intervention and prevention approaches.
 - Support to develop a national framework to drive sexual assault prevention education in Australia.



4.2.5 Provision

The Australian Government funds and provides a range of services for victims/survivors of violence to increase their physical, mental and social wellbeing, as well as funding research and capacity building to improve the quality of those services.

Activities funded by FaHCSIA include:

- *National Child Protection Week* provides individuals and communities with opportunities to participate in, and contribute to, the prevention of child abuse and neglect; and to promote their own programs and projects in each state and territory. The main purpose of National Child Protection Week is to raise awareness of the point that the wellbeing and safety of Australia's children is everyone's responsibility.
- *Mensline* – a dedicated nationwide service for men with relationship and family concerns. It provides counselling, information and referral 24 hours a day, seven days a week.

Under the *Women's Safety Agenda* FaHCSIA funds projects that trial and evaluate new preventative and response mechanisms and/or develop and promote products that improve best-practice service delivery.

- Initiatives under the *Women's Safety Agenda* include funding for:
 - Australian Domestic and Family Violence Clearinghouse;
 - Australian Centre for the Study of Sexual Assault;
 - training for nurses and Indigenous health workers in regional and rural areas;
 - funding of research projects on domestic violence and sexual assault.
- FaHCSIA's Indigenous Family Violence Program covers projects funded through the Family Violence Partnership Program to provide education and awareness of Indigenous family violence across the spectrum through services to victims and perpetrators.

The Family Violence Regional Activities Program provides practical and flexible support for projects identified by local communities to address family violence, sexual assault and child abuse.

- The Attorney-General's Department funds the following services¹⁶⁷:
 - Family Relationship Centres are a source of information and confidential advice for families at all stages in their life. 65 centres are located throughout Australia. Funded by the Australian Government, the centres are staffed by independent, professionally qualified staff offering confidential and impartial services in a welcoming, safe and confidential environment.
 - The Family Relationship Advice Line is a national telephone service established to help families affected by relationship or separation issues. The advice line provides information on family relationship issues and parenting arrangements after separation. It can also refer callers to local services that can provide assistance.
 - Family Relationships Online provides information about family relationships and separation, and helps people find services across Australia. It informs families of the different services that can help them manage relationship issues such as agreeing on appropriate arrangements for children after parents separate. Service providers can also use Family Relationships Online to find local and out-of-area services that might be helpful to their clients. Family Relationship Advice Line staff use it to identify services for referrals.
 - Family Dispute Resolution is a process conducted by independent practitioners to help family members resolve some or all of their disputes through methods such as mediation and conciliation. Family dispute resolution services can help separating families resolve disputes as an alternative to going to court.
 - Family Counselling is the name for counselling under the *Family Law Act 1975*. Family counselling services help people with relationship difficulties to better manage the personal or interpersonal issues relating to children and family during marriage, separation and divorce. Family counselling may be about hurt feelings, problems between couples or with another person in the family, new living arrangements and issues relating to the care of children and financial adjustments.
 - Children's Contact Services help the children of separated parents establish and maintain a relationship with their other parent and family members. The services provide a safe, reliable and neutral place to help parents with the changeover of children. They also provide supervised visits to help manage contact arrangements, especially where there are concerns about safety. The number of Children's Contact Services has been expanded to 65 across Australia.

167 Attorney-General's Department, *Family Relationship Services – Overview of Program*, Commonwealth of Australia, Canberra, viewed December 2008 http://www.ag.gov.au/www/agd/agd.nsf/Page/FamiliesFamily_Relationship_Services_Overview_of_Programs#Centres

- The Parenting Orders Program helps separating families that are experiencing serious conflict about parenting arrangements. The Parenting Orders Program uses a variety of child-focused and child-inclusive interventions to respond more effectively and flexibly to families' needs and tries to work with all family members. A caseworker intensively manages parents and helps them understand the effect their conflict is having on their children. Family members, including children, can receive services such as counselling, family dispute resolution and group work education as part of this program. High conflict families are referred to the program to offer separated parents an alternative to taking their disputes to court. The program has been expanded to 20 services across Australia.
- Post Separation Cooperative Parenting gives education and support to separated parents in instances where a high level of conflict is affecting their relationships with their children. It helps them focus on the children's needs, instead of on the conflict with the other parent. Post Separation Cooperative Parenting builds on the success of Building Connections, which was piloted by Interrelate Family Centres in regional NSW in 2005-06.
- The Supporting Children After Separation program helps children from separating families deal with issues arising from the breakdown in their parents' relationship and to participate in decisions that affect them. It aims to support children within the context of their family and help them manage and enhance their relationships during and after family separation.
- Centrelink delivers income support payments on behalf of the Australian Government to individuals and families, including women and children escaping sexual assault or domestic and family violence. Centrelink seeks to support women and their children who have experienced, or are at risk of experiencing, sexual assault or domestic and family violence, with flexible and supportive servicing arrangements. Centrelink social workers provide professional assessment, counselling and referral to community support services for customers who may be facing difficult personal and/or family circumstances, including sexual assault and family violence.

With about 600 social workers nationally, help is readily accessible through Centrelink Customer Service Centres across Australia, and within the Centrelink Call Centre network. They provide support and referral for Centrelink customers seeking assistance with regard to sexual assault or domestic and family violence. Centrelink social workers also determine a customer's eligibility for payments/assistance due to domestic and family violence on behalf of various Australian Government departments, including:

- crisis payments on behalf of FAHCSIA (a one-off support payment);
- exemption from a child support assessment (assessed on behalf of the Child Support Program) that allows payment of the maximum rate of the Family Tax Benefit Part B;

- payment of an independent rate of Youth Allowance based on the need to leave home (on behalf of the Department of Education, Employment and Workplace Relations, domestic and family violence being a common issue for these young people);
 - exemption from workforce participation requirements for income support recipients experiencing domestic violence for up to 16 weeks at a time (on behalf of the Department of Education, Employment and Workplace Relations);
 - a specialist family violence assessment service (on behalf of the Department of Immigration and Citizenship) that determines eligibility for permanent residency due to domestic violence, for a partner on a temporary (spousal) visa¹⁶⁸.
- The Department of Human Services (through the Child Support Program) funds and provides services to support the 1.5 million parents and 1.1 million children within its customer base. Services include:
 - priority and proactive referral assistance phone service for people at risk of violence or harm to self or others;
 - referral to Centrelink for cases where violence could suggest an appropriate situation for exemption from registering for child support payments;
 - proactive, warm transfer referrals and an online Community Service Directory that links families to support services including domestic violence related services;
 - immediate reporting and referral to police of trusted reports relating to violence.

The agency also produces a range of renowned products that are in high demand and used by the services and programs outlined in this document. More than two million of these products have been distributed in the past two years. They include: self-help booklets for parents (*Me and My* series – *What About Me*, *Me and My kids*, *Me and My ex*, *Me and my Changing Family*) that enhance quality family relationships and help with anger management; the Staying Connected training program for parents (primarily men) that enhance family relationships and help with anger management; and self-help books for teenagers – *The Teens Guide to Separation* (books for younger children are in production) used in the Supporting Children After Separation program to help cope with the situation and avoid violence.

¹⁶⁸ Centrelink, *Internal communication*, Commonwealth of Australia, Canberra, December 2008.

The agency is also producing a Family Pathways internet product that includes a specific pathway for families with domestic violence issues. The pathway links families directly to options and services. It is the first product of its type and will be used by community service providers and parents to identify options and pathways through the family law and support system.

- The Department of Education, Employment and Workplace Relations has policy responsibility for income support payments for working age people, including the Parenting Payment, Newstart Allowance and Youth Allowance. The Department provides:
 - exemptions from participation requirements for up to 16 weeks at a time for parents experiencing domestic violence;
 - an independent rate of Youth Allowance is available based on the need to leave home due to domestic and family violence;
 - the delivery of the Personal Support Program which is a pre-employment program that provides individual assistance to help participants address the non-vocational barriers that impact on their capacity to participate in the workforce or the community. People eligible for the Program need individualised attention because of their difficult circumstances. They may face homelessness, drug and alcohol problems, psychological disorders, domestic violence or other significant barriers to participating in employment, study or the community.
- The Australian Crime Commission's National Indigenous Violence and Child Abuse Intelligence Task Force was announced in July 2006 as part of a whole-of-government response to remedy violence and child abuse in remote, rural and urban Indigenous communities. The Task Force collects and analyses information about violence and child abuse in these communities and shares it with government and law enforcement agencies so they can make informed decisions about improving community safety. The Task Force is building an enhanced national intelligence capability on this issue, one that will inform future enforcement and wider government decision-making on addressing violence and child abuse in Indigenous communities¹⁶⁹.

169 Australian Crime Commission, *National Indigenous Violence and Child Abuse Intelligence Task Force Information Sheet*, Commonwealth of Australia, Canberra, 2007.

- The Department of Immigration and Citizenship provides information to prospective and newly arrived migrants and humanitarian entrants, to help them settle and culturally adjust to Australian life. This information covers relationships, gender roles and equality, parenting practices, domestic violence and law and order issues. Written information is translated into a wide range of languages. For example:

- The Australian Cultural Orientation Program is available to all refugees and humanitarian visa holders over the age of five and is delivered, when possible, over five days. The course is designed for four main groups — adults, youth, children and pre-literate entrants. It provides an initial introduction to enhance entrants' settlement prospects and their adjustment to Australian life. Family days have been developed so that family members attending different courses have one day together to learn about topics of importance such as shifting family and gender roles.
- Information about Australian law and community standards relating to family relationships and gender equality through a variety of documents and visa requirements. This information is provided through different mediums such as departmental forms, fact sheets and other documents available on the department's web site. Many of these products state fundamental Australian values, including respect for the individual and equality of the sexes.
- Settlement services for eligible migrants and humanitarian entrants which focus on equipping new arrivals with the skills and information needed to participate effectively in the broader Australian community, encouraging their independence and linking them to essential services such as Centrelink and Medicare.

Other important services provided or funded by the Department of Immigration and Citizenship include the following.

- The *Integrated Humanitarian Settlement Strategy* provides intensive, initial settlement assistance to people who have been resettled in Australia as refugees and Special Humanitarian Program entrants. This includes orientation and information on living in Australia, and discussion on issues such as domestic and family violence. Entrants are case managed on a needs-assessed basis and if issues relating to family relationships, including violence, are identified, the relevant specialist services are engaged.
- The Settlement Grants Program funds organisations for settlement services to eligible migrants for up to five years after arrival. Services include information provision, referral to appropriate agencies and casework with individuals and families. Depending on the client, services may focus on family breakdown and/or parenting skills, including provision of information about Australian practices and laws, and referral to appropriate support services. Many organisations provide support groups for clients at risk of isolation, including immigrant women.

- The Complex Case Support Program was implemented nationally in October 2008. It provides intensive case management to the small number of refugees who have extensive needs beyond the scope of existing settlement services. In many situations, the program's cases involve interconnected settlement barriers (rather than a single issue) which may include: multiple and debilitating medical conditions; significant mental health problems; sexual assault or domestic and family violence; substance abuse; or crisis events after arrival in Australia. The department established a panel of service providers through an open tender process to deliver this program's services on a needs basis.
- Unaccompanied Humanitarian Minors are children who enter Australia on a humanitarian visa and do not have a parent to care for them. Such children, who fall within the ambit of the *Immigration (Guardianship of Children) Act 1946*, become wards of the Minister for Immigration and Citizenship and are provided care and welfare support by the relevant state welfare agency. Services provided by state welfare agencies include monitoring of care arrangements by a social worker and assistance with clothing, food, housing, health and educational requirements. These services are in addition to those provided through the Integrated Humanitarian Settlement Strategy to all humanitarian entrants.
- The Adult Migrant English Program provides English lessons to eligible adult migrants. Participants can also make new friends and learn about Australia, its people and customs. Some of the department's teaching materials developed cover relationship and parenting issues. The program's service providers also develop their own materials for individual classes. Speakers are invited from various agencies to talk on issues such as relationships, law and order, Centrelink benefits and so forth.
- Community relations funding to local communities through the Living in Harmony Program for a broad range of projects that help Australians combat racism and intolerance. Some of these projects have a focus on empowering women, strengthening support networks to help overcome isolation, and increasing awareness of services, social norms and laws.
- Multicultural affairs funding to the Federation of Ethnic Communities' Councils of Australia to advocate, develop policy and promote issues on behalf of culturally and linguistically diverse Australians. As part of its 2007-08 and 2008-09 work plans, the Federation partnered with the White Ribbon Foundation to involve culturally and linguistically diverse Australians in the *White Ribbon Campaign*. During 2008, it held a community workshop to discuss ways to engage communities in the campaign and a *White Ribbon Day* morning tea on 24 November to raise awareness.

- Australia's Humanitarian Program has a special 'Woman at Risk' category visa. This helps women who are subject to persecution, who are of concern to the United Nations High Commissioner for Refugees, or who are living outside their home country without the protection of a male relative and are in danger of victimisation, harassment or serious abuse because of their gender. In 2007–08, 819 visas were granted to Woman at Risk applicants. This represented 13.7 per cent of the refugee category allocation, exceeding the nominal annual target of 10.5 per cent. The level of Woman at Risk visa grants for 2007–08 was the fourth highest since this visa sub-class was established in 1989. A total of 8,810 Woman at Risk visas have been granted since this time.
- The Australian Human Rights Commission (the Commission) has statutory responsibilities including education and public awareness raising; discrimination and human rights complaints; human rights compliance; and policy and legislative development. It provides the following services.
 - Women and children in immigration detention facilities - the Commission undertakes work aimed at raising awareness and monitoring and preventing human rights violations (including violence and abuse) of immigration detainees. This work includes: educating the Australian public, for example through speeches or educational materials and national inquiries (such as *A Last Resort: National Inquiry into Children in Immigration Detention*); monitoring the conditions within detention facilities through regular inspections; and developing minimum standards for the protection of human rights in immigration detention. The Commission is completing a report on its inspections of immigration detention facilities for 2008. The report will be published on its web site early in 2009.
 - Women with disability and their children - the Disability Discrimination and Sex Discrimination Commissioners discuss issues about violence and women with disability at community and government meetings and through speeches to raise awareness.
 - Indigenous Women and their Children - since 2007, the Commission has been developing resources and delivering training to Indigenous Community Legal Education workers as part of their preparation for employment in Family Violence Prevention Legal Services. The role of the Community Legal Educators is to raise awareness of the relationship between Australian law, customary law and human rights as it intersects with family violence. The educators work with Indigenous community members; particularly elders, women and youth, to speak out about family violence and to recognise that violence is inconsistent with customary law, the Australian legal system and human rights. The Commission's training package includes content on community development approaches and community campaign strategies to promote healthy behaviours and help-seeking behaviours in Indigenous communities. Legal educators are trained in developing effective relationships and initiating projects with supporting services and key stakeholders such as police, the legal profession, field officers and other para-professionals. The training is nationally accredited, providing credit towards competencies in the National Indigenous Legal Advocacy courses.

- Research and reporting - the Commission conducts research and publishes reports that are used to inform government policy on family violence in Indigenous communities, and as an education and awareness-raising resource for government, the community and the public. For example, the Commission produced a community guide on family violence programs that were profiled in the *Social Justice Report 2007*. These documents are distributed to the public to raise awareness of the issues and how these issues can be addressed. Over the past five years, the Aboriginal and Torres Strait Islander Social Justice Commissioner has conducted research into family violence and abuse in Indigenous communities. A summary of that research was published in 2006 titled: *Ending Family Violence and Abuse in Aboriginal and Torres Strait Islander Communities*. The research identified 10 principles that provide a foundation for policy and program development in family violence prevention.
- Sexual harassment education - the Commission produces many online education resources, speeches and publications on sexual harassment. In 2008, the Commission launched its *National Telephone Survey on Sexual Harassment*, a *Revised Code of Practice on Preventing Sexual Harassment*, and *A Quick Guide to Preventing Sexual Harassment*. It also produces resources for teaching and learning activities about sexual harassment, including *Tackling Sexual Harassment in Your School*. This program is made up of a series of structured activities that will help students understand key aspects of sexual harassment law; identify behaviour that would constitute sexual harassment; understand the reasons why some people might engage in sexual harassment; understand the effect that sexual harassment can have on people; develop strategies to address sexual harassment; and apply their knowledge and understanding of this issue to their school community.
- The 'Living Spirit' forum - this was a dialogue between Muslim and non-Muslim Women, hosted by the Commission. Many strategies emerged from this dialogue to help combat racist violence against Muslim and Arabic women.
- The Department of Defence's key family support agency is the Defence Community Organisation (DCO). DCO provides support to families who are experiencing or are at risk of domestic violence through a generalist social work service and referrals to agencies with expertise in domestic violence. Service families may self-refer or be referred to the DCO's social workers to address the causes and impact of domestic violence. The Department also provides safe houses for women and children experiencing domestic violence.
- A Defence Instruction is in place that gives Commanders discretion with regard to access to Australian Defence Force (ADF) weapons by ADF members who are subject to state or territory court or police orders that are issued for the protection of one person against another. The Instruction specifically applies to weapons protection orders, which limit or restrict access to a weapon or firearm.

- The Department of Health and Ageing in partnership with FaHCSIA's Safety Taskforce Branch, is responsible for two components of the Domestic Violence initiative, under the *Women's Safety Strategy*:
 - Providing incentive payments, through the Practice Incentives Program (PIP) to encourage general practices in rural and remote areas to act as a referral point for women experiencing domestic violence.
 - Promoting the initiative, facilitating access to training and providing support to practice nurses and Aboriginal health workers working in PIP-eligible practices to participate in the training. The Department has engaged the Australian General Practice Network to promote the training program and to support eligible participants with travel and accommodation costs to attend the face-to-face training.
 - The Department also provides the New Early Intervention Services for Parents, Children and Young People measure which aims to support early intervention for children and young people at risk of developing mental health problems. This includes focusing on high risk groups, including children who have experienced trauma, loss or grief.
- The Department of Veterans' Affairs has established the Veteran and Veterans' Families Counselling Services which provide counselling and group programs to Australian veterans, peacekeepers and their families. The Veteran and Veterans' Families Counselling Services' psychologists and social workers can work with families experiencing or at risk of experiencing domestic violence and will also make referrals to appropriate community based organisations to facilitate more specialised support. A number of Department policies and guidelines are also in place to support staff to respond effectively to veterans and their families experiencing domestic violence, including notifying child protection agencies in cases that involve children. The Veteran and Veterans' Families Counselling Services has also developed a fact sheet for use by clients that outlines what domestic violence is, how it presents itself, the feelings and thoughts victims are likely to experience and information on how to address it and who can help.

4.2.6 Prosecution

The following legislation is in place at the national level which aims to protect the rights of women and to ensure there is an appropriate legal response to violence.

- *The Racial Discrimination Act 1975* gives effect to Australia's obligations under the *International Convention on the Elimination of All Forms of Racial Discrimination*. Its major objectives are to: promote equality before the law for all people, regardless of their race, colour or national or ethnic origin; and make discrimination against people on the basis of their race, colour, descent or national or ethnic origin unlawful. Section 18C deals with racial hatred.

- *The Family Law Act 1975* sets out the law regarding divorce, parenting and child maintenance. It also covers the division of property between married or formerly married couples (but not *de facto* couples). Violence is referred to many times, but see particularly section 60CC and section 60CG (best interests of the child), section 60K (court to take prompt action where there are allegations of violence), section 61DA (presumption of equal shared parental responsibility does not apply where there has been violence), and Division 11 (inconsistency between protection orders and Family Court orders). The Act was amended in 2006 to require the court to consider whether the child should spend equal time or substantial and significant time with each parent, and to emphasise referral to family dispute resolution rather than court proceedings.
- The *Sex Discrimination Act 1984* gives effect to some of Australia's obligations under the *Convention on the Elimination of All Forms of Discrimination Against Women* and certain aspects of the *International Labour Organisation (ILO) Convention 156*. Its major objectives are to: promote equality between men and women; eliminate discrimination on the basis of sex, marital status or pregnancy and, with respect to dismissals, family responsibilities; and eliminate sexual harassment at work, in educational institutions, in the provision of goods and services, in the provision of accommodation and the delivery of Commonwealth programs. Section 28A defines sexual harassment.
- *Human Rights and Equal Opportunity Commission Act 1986* established the Human Rights and Equal Opportunity Commission (known as the Australian Human Rights Commission) and gives it functions, including handling of individual complaints, in relation to the following international instruments ratified by Australia: *International Covenant on Civil and Political Rights*; *International Labour Organisation Discrimination (Employment) Convention ILO 111*; *Convention on the Rights of the Child*; *Declaration of the Rights of the Child*; *Declaration on the Rights of Disabled Persons*; *Declaration on the Rights of Mentally Retarded Persons*; and *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*. The Aboriginal and Torres Strait Islander Social Justice Commissioner has specific functions under the *Human Rights and Equal Opportunity Commission Act 1986* and the *Native Title Act 1993* to monitor the human rights of Indigenous people.
- *Social Security Act 1991* sets out the law for the provision of payment to eligible people in Australia, certain pensions, benefits and allowances, and for other related purposes. The Northern Territory Emergency Response comes under the income management provisions of this Act.

- *Migration Regulations 1994* outline special provisions relating to family violence for applicants who have applied for a spouse, interdependency or relevant business visa that may be granted as part of Australia's migration program. The *Family Violence Provisions* (FVP) in the regulations allow certain people applying for permanent residency in Australia to continue with their application after the breakdown of their spouse or interdependent relationship if they, or a member of their family unit, has experienced relevant family violence committed by their spouse or interdependent partner.

Under the provisions, people who are in Australia and who are applicants for certain family-stream or skilled-stream (business) visa classes may enliven the provisions' regulations providing they can prove that their relationship was genuine and continuing until it ceased due to family violence. When a Department of Immigration and Citizenship's decision-maker is unable to determine whether family violence has taken place based on the information before them, the applicant's family violence claims are referred to an independent expert for assessment. This expert is Centrelink, and the Department of Immigration and Citizenship is bound by the assessment made by a Centrelink Senior Social worker. (Note: Before 15 October 2007, the regulations referred to 'domestic violence' but were changed to reflect amendments to the *Family Law Act 1975*.)

- The *Child Support Assessment Act 1989* (section 151A) specifically provides an opportunity for parents to be exempted from the requirement to register for child support should family violence be an issue.
- *Family Law Amendment (Shared Parental Responsibility) Act 2006* was introduced on 1 July 2006, and represents a generational change in family law. It aims to bring about a cultural shift in the management of family separation away from litigation and towards cooperative parenting. A new objective clarifies that children need to be protected not only from direct harm, but from harm that comes from being exposed to family violence against others. The Act includes a new power for the courts to require state and territory agencies to provide information and reports that they may have about allegations of family violence or abuse. The Act provides a less adversarial approach to children's proceedings, providing a new case-management approach that will better focus on children and will ensure that issues of violence and abuse are dealt with at an early stage in children's proceedings¹⁷⁰.
- *Northern Territory Emergency Response Act 2007*, among other laws, introduces mandatory reporting of family violence.

170 Attorney-General's Department, *Family Law Amendment (Shared Parental Responsibility) Act*, Commonwealth of Australia, Canberra, viewed December 2008 [http://www.ag.gov.au/www/agd/agd.nsf/Page/Families_FamilyLawAmendment\(SharedResponsibility\)Act2006](http://www.ag.gov.au/www/agd/agd.nsf/Page/Families_FamilyLawAmendment(SharedResponsibility)Act2006)

- *United Nations Convention on the Elimination of all Forms of Discrimination against Women* (signatory 1983) and Optional Protocol guarantee women equal rights with men in all spheres of life, including education, employment, health care, electoral voting and marriage. The Committee on the Elimination of Discrimination against Women was established to review reports that all signatory countries must submit on the status of women. An Optional Protocol for the convention was adopted by the United Nations in 1999. Nation states that ratify the protocol consent to the Committee on the Elimination of Discrimination against Women – the body that monitors states parties' compliance with the convention – receiving and considering complaints from individuals or groups within its jurisdiction.¹⁷¹ Australia is moving to ratify the Optional Protocol before International Women's Day on 8 March 2009.
- *United Nations Convention on the Rights of the Child 1990* sets out the civil, political, economic, social and cultural rights of children. It articulates the basic human rights of children: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life¹⁷².
- The *United Nations Convention on the Rights of Persons with Disabilities* was ratified by Australia on 17 July 2008 (Article 16 concerns freedom from exploitation, violence and abuse). National Interest Analysis is proposing that Australia become a party to the *Optional Protocol to the Convention on the Rights of Persons with Disabilities* tabled 3 December 2008.

¹⁷¹ United Nations, *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women*, United Nations, New York, 2000, viewed December 2008 <http://www.un.org/womenwatch/daw/cedaw/protocol>

¹⁷² UNICEF, *Convention on the Rights of the Child*, United Nations, New York, 1989, viewed December 2008 <http://www.unicef.org/crc>



5 Australian Capital Territory

5.1 Overview

The following table provides a high level overview of the support systems for victims/survivors of sexual assault and domestic and family violence in the Australian Capital Territory (ACT) in terms of Amnesty International's principles for action plans that are referred to as the 'three S's' – structural, strategic and sustained.

Principles of Practice in Formulation – the three S's

Structural

- ACT Office for Women
- The Family Violence Intervention Program is an interagency response to family violence involving:
 - ACT Magistrates Court
 - Australian Federal Police
 - Domestic Violence Crisis Service
 - ACT Corrective Services
 - Director of Public Prosecutions
 - ACT Legal Aid
- Department of Justice and Community Safety

Strategic

- *ACT Women's Plan (2004 – 2009)*
- Cabinet recently agreed to a whole-of-government statement on family violence (as of October 2008)
- *ACT Children's Plan (2004 – 2014)*

Principles of Practice in Formulation – the three S's

Sustained

- Coordinating Committee of the Family Violence Intervention Program
- The Domestic Violence Prevention Council
- The Family Violence Intervention Program received recurrent funding for two caseworkers for four years (to 2009-10) in the 2005-06 Budget
- In November 2007, the ACT Government provided nearly \$4 million over four years to the Department of Justice and Community Safety and non-government agencies to improve the ACT's response to sexual assault victims
- The ACT Government granted another \$580,000 in the 2007-08 Budget to the new Victims Support ACT agency to provide a seamless service with reduced waiting times for victims seeking counselling

The following table provides a high level overview of the support systems for victims/survivors of sexual assault and domestic and family violence in the ACT in terms of Amnesty International's principles for action plans that are referred to as the 'three P's' – prevention, provision and prosecution.

Principles of Practice in Content – the three P's

Prevention

- Family Violence Intervention Program
- The Domestic Violence Prevention Council intends to develop a community domestic violence campaign

Provision

- Family Violence Intervention Program
- Domestic Violence Crisis Line
- Several victim assistant/liaison positions within the police and criminal justice agencies
- The Wraparound Program – ACT Policing, the Director of Public Prosecutions, Canberra Rape Crisis Centre, the Forensic and Medical Sexual Assault Care and Victim Support ACT are working together to provide wraparound support, advocacy and assistance through the justice process
- Victim Support ACT – a one-stop shop for information, counselling and physical therapies, practical support and assistance with justice processes
- Child at Risk Health Unit (The Canberra Hospital)
- Forensic and Medical Sexual Assault Care (The Canberra Hospital)

Principles of Practice in Content – the three P's

Provision cont.

- Community Health's Women's Health Service – counseling for women affected by sexual, physical and emotional violence
- Restorative Justice Program
- Domestic Violence Crisis Service
- Women's Information and Referral Centre
- Canberra Rape Crisis Centre
- Service assisting male survivors of sexual assault
- Nguru Program – working against sexual violence with the Indigenous community

The Department of Disability, Housing, Community Services administers the following activities:

- the inclusion of domestic violence as one of the seven categories determining eligibility for access to priority housing
- ACT Debt Review collaborated with Housing ACT to better respond to: victims of domestic violence; and vulnerable tenants who have incurred debt through the misbehaviour of others (i.e. property damage as a result of violence)
- the Commission for Housing is empowered with discretionary power to waive accrued debt for women who have experienced domestic violence
- the development of policy that determines debt incurred as a result of domestic violence is not a barrier to re-entry into public housing
- the Supported Accommodation Assistance Program provides crisis and support services to women and children escaping domestic violence
- the Domestic Violence Christmas Initiative, which provides 1,000 extra beds during the Christmas period for people in crisis. It also includes a nominal rent of \$5 per week to acknowledge the financial difficulties faced by women and children escaping domestic violence
- Couch Surfing Program
- Integrated Family Support Program
- Young People Outreach Worker

Principles of Practice in Content – the three P's

Provision cont.

The Department of Education and Training administers the following:

- Safe Schools Program
- Harassment Program
- Behaviour management strategies

The Department of Justice/ACT Police have the following measures in place:

- ACT Police Sexual Assault and Child Abuse Team
- Sexual Assault Response Program
- Victims Support Program
- Wipe Out Program

Prosecution

- *Crimes Act 1900*
- *Domestic Violence and Protection Orders Act 2001*
- *Crimes (Restorative Justice) Act 2004*
- *ACT Human Rights Act 2004*
- *Children and Young People (Consequential Amendments) Act 2008*
- *Domestic Violence and Protection Orders Act 2008* (commencing not before March 2009)
- *Sexual and Violent Offences Legislation Amendment Act* (commencing not before March 2009)

5.2 Profile

This section outlines in further detail the ACT's current response to violence against women, using Amnesty International's principles for action plans known as the 'three S's' – structural, strategic and sustainable – and 'three P's' – prevention, provision and prosecution.

5.2.1 Structural

The structures put in place in the ACT that seek to harmonise responses to violence against women across government include the following.

- The ACT Office for Women is a core agency involved in preventing violence against women. Its role is to: provide advice to the Minister for Women on issues affecting women; provide an across-Government strategic direction and oversight of policy and program development for issues relating to women in the ACT; and develop and promote links between key stakeholders and the Government in working to improve the status of women.
- The Family Violence Intervention Program began in 1998 after a recommendation by the ACT Law Reform Committee in 1995. The coordinated inter-agency response to family violence involves the ACT Magistrates Court, the Australian Federal Police, Domestic Violence Crisis Service, ACT Corrective Services, Director of Public Prosecutions, ACT Legal Aid and the Department of Justice and Community Safety.

5.2.2 Strategic

The ACT has the following strategies and plans in place to guide efforts to reduce violence against women:

- *The ACT Women's Plan*¹⁷³ is a five-year plan (2004-2009) by an inter-departmental committee in collaboration with the Ministerial Advisory Council on Women. It provides a framework for developing strategies to improve the quality of life of all women. The plan is structured around six objectives:
 - representation and recognition;
 - good health and wellbeing;
 - responsive housing;
 - safe, inclusive communities;
 - economic security and opportunities;
 - flexible education and training.

¹⁷³ ACT Office for Women, *ACT Women's Plan*, ACT Government, Canberra, 2003.

- Within 'safe inclusive communities' there are four identified areas for action:
 - women's rights;
 - freedom from violence;
 - community participation;
 - valuing diversity and progressing reconciliation.
- Action plans are developed for each year and responsibility for these actions is assigned to an agency. Cabinet recently agreed to a whole-of-government statement on family violence (as of October 2008). The ACT soon will also develop a domestic violence prevention strategy, looking to the Victorian example.
- The Family Violence Intervention Program began in May 1998 and ran as a pilot project funded by Partnerships Against Domestic Violence until June 1999. The core agencies participating in the program are:
 - Australian Federal Police;
 - Office of the Director of Public Prosecutions;
 - Magistrates Court;
 - Corrective Services;
 - Department of Justice and Community Safety;
 - Victims of Crime Coordinator;
 - Legal Aid;
 - Domestic Violence Crisis Service.

The intervention program has a pro-arrest, pro-charge and presumption-against-bail philosophy as well as a pro-prosecution policy. This places ACT in a unique position. The pro-prosecution policy is promoted through improved evidence collection by police, improved information provided to the courts and case management and tracking. This occurs within an environment of continuous data collection, monitoring and evaluation. During the pilot project, government and non-government organisations involved in family violence developed common approaches to family violence, outlined in common purpose protocols. Through these protocols, organisations commit to:

- work together cooperatively and effectively;
- maximise safety and protection for victims of family violence;
- provide opportunities for offender accountability and rehabilitation;
- seek continual improvement¹⁷⁴.

174 ACT Inter-agency Coordinating Committee, *Family Violence Intervention Program in the ACT*, ACT Government, Canberra, 2008, viewed November 2008 www.aipm.com.au/resource/ACT%20Summary%20FVIP.doc

The program is inter-agency in nature, with all relevant agencies participating in ongoing policy, procedural and operational development of the program. It has been evaluated and has proven to be effective in increasing the proportion of cases prosecuted that involve a family violence offence as well as in securing a high conviction rate for these offences.

- Memorandum of Understanding between ACT Policing and the Canberra Rape Crisis Centre. This provides a coordinated, collaborative approach in support of victims and investigations of sexual assault and child abuse matters.
- *ACT Children's Plan*. This plan was launched on 15 June 2004 and not only outlines ACT's 10-year vision for children but acts as a guide for decision-making by government and non-government sectors about policies, programs and services for children up to 12 years of age. One of its main activities is to help schools address bullying and violence and provide safe school environments. This will include expanding the *Protective Behaviours Program* in primary schools to improve children's self-esteem and sense of safety.

5.2.3 Sustained

Arrangements in place to lead and fund ongoing efforts to reduce violence against women in the ACT are as follows:

- The Family Violence Intervention Program is overseen by a Coordinating Committee. Evaluation has shown the program to be effective and it has been funded since the cessation of funding from Partnerships Against Domestic Violence. In the 2005-06 ACT Budget, the program received recurrent funding for two caseworkers for four years (to 2009/10).
- In November 2007, the ACT Government provided nearly \$4 million over four years to the Department of Justice and Community Safety and non-government agencies to improve ACT's response to people who have been sexually assaulted. The ACT Government granted \$581,000 in the 2007-08 Budget to support the Victims Support ACT agency in providing a seamless service with reduced waiting times for victims seeking counselling.

5.2.4 Prevention

The Domestic Violence Prevention Council intends to develop a community domestic violence campaign.

5.2.5 Provision

Key services and programs provided in the ACT include the following:

- The *Family Violence Intervention Program*, which provides an integrated and coordinated response to victims of family violence. The Australian Federal Police work in conjunction with the Domestic Violence Crisis Service to ensure victims can access support early. The Domestic Violence Crisis Service maintains its support throughout the criminal justice process, if appropriate. The Australian Federal Police also have a Sexual Assault and Child Abuse Team which contains experts in both adult sexual assault and child abuse. The Department of Disability, Housing and Community Services also funds caseworker support to people affected by domestic violence and their participation in an integrated and coordinated criminal justice and community response to family violence.
- High-priority categories for urgent housing include women and children who have experienced domestic and family violence. The Department of Disability, Housing and Community Services has set a target that 85 per cent of applicants will receive housing within three months (the current average to date is 60 days).
- Several programs funded through the Supported Accommodation Assistance Program (SAAP) including:
 - the *ACT Debt Review*, which collaborated with the Department of Disability, Housing and Community Services to better respond to victims of domestic violence and vulnerable tenants who have incurred debt through the misbehaviour of others (such as property damage as a result of violence). The Commission has discretionary power to waive accrued debt for women who have experienced domestic violence;
 - the Domestic Violence Christmas Initiative, which is a collaborative project between government and the sector to meet increased need for services over Christmas. It involves injecting an extra 1,000 beds during Christmas for people in crisis. This program started in 2005-06 in recognition of the increase in demand for crisis accommodation services over the Christmas/New Year period. It provides interim crisis accommodation for six weeks to women and children escaping domestic violence. An extra 1,197 bed nights were provided in 2006-07. The Domestic Violence Crisis Service manages the intake to the properties, which enable women and children to be supported and accommodated after-hours, with the SAAP service providers taking over support the next day. In 2007-08, the department gave \$64,000 to nine families in crisis through this program;
 - women's refuges and women's services;

- the Couch Surfing Program, which is an innovative program to provide young homeless people who have not entered the SAAP crisis accommodation system with alternative housing options. It is likely that some of these young people have experienced or witnessed domestic and family violence and/or sexual assault. It has a particular focus on young people who are couch surfing with friends, relatives or other people. Alternatives to the 'refuge roundabout' prevent young people's adaptation to homelessness and the homelessness system that often occurs within weeks of entering the crisis system.

The program is designed to provide flexible, individual support to the family or person who is supporting the young couch surfer or to the young person. This support can include direct counselling, information and referral, and liaising with schools and health providers. There is a brokerage component to allow for the purchase or provision of items that will help the young person or the family/person to maintain the relationship and or strengthen the young person's capacity for independence. The program aligns with the *ACT Homelessness Strategy* and the *Youth Homelessness Action Plan*. It is managed by Barnardo's, and is an important link to the non-profit sector.

- The Domestic Violence Crisis Service provides crisis support for people in the ACT affected by domestic violence. It is the primary crisis response for women and their children experiencing violence and works closely with SAAP to ensure a smooth transition from the immediate crisis to supported accommodation. The service is a critical participant in the Christmas Domestic Violence Program. In conjunction with the Department of Disability, Housing and Community Services, it assesses and upgrades the security of properties. In the ACT, there is a four per cent turn-away rate for emergency accommodation. The department partners with the service to provide a Brokerage Fund that allocates 300 bed nights (in hotels) annually when other forms of crisis accommodation are unavailable. About \$1.23 million was allocated to the service in 2007-08.
- ATSiS Integrated Family Support Program is a partnership between the Department of Disability, Housing and Community Services, ACT Health, and the Department of Education and Training and non-government providers in the ACT, targeting at-risk children in vulnerable families.
- Child and Family Centres are integrated services, bringing together government and non-government services in two 'hubs' to improve access to child and family services for vulnerable families. Their main aim is early intervention.
- Young People Outreach Worker (also known as 'Hope, Opportunity and Choice') is a partnership program between Domestic Violence Crisis Service and the Office of Children Youth and Family Support within the department. The initiative provides a service to young people in the care-and-protection system and youth-justice system, who are using violence in the home.
- Service Level Agreement with the Domestic Violence Crisis Service – includes formal case management meetings for joint clients and a streamlined intake process for child protection reports from the service.

- IMPACT (Integrated Multi-agencies for Parents and Children Together) is a coordination/case management service in partnership with ACT Health for pregnant women, their partners and their young children (less than two years old) who are clients of Mental Health ACT and/or are receiving opioid replacement therapy and require assistance to manage their involvement with multiple services. Many of these families are experiencing significant family violence.
- Education programs and policies are in place, such as:
 - *Providing Safe Schools* policy;
 - *Countering Bullying, Harassment and Violence in ACT Public Schools* policy;
 - *Countering Sexual Harassment in ACT Public Schools* policy;
 - Complex Needs Team for students with significant behaviour difficulties;
 - School Counselling service;
 - Youth Education Support;
 - Youth Work Program focusing on youth who have disengaged from schooling;
 - Interagency programs such as the *Turnaround Program* for students with multi-agency involvement to better coordinate their case management, and the Children's and Youth Interagency Network (CYIN) – a collaborative interagency network which develops flexible plans for at-risk students by utilising a full range of government and non-government programs.
- Justice programs administered by the Department of Justice and Community Safety/ACT Police include:
 - Sexual Assault Response Program;
 - Victims Support Program;
 - Wipe Out Program – involves police working with abusers;
 - What About Me Program;
 - *The Australasian (Domestic Violence) Policing Strategy*.
- Health policies and services administered by the Department of Health/Community Health include:
 - *Family Violence Policy* – working to ensure that safety/issues, including children's, are considered when women present to agencies seeking assistance;
 - the Women's Health Service – provides a free, accessible, ongoing counselling service for women who experience abuse. The service also offers advice on survival skills for women who stay in abusive relationships;
 - the Child at Risk Protection Unit – offers forensic and regular health checks for children.

5.2.6 Prosecution

The ACT's prosecution environment for domestic and family violence centres on the *Domestic Violence and Protection Orders Act 2001*, which covers applications for protection orders, conditions governing protection orders, and characteristics of final orders, interim orders, emergency orders and reciprocal arrangements. Schedule 1 lists the domestic violence offences contained within the *Crimes Act 1900*, including the provision number within the Act. The ACT also offers circle sentencing for Aboriginal and Torres Strait Islander people. Other key legislation includes the:

- *Crimes (Restorative Justice) Act 2004*, which provides victims with a forum that focuses on their experiences. In particular, the Act aims to:
 - enhance the rights of victims by providing restorative justice as a way of empowering them to make decisions about reparation;
 - set up a system of restorative justice that brings together victims, offenders and their personal supporters in a carefully managed, safe environment;
 - ensure that the interests of victims are given high priority in the administration of restorative justice under the Act;
 - enable access to restorative justice at every stage of the criminal justice process without substituting for the criminal justice system or changing the normal process of criminal justice;
 - empower agencies that have a role in the criminal justice system to refer offences for restorative justice.
- *Domestic Violence and Protection Orders Act 2008* is to commence on 30 March 2009. This Act provides broad relationship definitions to capture the variety of relationships (for example, boyfriend/girlfriend relationships, where they are not living together).
- *Children and Young People (Consequential Amendments) Act 2008* reforms the law relating to children and young people in the ACT, particularly in the areas of care and protection, youth justice, the regulation of childcare services and employment. It will replace the *Children and Young People Act 1999*.
- *Sexual and Violent Offences Legislation Amendment Act 2008* is to commence in June 2009.
- *Domestic Violence Agencies Act 1986* establishes the Domestic Violence Prevention Council and describes its objective and functions, its membership and details-of-meeting procedures. It also establishes the Office of Domestic Violence Project Coordinator and explains its functions and terms of office.
- *Crimes Act 1900* – Part 2 of this Act deals with offences against the person including assault, murder, manslaughter, stalking, kidnapping, and threat to kill. Part 3 deals with sexual offences. Part 10, Division 10.2, Section 192 'Seizure of firearms-protection orders' details police powers to enter a premise and seize firearms, ammunition or a license to possess a firearm.



6 New South Wales

6.1 Overview

The following table provides a high level overview of the support systems for victims/survivors of sexual assault and domestic and family violence in New South Wales in terms of Amnesty International's principles for action plans known as the 'three S's' – structural, strategic and sustained.

Principles of Practice in Formulation – the three S's

Structural
<ul style="list-style-type: none">• <i>An improved approach to addressing violence against women in NSW (2008)</i><ul style="list-style-type: none">– a whole of government response to domestic and family violence involving five lead agencies:<ul style="list-style-type: none">- Department of Community Services- Attorney-General's Department- Department of Health- NSW Police Force- Department of Premier and Cabinet (Office for Women's Policy)
Strategic
<ul style="list-style-type: none">• <i>NSW State Plan</i>, which has the following priorities:<ul style="list-style-type: none">- reducing rates of crime, particularly violent crime- reducing re-offending- embedding the principle of prevention and early intervention into government service delivery• A strategic framework underpinning statewide responses to domestic and family violence is being developed and is due to be released in 2009 (NSW Department of Premier and Cabinet)
Sustained
<ul style="list-style-type: none">• Violence Prevention Coordination Unit, Office for Women's Policy, Department of Premier and Cabinet• Premier's Council on Preventing Violence Against Women• Police Force Regional Coordinators (Newcastle, Coffs Harbour, Dubbo, Tamworth, Wollongong, Wagga Wagga, Surry Hills, Bankstown and Parramatta)

The following table provides a high level overview of the support systems for victims/survivors of sexual assault and domestic and family violence in New South Wales in terms of the following principles for action plans known as ‘three P’s’– prevention, provision and prosecution.

Principles of Practice in Content – the three P’s

Prevention

- Community education campaigns such as *Violence Against Women: It’s Against All the Rules*, *Sexual Assault Prevention and Community Awareness* and *NSW 16 Days of Activism to Stop Violence Against Women*
- Be Safe Be Sure project and *Negotiating Consent Kit* (Department of Community Services)
- *About Date Rape* web site (Department of Community Services)
- Love Bites Respectful Relationships Program (Department of Education and Training)
- Healthy Relationships Program (Department of Education and Training)

Provision

There are five main statewide domestic and family violence projects under a new approach which include:

- Domestic Violence Intervention Court Model (Attorney-General’s Department)
- Staying Home Leaving Violence initiative (Department of Community Services)
- Integrated Case Management projects (Department of Community Services)
- Risk Assessment Tool project (Department of Health)
- Specialist domestic and family violence training and resource project (located in the Education Centre Against Violence, SWAHS) (Department of Health)

Other key services:

- Domestic Violence statewide free-call 24 hour Helpline (Department of Community Services)
- Orana Far West Child and Family Partnership Development Project (Department of Community Services)
- Brighter Futures Program (Department of Community Services)
- Safe Families Program (Department of Community Services & Department of Aboriginal Affairs, led by the Department of Aboriginal Affairs)

Principles of Practice in Content – the three P's

Provision cont.

- Joint Investigation Response Teams for Investigation of Child Protection Matters (Department of Community Services)
- Supported Accommodation Assistance Program (Department of Community Services)
- Witness Assistance Service (Office of the Director of Public Prosecutions)
- Women's Domestic Violence and Court Assistance Program (Legal Aid NSW)
- Victims Services (Attorney-General's Department), Victims of Crime Bureau and Family and Friends of Missing Persons Unit
- Domestic Violence Liaison Officers (NSW Police Force)

Prosecution

- *Crimes Act 1900 No 40 Part 3*
- *Crimes (Domestic and Personal Violence) Act 2007*
- *Crimes Amendment (Sexual Procurement or Grooming of Children) Act 2007*

6.2 Profile

This section outlines in further detail the New South Wales Government's current response to violence against women and their children, using Amnesty International's principles for action plans, the 'three S's' – structural, strategic and sustainable, and 'three P's' – prevention, provision and prosecution.

6.2.1 Structural

New South Wales has put in place new structural arrangements to respond to violence against women, to harmonise responses across government and with greater involvement of the non-government sector.

An improved whole-of-government approach to addressing violence against women is under way (2008), involving five lead agencies: NSW Department of Community Services, NSW Attorney-General's Department, NSW Department of Health, NSW Police Force and NSW Department of Premier and Cabinet.

6.2.2 Strategic

The NSW Government has a number of strategies and plans that establish tackling domestic and family violence and supporting victims as a major priority. These include:

- The *NSW State Plan* which emphasises that domestic and family violence is a crime and is a priority area for government. The Plan commits the government to develop and implement a statewide strategy to deal with the causes and consequences of domestic violence. The strategy is to include programs to facilitate early intervention in high-risk situations, provide more options for victims and their children to escape domestic violence, and coordinate services so that victims receive integrated police, legal and social assistance. Families at risk of, or suffering from, domestic violence will be able to seek help earlier and be supported through fast-tracked legal proceedings and other support services¹⁷⁵. The new strategy is being developed, with its release scheduled for the third quarter of 2009 (NSW Department of Premier and Cabinet).

The *NSW State Plan* also articulates the following priorities:

- reducing re-offending;
- embedding the principle of prevention and early intervention into government service delivery.
- The *NSW Strategy to Reduce Violence against Women* was established in 1997. It has been evaluated in the past (1998, 2001¹⁷⁶) and reports have been published outlining achievements of the strategy (2002, 2003¹⁷⁷ and 2007¹⁷⁸). The evaluation of this strategy is informing the development of the new strategic framework.

6.2.3 Sustained

Arrangements in place in New South Wales to lead and fund efforts to reduce violence against women are as follows.

- In March 2007, the Government committed to establish a Prevention of Violence against Women Unit within the Department of Premier and Cabinet to oversee policies, programs and services aimed at reducing violence against women and domestic and family violence. As a first step in implementing this commitment, the Government commissioned a review of existing structures for coordinating NSW Government action to address domestic and family violence and violence against women.

¹⁷⁵ NSW Government, *State Plan – a New Direction for NSW*, NSW State Government, Sydney, 2001, viewed November 2008 <http://www.nsw.gov.au/stateplan>

¹⁷⁶ Attorney-General's Department, *Evaluation of the NSW Strategy to Reduce Violence Against Women: Summary Report*, NSW Government, Sydney, 2001.

¹⁷⁷ Attorney-General's Department, *NSW Strategy to Reduce Violence Against Women 2001-2003 Achievements*, NSW Government, Sydney, 2003.

¹⁷⁸ Ibid.

- NSW has recently instigated a new model based on the recommendations delivered in the report: *Coordinating NSW Government Action Against Domestic and Family Violence*¹⁷⁹. The new model incorporates sustainability by:
 - establishing a centralised Violence Prevention Coordination Unit;
 - employing five coordinators to deliver five key domestic and family violence projects and deliver statewide changes in key service systems;
 - establishing a regional coordination function to be serviced by nine senior project officers employed by NSW Police Force to ensure links between local domestic and family violence service delivery are delivered and maintained, and to ensure criminal justice and human service responses are delivered in an integrated manner¹⁸⁰.
- In terms of the funding environment, the NSW Government is investing \$40 million over four years to tackle domestic and family violence, including counselling, accommodation and legal support. The majority of the NSW Government's action in responding to domestic and family violence is undertaken as part of the agencies' core business. Much of this expenditure is associated with agencies having to deal with the downstream costs that result from domestic violence, rather than allocations targeted to domestic and family violence services¹⁸¹.

Government agency	Estimated 2004-05 agency costs
Department of Corrective Services	\$79.7 million
Department of Community Services	\$71.7 million
Department of Housing	\$45.8 million
Attorney-General's Department of NSW	\$42.9 million
NSW Health	\$29.3 million
NSW Police Force	\$25.7 million
Legal Aid NSW	\$13.0 million
Department of Education and Training	\$1.0 million
TOTAL	\$309.1 million

Agency estimates as reported to Human Services CEOs (NSW Department of Community Services Review of NSW Government Domestic and Family Violence Services and Funding, 18 August 2005). Updated estimates were prepared by agencies as part of this review but have not been presented because of the wide variations in the costing assumptions.

Table 1: Agency costs as a result of domestic and family violence. Source: ARTD Consultants (November 2007). *Coordinating NSW Government Action against Domestic and Family Violence – Final Report*

179 ARTD Consultants Pty Ltd, *Coordinating NSW Government Action against Domestic and Family Violence: Final Report*, Department of Premier and Cabinet, NSW Government, Sydney, 2007, viewed November 2008 http://www.dpc.nsw.gov.au/publications/human_services_and_justice_branch/coordinating_nsw_government_action_against_domestic_and_family_violence

180 Office for Women's Policy, *A New Approach to Tackling Violence Against Women*, NSW Government, Sydney, 2008, viewed November 2008 http://www.women.nsw.gov.au/Peak/PDF/New_Directions_PVAW.pdf

181 ARTD Consultants, *Coordinating NSW Government Action Against Domestic and Family Violence – Final Report*, Department of Premier and Cabinet, NSW Government, Sydney, 2007, viewed November 2008 http://www.dpc.nsw.gov.au/publications/human_services_and_justice_branch/coordinating_nsw_government_action_against_domestic_and_family_violence

6.2.4 Prevention

Over the past 10 years, the NSW Government, through the *Violence against Women Strategy*, has initiated and undertaken programs to prevent and reduce violence against women and children. These include education and public-awareness campaigns to change entrenched cultural attitudes, advocacy and community activism, facilitation of local partnerships and support for small scale initiatives. Examples of such activities include:

- The Youth Leadership through Healthy Relationships project, which works with Aboriginal young people to develop their capacity, confidence and leadership skills to address family violence. The project is operating in the rural and remote areas of Brewarrina, Cobar, Narrandera, Nowra and Armidale.
- *The Negotiating Consent Kit* which was developed in response to the need for an awareness campaign about date rape aimed at young people. This aims to reinforce messages to young men and women about some common/legitimate responses such as refusals to sex. It provides information to young people seeking help or information about date rape and sexual assault, provides the opportunity to challenge some common myths and misconceptions regarding sex and sexual assault, and supplements existing Personal Development, Health and Physical Education resources and other resources that address the issue of sexual assault and healthy relationships.
- The Date Rape web site (<http://www.aboutdaterape.nsw.gov.au>), which provides non-judgemental and supportive information to young people seeking help or information about date rape and sexual assault.
- The Love Bites Respectful Relationships Program and Healthy Relationships Program (NSW Department of Education and Training), which targets school children through a behavioural change approach. Love Bites is an award-winning program aimed at teenagers in years nine and 10 at high school. The program's primary objectives are to educate and increase awareness of domestic violence and sexual assault, and to develop students' capacity to respond and access support and resources.
- The Be Safe Be Sure project, which was a sexual assault education program aimed at women with intellectual disabilities.
- Community education campaigns such as *Violence Against Women: It's Against All the Rules* and *Sexual Assault Prevention and Community Awareness*.
- *The NSW 16 Days of Activism to Stop Violence Against Women Campaign*, which occurred in November and December 2007 and was part of an international campaign to take practical steps to stop violence against women.
- Information and prevention programs regarding drug-and-alcohol facilitated sexual assault. These include drink-spiking campaigns and dating-violence campaigns in universities.

6.2.5 Provision

The NSW Government provides services including successful initiatives such as Staying Home Leaving Violence, a 24 hour, seven-days-a-week Domestic Violence Helpline and Domestic Violence Intervention Court Model. The following table provides an overview of these activities.

Initiative	Description
<i>Department of Community Services (DoCS)</i>	
Integrated Domestic and Family Violence Services	<p>Integrated Domestic and Family Violence Services provide a multi-agency, coordinated response to people from high-risk target groups and in targeted communities who are experiencing domestic and family violence. There are three Integrated Domestic and Family Violence Services sponsored by DoCS:</p> <ul style="list-style-type: none">• Mt Druitt Family Violence Service• Canterbury Bankstown Domestic Violence Team• Domestic Assault Response Teams (Wyong). <p>There are also four other services:</p> <ul style="list-style-type: none">• Domestic Violence Intervention Response Team, sponsored by Central Coast Domestic Violence Court Advocacy Service• Manning-Great Lakes Refuge Partnership Against Domestic Violence (a tender process is under way to select new sponsor)• Nowra Domestic Violence Intervention Service, sponsored by YWCA NSW• Liverpool and Green Valley Domestic Violence Service, sponsored by NSW Health

Initiative	Description
<i>Department of Community Services (DoCS)</i>	
Staying Home Leaving Violence	<p>Staying Home Leaving Violence seeks to ensure the immediate and long-term safety women and their children by working with police to remove the violent partner from the home. The program facilitates long-term support for the woman and her children to help prevent further violence. Support from the NSW Police Force, the magistrate and local court is an important aspect of the project given an Exclusion Order is usually negotiated as part of an Apprehended Violence Order.</p> <p>Based on a risk assessment for women and children and individualised safety planning, women are provided with information about accommodation choices and other forms of support. Partners are also provided with accommodation options and details of emergency payments available through Centrelink. Local police provide this information to the defendant. Project workers provide casework and advocacy, and address housing and tenancy issues, income support, financial difficulties, legal issues, mental and general health.</p> <p>A safety plan and brokerage funding for security equipment, including monitored personal alarms and other security upgrades, are provided for the home. The project workers collaborate with the local service system to lead local community education campaigns. These aim to increase awareness of, and support for, the option of staying home safely.</p>
Supported Accommodation Assistance Program	<p>The Supported Accommodation Assistance Program (SAAP) is a joint state/Commonwealth funding program. SAAP funds projects which provide services including:</p> <ul style="list-style-type: none"> • counselling and personal support • early intervention support to help women and children remain safely in their own homes • crisis and longer term accommodation • case management to help women move to independent living, including help with legal issues, income support and access to longer term housing • support for children including childcare, structured play and skills development, school liaison and specialist psychologist assistance on the effects of domestic violence • education about the effects of domestic violence and community prevention programs.

Initiative	Description
<i>Department of Community Services (DoCS)</i>	
A Place to Call Home	<p>A Place To Call Home is a joint Commonwealth-state/territory initiative that will deliver at least 600 new dwellings nationally over five years. The Commonwealth will provide \$150 million in funding over five years for the building, spot purchase or renovation of dwellings. States/territories will contribute to the purchase of dwellings or land and provide clients with secure housing and a support package for up to 12 months. Clients will not be required to move from their property when the support period ends as the dwelling will be transferred to the existing public housing pool in each state or territory.</p> <p>New South Wales will provide 155 dwellings under the A Place to Call Home initiative. DoCS is contributing to this initiative by providing the support component for families with children escaping domestic violence, who are homeless or at risk of homelessness. Support is being provided through the Brighter Futures Program to provide a homelessness prevention/early intervention measure. This reflects the fact that domestic violence is a significant factor leading to families (particularly single women and their children) being homeless and a significant factor experienced by almost half (46 per cent) of the 975 families who have participated in the Brighter Futures Program.</p>
Commonwealth Child Support Workers Initiative	<p>The Australian Government has made a one-off payment of \$300,000 towards the cost of child support workers to be deployed in appropriate NSW Supported Accommodation Assistance Program projects with many Aboriginal clients. The funds will be used to trial the placement of dedicated workers to care for children's needs in services for women and children escaping domestic violence where the parent is the primary client. Child Support Workers will:</p> <ul style="list-style-type: none"> • provide intervention and support (including training in protective behaviours training for children, and assistance for parents and carers with parenting issues) • identify children at risk and refer them to other services or child support authorities as appropriate.

Initiative	Description
<i>Department of Community Services (DoCS)</i>	
Safe Families Program	<p>The Safe Families Program is a specific NSW strategy to address Aboriginal child sexual assault in nine focus communities. It was formulated as part of the <i>Interagency Plan to Tackle Child Abuse in Aboriginal Communities</i>. It forms part of the <i>Two Ways Together</i> approach to building resilience in Aboriginal communities that focuses on engaging with communities, forging effective partnerships between government service agencies and Aboriginal community groups, and building community capacity to identify and respond to threats to community wellbeing.</p> <p><i>Two Ways Together</i> is the NSW Government's 10-year plan to improve the lives of Aboriginal people. It establishes the partnership strategy for working with Aboriginal communities and identifies seven areas of priority to Aboriginal people. Between 2003-04 and 2007-08 the NSW Government spent \$40 million on programs to address these priorities. Monitoring arrangements include the production of a biennial report on key indicators for each priority.</p>
Brighter Futures Program	<p>The Brighter Futures Program provides early intervention services to families with children aged up to eight years with priority access given to families with children aged up to three. Families experiencing domestic violence are one of the target groups for the program. Under Brighter Futures, funding is provided to Lead Agencies and community partners to provide case management, home visiting, parenting programs and quality children's services to families.</p> <p>Brighter Futures aims to:</p> <ul style="list-style-type: none"> • reduce child abuse and neglect by reducing the likelihood of family problems escalating into crisis within the child protection system • achieve long-term benefits for children through improving readiness for school and educational outcomes • improve parent-child relationships and the capacity of parents to build positive relationships with their children • break inter-generational cycles of disadvantage • reduce demand for services such as child protection, out-of-home care and criminal justice. <p>In May 2008, the first results from the evaluation indicated that almost half (46 per cent) of the 975 families that had participated in the program had been affected by domestic violence. This was the main reported issue in child protection reports in NSW.</p>

Initiative	Description
<i>Department of Community Services (DoCS)</i>	
Orana Far West Child and Family Partnership Development Project	<p>This project was developed in conjunction with the Women's Refuge Movement Resource Centre with funding from the Commonwealth Indigenous Family Violence Partnership Program Safe Places Initiative. The project is a key component in improving service provision to Aboriginal women and children in isolated communities.</p> <p>It involves locating a child and family support worker at each of the five safe houses in the Orana Far West. The support workers assess families entering the safe house, address immediate and longer term safety issues for the woman and her children and develop a safety plan. They then coordinate and deliver a package of services to provide longer term support.</p> <p>This support focuses on linkages with the Brighter Futures program. As a result of the project, women and children at risk of violence or abuse are linked to the services they need to address the risk and effects of violence and/or abuse.</p>
Domestic Violence Line	<p>The department's Domestic Violence Line is a 24-hour telephone counselling information and referral service. It targets women experiencing personal relationship violence with a partner or ex-partner. It focuses on the woman's circumstances and what she sees as the issues, and safety planning. It is also a centralised access point for all women's Domestic Violence refuges across NSW, other accommodation supports and interstate services. The Domestic Violence Line maintains strong links with the DoCS Helpline, Women's Refuges, Homeless Persons and the Department of Housing's Temporary Accommodation.</p>
Joint Investigation Response Teams	<p>Joint Investigation Response Teams are made up of professionals who undertake joint investigation of child protection matters where there is a possibility the abuse is a criminal offence. Team investigations involve a coordinated approach from three departments – DoCS, NSW Police Force and NSW Health. DoCS aims to ensure the child is safe from further harm and jointly interviews with police who conduct the criminal investigation. NSW Health provides therapeutic and medical services. These teams lessen the stress for children and young people by reducing the number of interviews they face and by providing coordinated support to victims and their families.</p>

Initiative	Description
<i>Department of Community Services (DoCS)</i>	
Community Services Grants Program	<p>The Community Services Grants Program targets families, young people and children in the community who are identified as, or as having the potential, to be at risk. Many of the projects funded under the program include support for women at risk of domestic violence, both directly and indirectly.</p> <p>Women are supported by services that focus on: reducing domestic violence; improving coping skills; improving poor family communication; supporting disadvantaged young single mothers; improving anger management; and reducing the effects of substance abuse on families.</p> <p>Program service providers use an integrated delivery process that may use the following service components: assessment, referrals and information; case management and coordination; domestic violence counselling; drug and alcohol intervention services; brokerage for emergency support services; mediation and intensive family work; and support for Aboriginal parents and young mothers.</p>
Funding assistance to local projects targeting domestic violence	DoCS provides funding for a small number of local domestic and family violence projects, including training and education campaigns. For example, funding is distributed through the Area Assistance Scheme, Better Futures Program and the Indigenous Family Violence Partnership (now transferred to the Department of Premier and Cabinet).
<i>NSW Attorney-General's Department</i>	
Domestic Violence Intervention Court Model	<p>The Domestic Violence Intervention Court Model was developed to improve the efficiency and quality of the criminal justice response to domestic violence, through agreed protocols and services for:</p> <ul style="list-style-type: none"> • improved policing (evidence collection, applications for Apprehended Domestic Violence Orders, proactive arrest and charge policy with strict bail conditions, next-day-contact with the victim for crisis support and proactive case management) • improved court assistance support (ensuring victim safety and support through victims-advocate services, providing for witness preparation) • improved management of local court activities (prosecution of domestic violence matters by specially trained police prosecutors, establishing a benchmark for resolution of cases within 12 weeks from the initial hearing to sentencing) • reducing re-offending (ensuring where a matter gets to sentencing, offenders are required to participate in Corrective Services domestic violence perpetrator programs – not in lieu of sentence).

Table 2: Agency costs as a result of domestic and family violence. Source: ARTD Consultants (November 2007). Coordinating NSW Government Action against Domestic and Family Violence – Final Report

NSW also has a range of other justice programs and services in place, including the following.

- Following the evaluation of the Domestic Violence Intervention Court Model in 2008, the Crime Prevention Division of the Attorney-General's Department is working with partner agencies on strategies to improve the model and is considering how successful elements of the program can be integrated into the broader criminal justice response to domestic violence. So far, the division has introduced the successful evidence collection process into standard operating procedures statewide and the Chief Magistrate has issued a practice direction to support this evidence-collection and to expedite domestic violence matters through the courts. The Department of Corrective Services Perpetrator Program has been developed and is being rolled out within Community Offender Services across the State¹⁸².
- Witness Assistance Service for victims of violent crime under prosecution, including sexual assault.
- Women's Domestic Violence Court Assistance Program provides 55 court locations in NSW with a service that empowers victims to obtain legal protection through Apprehended Domestic Violence Orders and access support services that can help with their other needs (for example, financial assistance and advice, housing, emotional support and counselling, child protection and family law issues).
- Victim Services consists of the Victims of Crime Bureau, Victims Compensation Tribunal and Friends and Families of Missing Persons Unit. Together, they provide services for crime victims, including domestic-violence victims. These include: counselling; compensation; referral and support; and access to a 24-hour victim support line.
- Sexual Assault Regional Liaison Forums for the Office of the Director of Public Prosecutions lawyers, Crown Prosecutors and sexual assault workers to increase understanding of each other's roles.
- Domestic Violence Liaison Officer Initiative, which engages specialist police officers trained in domestic and family violence, child protection procedures, victim support, and court Apprehended Violence Order processes. The role of the Liaison Officer is to: provide advice to police and victims; give referrals to appropriate support agencies; maintain close working relationships with all support agencies; review and oversee all domestic and family violence reports and cases; assist victims through the court process for Apprehended Domestic Violence Orders; and monitor repeat victims and perpetrators.

182 ARTD Consultants, *Coordinating NSW Government Action Against Domestic and Family Violence – Final Report*, Department of Premier and Cabinet, NSW Government, Sydney, 2007, viewed November 2008 http://www.dpc.nsw.gov.au/publications/human_services_and_justice_branch/coordinating_nsw_government_action_against_domestic_and_family_violence

6.2.6 Prosecution

Key NSW legislation relating to domestic and family violence includes the:

- *Crimes Act 1900* – Part 3 of this Act deals with offences against the person. Divisions 1-3 are concerned with homicide, conspiracy to murder and attempts to murder. Division 6 deals with acts causing danger to life or bodily harm. Divisions 8 and 9 are concerned with assault, and Division 10 with rape and sexual assault.
- *Crimes (Domestic and Personal Violence) Act 2007* which aims: to ensure the protection of people from domestic and personal violence by empowering the court to make apprehended violence orders; to repeal Part 15A of the *Crimes Act 1900*; and to make consequential amendments to other Acts and instruments. It specifies how an application for an apprehended violence order should be made, what matters should be considered by a court in deciding whether to make an order and what type of prohibitions and restrictions can be included in an apprehended violence order. It provides for the variation and revocation of orders, and for appeals to the District Court. It also defines the terms 'domestic violence offence', 'domestic relationship', 'stalking' and 'intimidation'.
- *Crimes Amendment (Sexual Procurement or Grooming of Children) Act 2007* makes it an offence for an adult to procure or groom a child for unlawful sexual activity. It is in compliance with the *1989 Convention on the Rights of the Child*, to which Australia is a signatory.



7 Northern Territory

7.1 Overview

The following table provides a high level overview of the support systems for victims/survivors of sexual assault and domestic and family violence in the Northern Territory in terms of the 'three S's' – structural, strategic and sustained environments.

Principles of Practice in Formulation – the three S's

Structural
<ul style="list-style-type: none">• Northern Territory Emergency Response• Northern Territory Department of Health and Families (whole-of-government responsibility for family violence policy and programs from 1 July 2008)• Northern Territory Domestic and Family Violence Advisory Council and Family and Community Services Advisory Council (operating in a reduced capacity until a review is completed and a new model confirmed)
Strategic
<ul style="list-style-type: none">• Building on our Strengths: A Framework for Action for Women in the Northern Territory 2008-2012• <i>Closing the Gap on Indigenous Disadvantage Strategy</i>• <i>Northern Territory Police – Violent Crime Reduction Strategy</i>
Sustained
<ul style="list-style-type: none">• Northern Territory Emergency Response Taskforce• More than \$30 million over five years (2007-2012) to implement family violence and sexual assault initiatives which are part of the <i>Closing the Gap on Indigenous Disadvantage Strategy</i>• \$15 million over three years to implement the <i>Domestic and Family Violence Amendment Bill 2008</i>

The following table provides a high level overview of the support systems in place for victims/survivors of sexual assault and domestic and family violence in the Northern Territory in terms of the 'three P's' – prevention, provision and prosecution.

Principles of Practice in Content – the three P's

Prevention

- Indigenous All Stars Family Violence and White Ribbon Day campaigns
- Implementation of anti-bullying strategies and policies (school-based)
- Local school policies and education regarding bullying based on the Safe Schools Northern Territory Framework, which in turn is based on the National Safe Schools Framework

Provision

- Sexual Assault Referral Centre, including a Mobile Outreach Service for children
- Strong Families, Strong Culture, Strong Future Project
- Safe Houses Project (Safe Houses and/or Cooling Down places)
- Northern Territory Police Domestic Violence Prevention Units established and funded on an on-going basis in Darwin, Katherine, Tennant Creek and Alice Springs
- Routine screening in all Territory antenatal clinics in public hospital departments for family violence
- *Step Forward: Getting Help about Sexual Violence* – a resource for support services dealing with victims of sexual assault
- Supported Accommodation and Assistance Program
- Victims of Crime Northern Territory
- Northern Territory Legal Aid (a domestic violence service based in Darwin)

Principles of Practice in Content – the three P's

Prosecution

- *Domestic and Family Violence Act 2007*
- *Domestic and Family Violence Amendment Bill 2008*
- *Anti-Discrimination Act 2004*
- *Care and Protection of Children Act 2007*
- *Bail Amendment Bill 2007*
- *Sexual Offences (Evidence and Procedure) Act 1983*
- *Youth Justice Amendment (Family Responsibility) Bill 2008*
- *National Emergency Response Act 2007*
- *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007*
- *Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007*

7.2 Profile

This section outlines in further detail the Northern Territory Government's current response to violence against women and their children, using Amnesty International's structure of the 'three S's' – structural, strategic and sustainable, and 'three P's' – prevention, provision and prosecution.

7.2.1 Structural

Structural arrangements for responding to violence against women within the Northern Territory Government have recently changed and include the following:

- Responsibility for coordinating the whole-of-government response to domestic and family violence has moved from the Office of Women's Policy to a new branch within the Department of Health and Families called Family and Individual Support Services.
- The Northern Territory Government's Office for Women's Policy (the Office) sits within the Department of Health and Families. It provides: strategic and policy advice to government; whole-of-government policy coordination, development and advice regarding women; and engages the community to identify and advance the economic and social standing of Territory women. The Office is responsible for providing policy advice and information across government, with a central coordination, monitoring and reporting function, on women's issues. The Office does not provide direct services but it coordinates community engagement activities such as women's forums, Tribute to Northern Territory Women, Women on Boards and the Chief Minister's Study Scholarships for Women.
- The announcement of the Australian Government's Northern Territory Emergency Response (NTER), the Northern Territory Government's response to the *Little Children are Sacred Report* and the *Closing the Gap on Indigenous Disadvantage Plan* have provided the impetus to review advisory council structures and governance arrangements that address family violence, child protection and community safety across the Northern Territory. In particular:
 - from 1 July 2008, the Department of Health and Families assumed whole-of-government responsibility for family violence and several policy areas were realigned across government to consolidate responsibilities to more closely mirror Closing the Gap priorities. Both the Domestic and Family Violence Advisory Council and the Family and Community Services Advisory Council are under review.
 - FaHCSIA is the lead coordinating agency for the response. The NTER also involves the Northern Territory Police Force, the Northern Territory Department of Health and Families, the Department of Health and Ageing (DoHA), the Department of Defence (DoD), Australian Federal Police (AFP) and Centrelink.
 - the NTER Operations Centre, based in Darwin, is responsible for the roll out of measures. It plans and manages all implementation and has a critical role in working with communities. Government Business Managers have been appointed to communities (or groups of communities) to coordinate NTER measures.
 - implementation of specific NTER activities usually follows a period of negotiation with relevant agencies Northern Territory departments. For example, the Northern Territories Families and Children Division in the

Department of Health and Families leads the implementation of the Safe Houses Project, the Mobile Outreach Service which delivers specialised sexual assault counselling services to Aboriginal children in remote communities, the Mobile Child Protection Team, and the Remote Aboriginal Family and Community Workers who support work undertaken by division caseworkers and who respond to issues identified by local children and families in crisis.

- The NTER Task Force provides advice to government and oversees implementation. The chair and the operational commander of the Taskforce are based in the Northern Territory and have held consultations in many NTER communities since the response was announced¹⁸³. The Terms of Reference for the Taskforce are to:
 - provide expert advice to the Australian Government on the implementation of the emergency response;
 - provide oversight of the NTER Operational Group;
 - promote public understanding of the issues involved;
 - alert Government to existing and emerging issues that affect the implementation of the response;
 - report to the Prime Minister and the Minister for Families, Housing, Community Services and Indigenous Affairs on progress.

Operational achievements of the NTER as of 15 October 2008¹⁸⁴

Health Checks

In all, 9,454 NTER Community Health Checks have been completed (55 per cent of the eligible population). The estimated total number of checks, including Medical Benefits Scheme checks, is 11,454 (66 per cent of the eligible population).

Safe Houses

As at 18 June 2008, there were 10 safe houses completed in eight communities to help protect families and children experiencing violence¹⁸⁵.

Government Business Managers

There are 55 Government Business Managers servicing 73 communities and town camps in Darwin, Alice Springs, Katherine and Elliot.

¹⁸³ Department of Families, Housing, Community Services and Indigenous Affairs, *NTER Factsheet*, Commonwealth of Australia, Canberra, viewed October 2008 http://www.facs.gov.au/nter/docs/factsheets/overview/factsheet_nter_implement.htm

¹⁸⁴ Unless otherwise indicated, the information in this section is sourced from Department of Families, Housing, Community Services and Indigenous Affairs, *Operation Update web page*, Commonwealth of Australia, Canberra, 2008, viewed October 2008 http://www.facs.gov.au/nter/operation_update.htm

¹⁸⁵ Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Response – one year on*, Commonwealth of Australia, Canberra, 2008.

Operational achievements of the NTER as of 15 October 2008¹⁸¹

Welfare Reform

Income management is in place in 70 communities, associated outstations and 10 town camp regions.

There are 15,553 people being income-managed.

There are 118 Work for the Dole activities in 51 communities, two associated outstations and six town camp regions.

There are 33 Community Employment Brokers servicing 56 communities and associated outstations and two town camp regions.

Community Stores

There are 68 community stores licensed.

Community Nutrition Programs

School nutrition programs are in place in 68 communities, associated outstations and 10 town camp regions.

Table 3: Overview of Achievements of the NTER to date

7.2.2 Strategic

Key strategies and plans to respond to violence against women in the Northern Territory include the following.

- The women's policy: *Building on our Strengths: a Framework for Action for Women in the Northern Territory 2008-2012*, which was launched by the Northern Territory Government in March 2008. The framework identifies the Government's key achievements for women, identifies the priorities to be addressed and what will continue to be done to improve the lives of all women in the Territory. It categorises issues identified by Territory women, into five key areas for action:
 - health and wellbeing;
 - safety (focusing on family violence and sexual assault);
 - economic security (through education and employment);
 - participation and leadership;
 - life balance.

Progress against the framework will be reported on every two years.

- *Closing the Gap on Indigenous Disadvantage – a Generational Plan of Action*¹⁸⁶ is the Northern Territory's Indigenous Generational Plan, aimed at reducing the differences in outcomes between Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander people. It contains a vision for the future wellbeing of Aboriginal and Torres Strait Islander people and includes targets for the next five, 10 and 20 years, as well as priority actions for the first five years.

One of the objectives of the plan is to: 'ensure personal and community safety through a strong child protection system, effective alcohol and drug management, adequate policing, youth development and juvenile diversion programs and the engagement of the community in developing local solutions to crime and family violence'¹⁸⁷.

The Northern Territory Government has committed \$286.43 million over the first five years of the plan to implement strategies aimed at achieving its objectives. Some of the initiatives relevant to family violence and sexual assault include:

- the amendment of the *Bail Act* so as protect witnesses and reverse the onus in favour of bail concerning alleged sex and domestic violence offenders;
- new domestic violence legislation to improve the effectiveness of restraining orders, including their effectiveness in remote communities;
- the extension of Sexual Assault Referral Centres to 'provide best practice crisis support and therapy to victims of sexual abuse'¹⁸⁸ (including \$6.3 million to expand services in Darwin, Alice Springs and Tenant Creek), establish a service in Katherine, provide 12 additional counsellors (including Aboriginal sexual assault workers), and deliver community education and professional consultation services across the Northern Territory;
- the expansion of the Aboriginal and Torres Strait Islander family violence offender program;
- in conjunction with the Australian Government, the introduction of integrated Aboriginal Family Violence and Support Services in remote communities (including family support programs and safe places), and employment of professional and local community workers;
- the implementation of sexual offender rehabilitation and therapy programs and expansion of the Elders Visiting Program;
- the expansion of policing in remote communities via the Remote Area Policing Strategy, including recruiting 15 additional police;
- the establishment of 10 community courts (community participation in sentencing, rehabilitation and reintegration for matters heard in the Magistrates Court), employment of 10 community corrections officers and the creation of a witness assistance service in Katherine.

¹⁸⁶ Northern Territory Government, *Closing the Gap on Indigenous Disadvantage – a Generational Plan of Action*, Northern Territory Government, Darwin, 2007.

¹⁸⁷ Ibid, p.2.

¹⁸⁸ Ibid, Appendix 1, p.2.

- The *Northern Territory Police Crime Reduction Strategy* began in 2004 and aims to reduce the incidence of repeat victimisation, target recidivist violent offenders early in their offending cycle, provide a quality police response to violent crimes and promote community responsibility for reducing violence in the Northern Territory¹⁸⁹. A new, revised *Violent Crime Reduction Strategy* was developed in 2008, building on the 2004 *Crime Reduction Strategy*. The revised strategy broadens efforts to strengthen relationships between police and key stakeholders to further address the underlying issues of violent crime. The Northern Territory Police commitment, through the new, revised strategy aligns with the new *National Australasian Policing Strategy for the Prevention and Reduction of Family Violence*¹⁹⁰.

Under the original strategy, Domestic Violence Prevention Units were established in Darwin, Katherine, Alice Springs and Tennant Creek. The strategy was reviewed in early 2008. Recommendations were made to analyse data in order to: tailor training packages for front-line police about emerging trends in domestic violence; explore standardised domestic violence case-management models to assist repeat victims; develop a repeat offender program; and assign Intelligence Officers to units to provide information about domestic violence offenders¹⁹¹.

7.2.3 Sustained

Structural arrangements for leading efforts to respond to violence against women and their children are outlined above in section 6.2.1.

In terms of funding, the Northern Territory Government has committed more than \$30 million over 2007-2012 to implement strategies related to family violence and sexual assault that are part of the *Closing the Gap* plan¹⁹². In July 2008, the Northern Territory Chief Minister announced funding of \$15 million over four years to support the implementation of the *Domestic and Family Violence Amendment Bill 2008*, which introduces mandatory reporting of family violence. The funding will provide extra crisis accommodation, increase counselling services and fund public education campaigns.

7.2.4 Prevention

The Northern Territory Government has initiated programs to prevent and reduce violence against women and their children, including education and raising public awareness, to change entrenched cultural attitudes. Examples of such activities include:

- production of the *Aboriginal All Stars Family Violence Campaign*, a Territory-wide advertising campaign showcasing high-profile Aboriginal sportsmen speaking out against domestic and family violence;
- implementation of anti-bullying strategies and policies in the Northern Territory public sector;

¹⁸⁹ Northern Territory Police, Fire and Emergency Services, *Northern Territory Violent Crime Reduction Strategy*, Northern Territory Government, Darwin, 2008, viewed October 2008 http://www.pfes.nt.gov.au/documents/File/police/publications/strategic/crime_reduction_strategy.pdf

¹⁹⁰ Northern Territory Police, Fire and Emergency Services *Violent Crime Reduction Strategy 2008*, Northern Territory Government, Darwin, 2008, viewed January 2008 <http://www.pfes.nt.gov.au/documents/File/police/publications/strategic/ViolentCrimeReductionStrategy2008.pdf>

¹⁹¹ Northern Territory Police, Fire and Emergency Services, *Protecting Women from Domestic Violence*, 11 July 2008, viewed October 2008 <http://www.nt.gov.au/pfes/index.cfm?fuseaction=viewMediaRelease&pID=8559&>

¹⁹² Northern Territory Government, *Closing the Gap on Indigenous Disadvantage – a Generational Plan of Action*, Northern Territory Government, Darwin, 2007.

- the *White Ribbon Day Campaign* that raises awareness of domestic violence by engaging strong male role models as community ambassadors who support initiatives to reduce violence against women¹⁹³.

In addition to the activities listed above, schools within the Northern Territory have developed local policies and education regarding the use of violence. This education is based on the *Safe Schools Northern Territory Framework*, which in turn is based on the *National Safe Schools Framework*. The *National Safe Schools Framework* helps schools address issues of bullying, harassment, violence, child abuse and neglect¹⁹⁴.

7.2.5 Provision

The Northern Territory Government provides services for victims/survivors to support their physical, mental and social well-being and to protect them from further violence. Some examples include:

- Sexual Assault Referral Centres (SARC) which provide a counselling service to both adults and children who may have experienced (recently or many years ago) any form of sexual assault. For recent victims of sexual assault the centres provide 24-hour access to medical, forensic and counselling services.
- The Australian Government has committed to funding for four years for a Mobile Outreach Service that will provide sexual assault services to children and their families in remote communities. This is in addition to the work carried out by SARC services across the Northern Territory. Mobile Outreach Service staff will be based in each regional SARC office. SARC services operate in Darwin, Tennant Creek and Alice Springs. The Northern Territory Government, under *Closing the Gap*, committed to an expansion of SARC services including the establishment of a SARC service in Katherine. (Mobile Outreach Service staff will be collocated with other SARC staff in this office when it is established.) The Mobile Outreach Service will work with children and families in remote communities and town camps, who are affected specifically by child sexual abuse.
- Ruby Gaea in Darwin and the Department of Health and Families funds a sexual assault counselling position at Centacare in Katherine.
- The Strong Family, Strong Community, Strong Future project, which trains and supports people in remote communities to work with families at risk of violence. The project engages families in determining problems and the order in which they will be dealt with. The service model involves the employment of locals and the development of policies that are applicable in specific communities. An education course is provided through Charles Darwin University, completion of which results in the awarding of a Certificate IV.
- Police Domestic Violence Prevention Units in four major centres of the Northern Territory – Darwin, Katherine, Tennant Creek and Alice Springs.

¹⁹³ Department of the Chief Minister, *Building on our Strengths: A Framework for Action for Women in the Northern Territory 2008 – 2012*, Northern Territory Government, Darwin, 2007.

¹⁹⁴ Department of Education and Training, *National Safe Schools Week (NSSW) grants*, Northern Territory Government, Darwin, 2007, viewed October 2008, http://www.det.nt.gov.au/education/safeschools/nssw_grants/index.shtml

- Safe Houses, a joint Department of Attorney-General and the Northern Territory Government initiative that provides culturally appropriate places for children, women and men to be safe, to be supported and to participate in training and activities. Women's safe places have been built or upgraded in Nguui, Peppimenarti, Yarralin, Ramingining, Ngukurr, Ti Tree, Lajamanu, Kalkarindji and Ntaria. Facilities are being completed in Maningrida and Angurugu. Men's 'cooling off places' have been built in Nguui, Ramingining, Ngukurr, Pmara Jutunta, Finke, Wugularr, Yuendumu and Aputula. Construction for the Maningrida facility started in 2008. The Northern Territory Safe House Project Team is conducting extensive consultation with communities about the design and location of safe places and their integration with other services.
- Remote Aboriginal Family and Community Workers – the role of these positions is to expand culturally appropriate and relevant child protection services to Aboriginal and Torres Strait Islander communities by creating a remote Aboriginal Child Protection workforce staffed by local Aboriginal and Torres Strait Islander people. These positions are intended to support the work that NTFC caseworkers undertake in their community, and respond to the issues identified by families and children in crisis. While the focus is on the safety and wellbeing of children, the connection between child abuse and family violence is strong, and workers will need to support and refer clients where family violence is identified.
- A 24-hour territory-wide central intake team receives calls about child abuse and neglect and undertakes initial screening and risk assessment. Co-located with the central intake team is a Joint Child Abuse Task Force, staffed by both Family and Children Services staff and Northern Territory Police officers who investigate serious cases of child abuse.
- Routine screening for family violence in all territory antenatal clinics within public hospitals.
- *The Step Forward Getting Help about Sexual Violence*. This is a resource for support services dealing with victims of sexual assault.
- The Supported Accommodation Assistance Program. This provides accommodation and support to women and children escaping domestic and family violence.
- *Victims of Crime Northern Territory*, a resource that provides support to victims affected by crime. Services provided include a 24-hour call out service, a 24-hour helpline, court support and advocacy.
- The Northern Territory Legal Aid service, which provides legal services to victims of family violence and sexual assault in Darwin and Alice Springs.
- The provision of safe rooms in public housing. A Safe Room is a room (normally the main bedroom) within a public housing dwelling, which has upgraded security. Victims of violence are able to secure themselves in these rooms at times when they are in danger. The rooms have a solid lockable internal door, security screens on all windows and an additional telephone connection. All external doors are fitted with security screens¹⁹⁵.
- Piloting of the Jidan Gudbelawei (Peace at Home) Program, an ongoing integrated program developed by the Northern Territory Government in partnership with the Australian Government to holistically address domestic and family violence.

¹⁹⁵ Department of Local Government and Housing. *Territory Housing Operational Policy Manual*, Northern Territory Government, Darwin, 2008, viewed October 2008 http://www.housing.nt.gov.au/___data/assets/pdf_file/0003/5088/chapter_13.pdf

7.2.6 Prosecution

The Northern Territory prosecution environment for domestic and family violence includes the following legislation:

- The justice response focuses on the Northern Territory's Domestic Violence Act, which was reviewed and updated in 2007. The *Domestic and Family Violence Act 2007* covers all matters related to Domestic Violence Orders (formerly Restraining Orders). It was implemented in July 2008. Key changes to the Act include:
 - children can apply for a Domestic Violence Order (DVO);
 - an increase in the maximum penalty for breaching a DVO from six months to two years;
 - presumption in favour of a DVO applicant, who has children in their care, remaining in the family home;
 - the inclusion of economic abuse and intimidation as grounds for orders, as well as violence that impacts on the welfare of a child.
- On 18 September 2008, the Northern Territory Attorney-General and Minister for Children and Families announced the tabling of mandatory reporting laws for family violence and a second round of public consultation from 18 September until 2 October 2008. This follows the release of a discussion paper¹⁹⁶ last year by the Northern Territory Government seeking contributions from the general public and targeted stakeholders on the question of mandatory reporting of domestic and family violence by health professionals.
- The draft *Domestic and Family Violence Amendment Bill 2008* amends the *Domestic and Family Violence Act 2007* so as to introduce mandatory reporting requirements for all adults in the Northern Territory (not only health professionals), in relation to certain incidents of domestic and family violence¹⁹⁷. About \$15 million has been allocated to the implementation of mandatory reporting, which is to be led by the Department of Health and Families.
- The *Care and Protection of Children Act 2007* is another relatively new Act that came into effect on 7 May 2008. It provides a more comprehensive approach to the protection and prevention of harm to children than previous legislation and allows for a wider range of responses to reports about children suspected of being subject to harm, or in need of protection¹⁹⁸. Part two of the Act started on 8 December 2008.

196 Department of Local Government and Housing, *Territory Housing Operational Policy Manual*, Northern Territory Government, Darwin, 2008, viewed October 2008 http://www.housing.nt.gov.au/__data/assets/pdf_file/0003/5088/chapter_13.pdf

197 Department of Justice, *Draft Domestic and Family Violence Amendment Bill 2008*, Northern Territory Government, Darwin, 2008, viewed October 2008 <http://www.nt.gov.au/justice/policycoord/lawmake/consult.shtml>

198 Department of Health and Families, *Care and Protection of Children Act – key provisions presentation*, Northern Territory Government, Darwin, 2007, viewed October 2008 http://www.health.nt.gov.au/Children_Youth_and_Families/Child_Protection/Legislation/index.aspx

- The Northern Territory's *Anti-Discrimination Act 2004* (which is under review) together with the Australian Government's *Sex Discrimination Act 1984* make it illegal to discriminate against someone on the basis of their gender. However, Northern Territory legal frameworks do not compel the provision of information to the police (other than the mandatory reporting of the maltreatment of children pursuant to the *Community Welfare Act 1983* to either Family and Children's Services or the police, and reporting of domestic and family violence), except where:
 - such disclosure is reasonably believed necessary to lessen or prevent a serious and imminent threat to a person's life, health or safety;
 - there is a reason to suspect that unlawful activity has been, is being or may be engaged in¹⁹⁹.
- Other legislation of relevance to family violence and sexual assault includes:
 - *Youth Justice Amendment (Family Responsibility) Bill 2008* which relates to entering into Family Responsibility Agreements and applying for Family Responsibility Orders;
 - *Bail Amendment Bill 2007* which reverses the presumption in favour of bail in relation to an accused person charged with a serious sexual offence and to require the court to consider additional criteria, such as the protection of an alleged victim of a sexual offence, in deciding whether to grant bail²⁰⁰;
 - *Sexual Offences (Evidence and Procedure) Act 2007* which outlines the use of evidence and appropriate procedures in the examination of witnesses and the trial of persons alleged to have committed sexual offences.
- Reintegration programs include the Offender Treatment Program, in which Aboriginal and Torres Strait Islander facilitators in remote communities are trained to deliver 50 hours of programs to offenders (through a court-mandated diversionary program) and voluntary participants. The Department of Justice is the lead agency for this project.
- The NTER is supported by the following specific Commonwealth legislation:
 - *Northern Territory National Emergency Response Act 2000*;
 - *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007*;
 - *Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007*.

¹⁹⁹ Department of Justice. *Mandatory Reporting of Domestic and Family Violence by Health professionals: Discussion Paper 2008*, Northern Territory Government, Darwin, 2008.

²⁰⁰ Northern Territory Legislative Assembly, *Legislation and Ministerial Statements and Reports August 2007 sittings*, Northern Territory Government, Darwin, 2007, viewed October 2008 http://www.dcm.nt.gov.au/publications/in_your_parliament/2007/200708_in_your_parliament.pdf



8 Queensland

8.1 Overview

The following table provides a high-level overview of the support systems for victims/survivors of sexual assault and domestic and family violence in Queensland in terms of the 'three S's' – structural, strategic and sustained environments.

Principles of Practice in Formulation – the three S's

Structural
<ul style="list-style-type: none">• Key coordinating agencies include:<ul style="list-style-type: none">- Department of Communities- Office for Women- Department of Child Safety- Queensland Police Service- Queensland Health
Strategic
<ul style="list-style-type: none">• <i>Towards Q2: Tomorrow's Queensland</i> (overarching policy direction)• The Government is in the process of developing a whole-of-government coordinated domestic and family violence strategy• <i>Women in the Smart State Directions Statement 2003-2008</i>• <i>Strategic policy for children and families 2007-2011</i> (Department of Communities)• <i>Interagency Guidelines for responding to adult victims of sexual assault</i> (Queensland Health, Queensland Police Service, Office of the Director of Public Prosecutions)• <i>Violence Against Women Strategy</i> (Legal Aid Queensland)• Domestic and family violence and its relationship to child protection (Department of Child Safety)
Sustained
<ul style="list-style-type: none">• State Ministerial Advisory Council on Domestic and Family Violence• Integrated Human Services CEO Committee• Child Safety Directors' Network• Examples of funding include: \$14.9 million per annum for violence prevention programs, including 13 regional domestic violence services (most of which have counsellors for children exposed to domestic and family violence); and court assistance programs. Supported Accommodation Assistance Program \$15.7 million recurrent funding; \$5.6 million recurrent and \$4.8 million capital funding over three years from 2008-09 for the Safe Havens initiative; and \$600,000 in 2008-09 for the Aboriginal and Torres Strait Islander domestic and family violence counselling services

The following table provides a high-level overview of the support systems in place for victims/survivors of sexual assault and domestic and family violence in Queensland in terms of the 'three P's' – prevention, provision and prosecution.

Principles of Practice in Content – the three P's

Prevention

- Safe and Active Women's Initiative
- Social Isolation of Older People project
- Safe Mobility for All, for Life initiative
- Citytrain After Dark Security initiative
- Domestic and Family Violence Prevention Month

Provision

- Statewide 1800 telephone services
- Crisis and support services for immigrant women
- Court support services, refuges and counselling services (through government and non-government agencies)
- Domestic and Family Violence workers in mainstream services such as QLD Women's Legal Service
- Indigenous Family Violence Program, Cape York Welfare Reform trial and alcohol reforms in communities
- Men's court support workers
- Child witness workers
- Domestic Violence Initiative
- Sexual Assault Support and Prevention Program
- Violence Prevention Program
- Referral for Active Intervention
- Safe Havens
- Supported Accommodation Assistance Program
- Community Renewal Program
- Online Service Finder

Prosecution

- *Criminal Code Act 1899*
- *Domestic and Family Violence Protection Act 1989*

8.2 Profile

This section outlines in further detail the Queensland Government's current response to violence against women and their children, using Amnesty International's structure of the 'three S's' – structural, strategic and sustainable, and 'three P's' – prevention, provision and prosecution.

8.2.1 Structural

The structural arrangements in place in Queensland to coordinate responses to violence against women are as follows:

- The Office for Women (the Office) is the section of the Queensland Government responsible for implementing the Queensland Government's vision for women. The Office is situated within the Department of Child Safety. It investigates trends and provides advice from a whole-of-government perspective. It also develops and monitors policies and programs that affect women²⁰¹.
- The Department of Communities administers the *Domestic and Family Violence Protection Act 1989* in Queensland. It is developing a whole-of-government strategy to respond to domestic and family violence. The ongoing governance arrangements for implementing and overseeing the strategy are to be determined.

8.2.2 Strategic

Several strategies and action plans are being developed or are in place to guide responses to violence against women in Queensland, including the following:

- In May 2007, the Queensland Government announced the development of a whole-of-government strategy to respond to domestic and family violence. A Senior Officers Group has been established to support the strategy's development and comprises director-level officers from 13 Queensland government agencies. As part of this process an audit has been undertaken of government agency policies and programs to identify the pathways in and around the system for people affected by domestic and family violence²⁰². At the time of this analysis, a consultation paper was produced for public comment, to inform the final strategy.

²⁰¹ Office for Women, *Our Vision*, Queensland Government, Brisbane, 2008, viewed October 2008 <http://www.women.qld.gov.au/about-us>

²⁰² Department of Communities, *Whole of Government Domestic and Family Violence Strategy*, Queensland Government, Brisbane, 2008, viewed October 2008 <http://www.communities.qld.gov.au/violenceprevention/aboutdfv/wog-strategy.html>

- The Department of Communities' *Strategic Policy for Children and Families 2007-2011* articulates the key policy direction and objectives for the Department in building child and family-friendly communities. It aims to foster communities in which families are valued and supported in their nurturing role, and in which children are nurtured within their families and communities to achieve their full potential.

It aims to build a local continuum of services that give families access to the right service at the right time. While starting with a broad focus on children and families, a priority is to improve outcomes for Aboriginal and Torres Strait Islander children and their families, and disadvantaged and vulnerable children and their families. It includes a commitment to work with the Department of Education, Training and the Arts and Queensland Health to research and build the capacity of the school community to support vulnerable children and families; and to work with key stakeholders to strengthen community awareness of issues pertaining to child and family safety and wellbeing²⁰³.

- The Department of Communities has policy frameworks relating to various vulnerable groups, including seniors (which consider issues such as elder abuse).
- The *Interagency Guidelines for Responding to Adult Victims of Sexual Assault* is the key document that provides Queensland Health and other services with an agreed framework for responding to adult victims of sexual assault. Introduced in 2002, the interagency guidelines are designed to improve responses by promoting increased interagency cooperation (primarily between Queensland Police Service, Queensland Health and the Office of the Director of Public Prosecutions) and coordination through clearly defining roles and responsibilities of the key agencies involved in a response²⁰⁴.
- Other relevant individual agency strategies include:
 - the Queensland Police Service has a strategic plan and performance indicators driven by an internal policy on domestic violence and family violence;
 - Legal Aid Queensland's *Violence Against Women Strategy*, which includes mechanisms, best-practice guidelines, workplace behaviour policies, a risk-assessment tool and associated training²⁰⁵;
 - the Department of Child Safety's *Domestic and Family Violence and its Relationship to Child Protection*, a policy and practice paper on the links between domestic violence and child protection²⁰⁶;
 - the Queensland Department of Education, Training and the Arts' broad strategy for teaching and modelling positive behaviour to change behaviour and social norms over time.

203 Department of Communities, *Strategic policy for children and families 2007-2011*, Queensland Government, Brisbane, 2007, viewed October 2008 <http://www.communities.qld.gov.au/department/about/corporate-plans/strategic-policies/documents/strategic-policy-for-children-and-families-2007-2011.pdf>

204 Queensland Health, Queensland Department of Justice and Attorney General, Queensland Police, *Response to Sexual Assault: Interagency guidelines for responding to adult victims of sexual assault*, Brisbane, 2001, viewed September 2008 <http://www.health.qld.gov.au/violence/sexual/16005.pdf>

205 Legal Aid Queensland, *Best Practice Guidelines Framework*, Queensland Government, Brisbane, 2008, viewed October 2008 <http://www.legalaid.qld.gov.au/NR/rdonlyres/FAFD8539-3B9D-402F-B890-DB725F37D39F/0/Framework2ndedition.pdf>

206 Department of Child Safety, *Domestic and family violence and its relationship to child protection*, Queensland Government, Brisbane, 2006, viewed October 2008 <https://secure01.childsafety.qld.gov.au/practice-manual/documents/prac-paper-domestic-violence.pdf>

- The Queensland Government's broader policy statement in relation to women is *Women in the Smart State Directions Statement 2003-2008* (the Direction Statement)²⁰⁷. This identifies as key priorities: health and wellbeing; balancing work, family and lifestyle; economic security; women's safety; and involvement in leadership, decision-making and community building as key priorities. Three main strategies are identified for improving women's safety:
 - implementing strategies to reduce violence against women;
 - helping women feel safe and supported in their homes and communities;
 - improving transport services for women.
- As the *Directions Statement* concluded at the end of 2008, the Office for Women is undergoing a review and consultation process to determine its strategic directions.

8.2.3 Sustained

The Queensland Government has in place the following measures to lead and fund efforts to reduce violence against women.

- Since 2005, the Ministerial Advisory Council on Domestic and Family Violence has provided advice to the Minister for Communities and the Queensland Government on issues that relate to family violence. It replaced the previous Queensland Domestic and Family Violence Council and is a representative council made up of: an independent Chair; a representative from each of the Department of Communities's 10 regions; Aboriginal and Torres Strait Islander representatives; a multicultural representative; and Queensland Government representatives from relevant agencies²⁰⁸. The council is: providing advice on the development of a whole-of-government strategy to respond to domestic and family violence (see below); identifying linkages between domestic and family violence and other social issues such as alcohol and drug abuse, health problems and mental illness; and giving advice for Domestic and Family Violence Prevention Month 2009. Other specific tasks of the council include:
 - providing timely and expert advice to the Minister for Communities and other relevant Ministers where appropriate, on matters relating to the prevention and early intervention of domestic and family violence;
 - researching and providing advice on legislation, policy and programs relating to domestic and family violence, as requested by the Minister for Communities;
 - providing advice to the Minister for Communities on existing and emerging issues and concerns of importance in relation to domestic and family violence;
 - monitoring and advising on the implementation and impact of the *Domestic and Family Violence Protection Act 1989*, community awareness and service-delivery initiatives, and research priorities.
- The Integrated Human Services Chief Executive Officer Committee is tasked with tackling social exclusion by improving the effectiveness of the human services system for vulnerable people in highly disadvantaged communities. The Committee is chaired by the Director-General, Department of Communities, and comprises heads of nominated Queensland Government human services agencies, Commonwealth agencies and the Queensland Council of Social Service.

²⁰⁷ Office for Women, *Women in the Smart State Directions Statement 2003-2008*, Queensland Government, Brisbane, 2003.

²⁰⁸ Department of Communities, *Ministerial Advisory Council on Domestic and Family Violence*, Queensland Government, Brisbane, 2008, viewed October 2008 <http://www.communities.qld.gov.au/departments/ministerial-advisory-councils/domestic-family-violence-council.html>

- The funding environment for domestic and family violence and sexual assault initiatives and services in Queensland is framed by the following programs.
 - Queensland Health administers the Domestic Violence Initiative, which involves universal, routine screening for domestic violence when women present to public-sector antenatal, emergency, mental health, alcohol, tobacco and other drug clinics and to children and youth services²⁰⁹. It also provides and funds counselling, forensic and medical services to adult victims of sexual assault. Under the Sexual Assault Support and Prevention Program, it provides \$6.1 million recurrent funding to the 20 non-government services and nine Queensland Health Service Districts for the provision of counselling and support services to victims of sexual assault. These services are managed through funding and service agreements that end in June 2009.
 - The Department of Communities administers the \$14.9 million Violence Prevention Program, which includes women, children and perpetrator programs delivered by non-government organisations. Initiatives include the regional domestic violence services, most of which have counsellors for children exposed to domestic and family violence, as well as delivering counselling and support services for women and undertaking community education at a regional level. This program also funds the Queensland Centre for Domestic and Family Violence Research at CQUniversity.

The Department administers Referral for Active Intervention programs of intensive support for families of vulnerable children who been involved with the statutory child protection system and who have complex or diverse needs. It received funding of \$7.6 million in 2005-06 and an additional \$900,000 in 2006-07²¹⁰. It also administers the Supported Accommodation Assistance Program, including funds for women and children escaping domestic and family violence. This provides: \$15.7 million recurrent funding for 50 services and for crisis accommodation; \$5.6 million recurrent and \$4.8 million capital funding over three years from 2008-09 for the Safe Havens initiative (a joint Australian and Queensland governments initiative to respond to the safety needs of children and young people affected by domestic and family violence in Aboriginal and Torres Strait Islander communities); and \$600,000 in 2008-09 to pilot Aboriginal and Torres Strait Islander domestic and family violence counselling services²¹¹.

209 Australian Family and Domestic Violence Clearinghouse, *Record Number 24: Queensland Health's Domestic Violence Initiative*, viewed October 2008 <http://www.adfvc.unsw.edu.au/goodpracticepdf/24.pdf>

210 Department of Communities, Queensland Child and Family Support Services, *Referral for Active Intervention Services Funding Information Paper 2005-06*, Queensland Government, Brisbane, 2005, viewed October 2008 http://www.communities.qld.gov.au/department/funding/famsupport/previous/prev_early_intervention/documents/pdf/prev_early_int_infopaper.pdf

211 Queensland Government, *Queensland State Budget 2008-09, Budget Paper 5 – Service Delivery Statements, Part 5*, Queensland Government, Brisbane, 2008, viewed October 2008 <http://www.budget.qld.gov.au/budget-papers/2008-09/bp5-part-5-2008-09.pdf>

- The Department of Housing funds a \$26.9 million Crisis Accommodation Program including 'Roma House, Lady Bowen Centre' to support and accommodate homeless people. Through the Housing Register, it recognises that women fleeing domestic violence need to be given high priority for the allocation of social housing; and it delivers the Community Renewal Program, an initiative delivered in partnership between state and local governments, businesses, residents and the community to implement projects that improve people's lives in disadvantaged Queensland communities. Through Community Renewal, Health Relationship Projects provide a holistic approach to the issue of family violence in culturally and linguistically diverse communities. The Community Renewal Program delivers Aboriginal and Torres Strait Islander domestic and family violence initiatives.

8.2.4 Prevention

The three strategies to improve women's safety outlined above include a public education campaign *Meeting Challenges, Making Choices*. This was developed in response to the Cape York Justice Study, which aims to reduce the level of violence and alcohol-related harm in Aboriginal and Torres Strait Islander communities and create opportunities for education and economic development. It also seeks to increase funding to accommodate new categories of people protected under amendments to the *Domestic and Family Violence Protection Act 1989*.

Strategies to help women feel safe and supported in their homes and communities include:

- the development of a Safe and Active Women initiative, aimed at empowering women to feel safe at home and active in the community;
- the development of a Social Isolation of Older People project to identify ways of reducing the isolation of older women;
- strategies to improve transport services including the Safe Mobility for All for Life, a project aimed at providing safe transport to all Queenslanders; and increasing funding to the Citytrain After Dark Security Initiative which provides additional staff at selected stations during the evening.

Broader service systems and programs relating to the prevention of violence against women and children include drug and alcohol programs and supported accommodation assistance services.

8.2.5 Provision

The Queensland Government provides services for victims/survivors including telephone services (DVConnect), crisis and support services for immigrant women (Immigrant Women's Support Service), court support services, refuges and counselling services (such as through Relationships Australia, Centacare, Lifeline and Anglicare). It also provides Aboriginal and Torres Strait Islander-specific programs such as Indigenous Family Violence Programs, the Cape York Welfare Reform trial, and alcohol reforms in communities.

The major domestic and family violence and sexual assault prevention activities undertaken by the lead agency, the Department of Communities, include:

- providing funding to domestic and family violence support services throughout Queensland, including rural and Aboriginal and Torres Strait Islander communities;
- developing, monitoring and reviewing practice standards for service delivery;
- designing and developing operational policy, protocols, programs, procedures and practice guidelines for the delivery of domestic and family violence services;
- monitoring and reviewing operational policy, protocols and programs;
- monitoring, evaluating and reporting on the impact of the *Domestic and Family Violence Protection Act 1989*;
- designing and developing protocols and programs to facilitate community awareness and community education initiatives;
- developing new violence prevention initiatives²¹².

The department also supports the following initiatives:

- Violence Prevention Program;
- Referral for Active Intervention;
- Safe Havens;
- Supported Accommodation Assistance Program.

Examples of specific services provided through other Queensland Government agencies include:

- Legal Aid Queensland provides court assistance workers at the Brisbane Magistrates Court.
- Queensland Police Service has a dedicated Domestic and Family Violence Unit as part of the Office of the Commissioner. In addition, there are 22 dedicated full-time District Domestic Violence Liaison officers throughout the state.

²¹² Department of Communities, *Department's role in domestic and family violence prevention*, Queensland Government, Brisbane, 2008, viewed October 2008 http://www.communities.qld.gov.au/violenceprevention/aboutdfv/dept_role.html

- Domestic and family violence workers in mainstream services such as Queensland Women's Legal Service.
- Indigenous Family Violence Program, Cape York Welfare Reform trial and alcohol reforms in communities.
- Domestic Violence Initiative.
- Sexual Assault Support and Prevention Program.
- Women's Infolink – a telephone and online referral service and service finder by the Office for Women.
- Community Renewal Program.

8.2.6 Prosecution

The Queensland prosecution environment for domestic and family violence centres on the *Domestic and Family Violence Protection Act 1989*, as mentioned above. It provides protection for people subject to actual or threatened violence where there is a spousal, intimate personal, family or informal care relationship. It explains how domestic violence is handled under the Act, the powers of the courts and domestic violence orders, and the registration of interstate orders. It also deals with appeals and police functions and powers²¹³. The legislation includes provision to have the perpetrator of domestic and family violence removed from the home (an 'ouster' condition'). A total of 20,284 domestic and family violence applications and 13,567 orders were made in Queensland in 2005-06²¹⁴.

Other key legislation includes:

- *Domestic and Family Violence Protection Regulation 2003* deals with the registration of an interstate or New Zealand protection order and provides details for dealing with a person in custody (for domestic violence offences under the Act).
- *Criminal Code Act 1899* Part 5 deals with offences against the person which are detailed within chapters 26-34: chapters 26 and 30 cover assaults and violence generally; chapter 28 – homicide; chapter 32 – rape and sexual assaults; chapter 33 – threats; and 33A –unlawful stalking²¹⁵.

²¹³ Australian Family and Domestic Violence Clearinghouse, *Policy and Legislation*, Commonwealth of Australia, Canberra, 2007, viewed September 2008 http://www.austdvclearinghouse.unsw.edu.au/au_resources.html

²¹⁴ Department of Communities, *Queensland Office of Economic and Statistical Research*, Queensland Government, Brisbane, 2008, viewed October 2008 <http://www.communities.qld.gov.au/department/ig/quarterly/q1/comsup/index.html>

²¹⁵ Australian Family and Domestic Violence Clearinghouse, *Policy and Legislation*, Commonwealth of Australia, Canberra, 2007, viewed September 2008 http://www.austdvclearinghouse.unsw.edu.au/au_resources.html



9 South Australia

9.1 Overview

The following table provides a high-level overview of the support systems for victims/survivors of sexual assault and domestic and family violence in South Australia in terms of the 'three S's' – structural, strategic and sustained environments.

Principles of Practice in Formulation – the three S's

Structural
<ul style="list-style-type: none">• The Office for Women has the lead role in co-ordinating the implementation of the <i>Women's Safety Strategy</i>. The Office for Women is supported by a Women's Safety Strategy Reference Group chaired by the Minister for the Status of Women
Strategic
<ul style="list-style-type: none">• <i>Women's Safety Strategy 2005</i>
Sustained
<ul style="list-style-type: none">• The Women's Safety Strategy Reference Group includes representatives from:<ul style="list-style-type: none">- Office for Women- Department of Families and Communities- Department of Justice- Department of Premier and Cabinet- Department of Further Education, Employment, Science and Technology- Department of Primary Industries- Department of Transport, Energy and Infrastructure- Office for Recreation and Sport- Department of Education and Children's Services- Coalition of Women's Domestic Violence Services- Interagency Family Violence and Sexual Assault Working Group- Onkaparinga Collaborative Approach- Western Collaborative Approach

The following table provides a high-level overview of the support systems in place for victims/survivors of sexual assault and domestic and family violence in South Australia in terms of the 'three P's' – prevention, provision and prosecution.

Principles of Practice in Content – the three P's

Prevention

- Provision of the Women's Safety Strategy Community Education Grants to local communities to prevent and reduce violence against women
- Coordination of campaigns such as the *White Ribbon Day*, *Learn2Earn: Young Women's Self Defence and Personal Safety* and *Stop Bullying*
- Launch of prevention guidelines to stop workplace bullying – *Preventing Workplace Bullying: A Practical Guide for Employers* and *Workplace Bullying: A Practical Guide for Employees*. Refer to their web site – <http://www.stopbullyingsa.com.au>
- Launch of the *Learn2Earn: Young Women's Self Defence and Personal Safety campaign*
- Indigenous Family Violence Partnership Program
- Breaking Cultural Barriers Program

Provision

- Women's Information Service Family Court Support Program
- Cognitive behavioural programs for men who have been abusive to women in both Community Corrections and Prisons
- Yarrow Place's clinical forensic, medical and counselling services to victims of sexual assault
- Keeping Them Safe response
- Adelaide Magistrates Court and Elizabeth Magistrates Court support services to male perpetrators, their partner or former partner and any children involved
- Development of Domestic Violence Case Management Standards to ensure the safety of women is a priority when working with perpetrators
- Rekindling Indigenous Family Partnerships project
- Indigenous-specific domestic violence services operating in metropolitan Adelaide

Principles of Practice in Content – the three P's

Prosecution

- *Criminal Law Consolidation Act 1935 Section 19AA*
- *Domestic Violence Act 1994*
- *Sex Offender Register Bill 2006*
- *Children, Young Persons and their Families Act 1997*

9.2 Profile

This section outlines in further detail the South Australian Government's current response to violence against women and their children, using Amnesty International's structure of the 'three S's' – structural, strategic and sustainable, and 'three P's' – prevention, provision and prosecution.

9.2.1 Structural

The structural arrangements in place to coordinate and harmonise efforts to reduce violence against women are as follows.

- The Office for Women plays the lead role in the South Australian Government's *Women's Safety Strategy*.
- The Office for Women is supported by a whole-of-government Women's Safety Strategy Reference Group chaired by the Minister for the Status of Women. This group meets every six weeks and has representation from the following:
 - Office for Women;
 - Attorney-General's Department;
 - Department for Families and Communities;
 - Department of Premier and Cabinet;
 - Department of Further Education, Employment, Science and Technology;
 - Department of Primary Industries, Resources, South Australia;
 - Department of Transport, Energy and Infrastructure;
 - Office for Recreation and Sport;
 - Department of Education and Children's Services;
 - Department of Health
 - representation from a non-government domestic violence service.

- Several working groups have flowed from the reference group and have a focus on:
 - Aboriginal family violence;
 - culturally and linguistically diverse women;
 - women with disabilities;
 - women, work and violence;
 - women's safety and sport.
- A major undertaking by the Women's Safety Strategy Reference Group in 2006 was the development of an integrated services model. This model, the *Family Safety Framework*, was first trialled in 2007, with further trials in 2008²¹⁶. It seeks to ensure that services to families most at risk of violence are dealt with in a more structured and systematic way – through agencies sharing information about high-risk families and taking responsibility for supporting these families to navigate the services system. The *Family Safety Framework* incorporates an agreement to share information between agencies and sets parameters for the sharing of information. Trials of the framework have been conducted in three regions across South Australia: Holden Hill, Noarlunga and Port Augusta policing boundaries. These pilots will be evaluated soon.

9.2.2 Strategic

The *Women's Safety Strategy 2005* is the main policy document addressing violence against women and children in South Australia. It outlines four key directions:

- prevention of violence against women;
- provision of services to those who need them;
- protection for women from experiencing violence;
- performance – monitoring and evaluation of the strategy.

Activities undertaken to progress the strategy are outlined in two main reports – the *Women's Safety Strategy Achievement Report (March 2005 – March 2007)*, which provides an overview of the initiatives and achievements of the strategy to date, and the *Women's Safety Strategy Snapshots (March 2005 – March 2007)*.

216 Office for Women, *Womens Safety Strategy*, Office for Women website, South Australian Government, Adelaide, 2008, viewed October 2008 <http://www.officeforwomen.sa.gov.au/index.php?section=970>

Strategic initiatives that complement, or are aligned with, the *Women's Safety Strategy* include:

- revised information-sharing legislation to enhance the capacity to communicate information about services responding to women, children and perpetrators of violence;
- the *Domestic Violence Strategy* introduced by South Australia Police. This has resulted in changes to the way police respond to reports of domestic violence and aims to enhance the safety of victims and ensure that perpetrators of violence are held accountable by the criminal justice system;
- Domestic Violence Case Management Standards. These have been developed to ensure that work with perpetrators of violence prioritises the safety of women and children. These standards are being implemented through local partnership arrangements;
- reforms in relation to both sexual assault and domestic violence laws, which are being considered by the South Australian Government;
- the *Youth Action Plan* for South Australia, which identifies a goal that 'young people are safe and protected and develop and maintain healthy relationships';
- the Domestic Violence Workforce Project, which resulted from consultation with the workforce about resources to support staff working with victims of domestic violence;
- the South Australian *Women's Health Policy*, which identifies priorities to improve health outcomes for women, including through linkages with the *Women's Safety Strategy*. The policy includes the need for health services to promote women's safety and provide a response to women and their children when needed. Health services must also establish linkages with services to provide community support for vulnerable women and children. Policy initiatives include service standards to inform responses to women who have been sexually assaulted; and responses to ameliorate the impact of violence on women's wellbeing and health.

9.2.3 Sustained

South Australia has put in place the following measures to fund and lead responses to violence against women.

- Sustained commitment to the *Women's Safety Strategy* is demonstrated through the ongoing coordination role of the Office for Women in South Australia. While initiatives emerging from the strategy have been evaluated, further monitoring and evaluation of the strategy's affect on reducing violence to women and their children is needed.

- In addition to existing resources, specific funding has been provided under the *Women's Safety Strategy* for the following:
 - Community Education Projects
 - a Community Education Grant Fund
 - an Anti-Violence Community Education Strategy.
- Other groups that coordinate and sustain responses to women affected by violence include:
 - the Coalition of Women's Domestic Violence Services;
 - the Onkaparinga Collaborative Approach;
 - the Inter-agency Family Violence and Sexual Assault Working Group in the southern suburbs of Adelaide;
 - the Western Collaborative Approach – an interagency family violence and sexual assault working group in the western suburbs of Adelaide.

9.2.4 Prevention

In terms of prevention, the *Women's Safety Strategy Achievement Report 2007* highlighted several initiatives over the two-year period from March 2005 to March 2007. Some of these include:

- administration of Women's Safety Strategy Community Education Grants to 14 recipients. Examples included the Aged Rights Advocacy Service Inc for the provision of translated written information for older women in the Italian, Greek, Polish and Vietnamese communities on elder abuse and how to access assistance; the Adelaide Central and Eastern Division Of General Practice for the provision of the necessary skills to general practitioners so they can train their peers to recognise and assist patients who live with violence; and the Aldinga Community Centre Inc for the creation of posters in collaboration with Aldinga schools to provide an opportunity for children to express their feelings about safety and violence in the family;
- coordination of events such as the White Ribbon Day (International Day for the Elimination of Violence Against Women), Reclaim the Night, 16 Days of Activism Against Gendered Violence and International Women's Day;
- the launch of the '*Learn2Earn: Young Women's Self Defence and Personal Safety*' campaign which targets young women at risk aged 16-24 and not engaged in school;
- the development and launch of the web site www.stopbullyingsa.com.au by the Interagency Committee on Workplace Bullying by SafeWork SA;
- the development and launch of guidelines *Preventing Workplace Bullying: A Practical Guide for Employers*; and *Dealing with Workplace Bullying: A Practical Guide for Employees*²¹⁷.

²¹⁷ Office for Women, *Women's Safety Strategy Achievement Report 2007*, South Australian Government, Adelaide, 2007.

Other initiatives developed to address violence against women and their children include:

- Breaking Cultural Barriers – a service for men and women from culturally and linguistically diverse backgrounds provided through the Migrant Resource Centre;
- a *Victims of Crime* booklet has been published and is given out by police;
- a web site has been established for victims of crime by the Attorney-General's Department;
- the Indigenous Family Violence Partnership Program, which includes the Department of Families, Housing, Community Services and Indigenous Affairs funding for projects and initiatives that aim to reduce and prevent Aboriginal and Torres Strait Islander family violence and child abuse.

9.2.5 Provision

The South Australian Government, through the *Women's Safety Strategy*, has initiated services such as:

- the Women's Information Service Family Court Support Program, which offers free and confidential Family Court support to women who have experienced domestic violence and are attending the Family Court;
- Yarrow Place, which is based in Adelaide and provides clinical forensic, medical and counselling responses to victims of sexual assault;
- the provision of cognitive behavioural programs for men in both Community Corrections and prisons who have been abusive to women and children to address offending behaviour. These include the Stopping Violence Program, the Sexual Behaviour Clinic for offenders against both adults and children, and the Violence Program;
- *Keeping Them Safe*, which is the South Australian Government's response to the *Layton Review 2003*. It outlines the Government's commitment to child protection reform and its primary purpose is to harness an improved all-of-community-response to ensure safety, well-being and shared opportunities for children in South Australia;
- the Adelaide Magistrates Court and the Elizabeth Magistrates Court, which provide an integrated approach to domestic violence. They operate in partnership with Government and non-government agencies and have well-defined relationships with the court and the police. They provide services to the male perpetrator, his partner or former partner and any children involved in the situation;

- the development of Domestic Violence Case Management Standards by the Department for Correctional Services. These ensure that the safety of women is a priority when working with perpetrators;
- the Rekindling Indigenous Family Relationships project in Riverland, which is jointly funded by the state and Australian Government under the Indigenous Family Violence Partnership Program and is supported by Country Health South Australia through the Riverland Regional Health Service. The program addresses healing and capacity building of Aboriginal people and communities and uses a partnership model to promote inter-agency cooperation;
- two Aboriginal and Torres Strait Islander specific domestic violence services that operate in metropolitan Adelaide providing accommodation and support to Aboriginal and Torres Strait Islander women and children affected by family violence.

9.2.6 Prosecution

In September 2005, the South Australian Government, through the Department of Justice, committed to comprehensively reform rape, sexual assault and domestic violence laws in the state. The aim was to strengthen the laws relating to these offences so as to provide greater protection to victims and to hold perpetrators of violence more accountable. The reforms were also aimed at improving the response of the criminal justice system to these offences²¹⁸.

The Department of Justice committed to other legislative reforms that improve women's safety. These include: the *Sex Offender Register Bill 2006*, which has been passed by Parliament and is awaiting assent; the removal of the statute of limitation that prevented sex-offenders from being prosecuted for offences that occurred before December 1982; new legislation that creates an offence of drink or food spiking and establishes a Commissioner for Victims' Rights; and Judicial Seminars on child witnesses and child development²¹⁹. The *Criminal Law Consolidation (Rape and Sexual Offences) Amendment Bill 2008* and the *Statutes Amendment (Evidence and Procedure) Bill 2007* were passed on 9 April 2008. Victims are supported in courts by volunteers or by social workers in the superior courts.

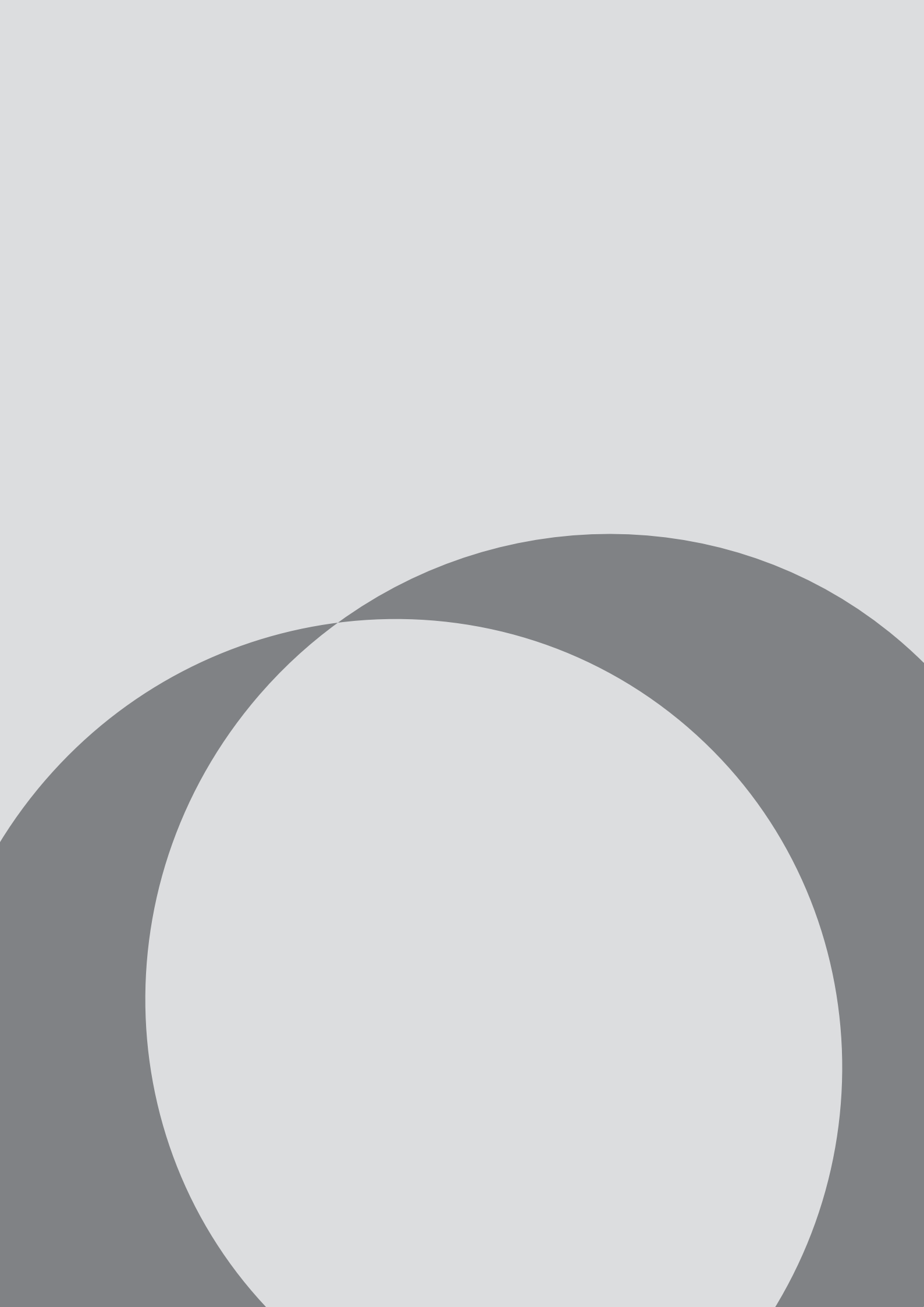
²¹⁸ Office for Women, *Women's Safety Strategy Achievement Report 2007*, South Australian Government, Adelaide, 2007.

²¹⁹ Ibid.

The main legislation includes:

- The *Domestic Violence Act 1994* provides for restraining orders in cases of domestic violence. It specifies grounds for making domestic violence restraining orders, terms of the orders, factors to be considered by the court and variation or revocation of orders. It also deals with firearms orders, the service of an order and applications made by or on behalf of a child.
- The *Criminal Law Consolidation Act 1935 Section 19AA* deals with criminal law offences against person and property. Part 3 – offences against the person – includes: homicide: unlawful threats: stalking: acts causing, or intended to cause, danger to life or bodily harm: assaults: threats with a firearm; and rape and other sexual offences. Part 4 – offences with respect to property – includes property damage, recklessly endangering property and intent to damage property²²⁰.
- Other legislation that may be relevant to responding to victims of perpetrators of violence to women and their children include:
 - *Victims of Crime Act 2001*;
 - *Family Relationships Act 1975*.

²²⁰ Australian Family and Domestic Violence Clearinghouse, *Policy and Legislation*, Commonwealth of Australia, Canberra, 2007, viewed September 2008 http://www.austdvclearinghouse.unsw.edu.au/au_resources.html.



10 Tasmania

10.1 Overview

The following table provides a high-level overview of the support systems for victims/survivors of sexual assault and domestic and family violence in Tasmania in terms of the 'three S's' structural, strategic and sustained principles for action plans.

Principles of Practice in Formulation – the three S's

Structural
<ul style="list-style-type: none">• Progress of the <i>Safe at Home</i> initiative is monitored by a steering committee with representation from five government departments:<ul style="list-style-type: none">- Department of Premier and Cabinet (Chair)- Department of Justice- Department of Police and Emergency Management- Department of Health and Human Services- Department of Education• District structure includes a weekly Integrated Case Coordination meeting
Strategic
<ul style="list-style-type: none">• <i>Safe at Home: A Criminal Justice Framework for Responding to Family Violence in Tasmania</i>
Sustained
<ul style="list-style-type: none">• Interdepartmental Safe at Home Committee chaired by the Department of Justice and regional coordinating committees• In 2004-05, \$17.7 million over four years was committed to <i>Safe at Home</i>. In 2005-06, an extra \$1.6 million over four years was committed

The following table provides a high-level overview of the support systems in place for victims/survivors of sexual assault and domestic and family violence in Tasmania in terms of the 'three P's' – prevention, provision and prosecution.

Principles of Practice in Content – the three P's

Prevention
<ul style="list-style-type: none">• The <i>Safe at Home</i> initiative was originally supported by a strong public awareness campaign
Provision
<ul style="list-style-type: none">• The <i>Safe at Home</i> initiative provides a range of services including:<ul style="list-style-type: none">- Family Violence Offender Intervention Program- Family Violence Counselling and Support Services for adults and children- Court Support and Liaison Service for adults and children- Family Violence Response and Referral Line- Victim Safety Response Teams- Child Protection Advice and Referral Service• Children and Young People's Counselling and Support Service (now combined with adult Family Violence Counselling and Support Services)
Prosecution
<ul style="list-style-type: none">• <i>Family Violence Act 2004</i>• <i>Children, Young Persons and Their Families Act 1997</i>• <i>Sentencing Act 1997</i>• <i>Criminal Code Amendment (Stalking) Act 1999</i>

10.2 Profile

This section outlines in further detail the Tasmanian Government's current response to violence against women and their children, using Amnesty International's structure of the 'three S's' – structural, strategic and sustainable, and 'three P's' – prevention, provision and prosecution.

10.2.1 Structural


Tasmania has the following structural arrangements to coordinate responses to violence against women.

- *Safe at Home: A Criminal Justice Framework for Responding to Family Violence in Tasmania* is the Tasmanian Government's response to family violence. For its innovation, the program was presented with the 2008 Australian Crime and Violence Prevention Award²²¹.

Implementation and progress of the program is monitored by a steering committee with representation from five government departments including Premier and Cabinet, Justice, Police and Emergency Management, Health and Human Services and Education. This steering committee has responsibility for implementing and monitoring the *Safe at Home* initiative and meets once or twice a year.

- The predominant structure at a district level is the weekly Integrated Case Coordination meeting. It includes representatives from local service providers who review and discuss all case activity in the area. It develops collaborative strategies around the continuing risk and safety management of family violence cases. The following agencies and officers are represented at case coordination meetings:
 - Victim Safety Response Team (Sergeant Police);
 - Police Prosecutor;
 - Family Violence Counselling and Support Service;
 - Child Protection;
 - Court Support and Liaison Service;
 - Child Counselling Service;
 - Special Needs Officer (representing services to clients with mental health matters and drug and alcohol issues);
 - Senior Social Worker (Education – a pilot project in some districts only).

²²¹ http://www.police.tas.gov.au/security_and_safety/safe-at-home/safe_at_home_wins_award_2008 (Accessed February 2009)



Training mechanisms have been established to embed the *Safe at Home* initiative. Training has been cross-sectoral and has included all agencies including police, courts and counsellors. Police, in particular, have been given intensive training in relation to family violence and sexual assault and about 130 police have been specially trained. A further 800 operational police officers have been trained in general family violence risk assessment, evidence collection and Safe at Home legislation and procedures.

10.2.2 Strategic

Tasmania has in place the following strategies and plans to respond to violence against women.

- The *Tasmania Together Framework* identifies a vision for Tasmania to 2020 and includes standards for the community and indicators and targets for these. One of the 12 standards is: 'Support safe and responsible behaviour and ensure that community facilities and spaces, transport systems, workplaces and private homes are, and are perceived to be, safe environments'²²². Key indicators for measuring progress against this standard are:
 - the percentage of people who feel safe at home;
 - the percentage of people who feel safe in public places;
 - the reported level of family violence.
- The *Safe at Home* policy initiative is the state's main mechanism for driving practice change and an integrated response to victims and perpetrators of family violence. It started in September 2004 and is a whole-of-government criminal justice response to family violence. It is reinforced by the *Family Violence Act 2004* which was proclaimed on 30 March 2005.

It is delivered through an integrated service delivery system designed to manage the safety of the victims and the risk that the offenders may repeat or escalate their violent behaviour. One of its aims is to keep victims of family violence, generally women and children, safe in their homes and minimise the need for relocation.

Key elements of the *Safe at Home* strategy include:

- a new *Family Violence Act* in 2004 focusing on the criminal nature of family violence and introducing Police Family Violence Orders, Family Violence Orders and increased penalties for breaches of orders and violence in the presence of children;
- a statewide family violence response and referral line;
- Victim Safety Response Teams established within the four geographical police districts with specially trained police officers;

222 Tasmania Together Progress Board, *Tasmania Together 2020*, Tasmanian Government, Hobart, 2006, viewed October 2008 http://www.tasmaniattogether.tas.gov.au/reports_and_papers/documents/site_documents/2007_05_07_61112_-_Benchmarks_in_detail1.pdf

- a pro-intervention, pro-arrest, pro-prosecution approach by police, supported by increased numbers of police prosecutors and increased funding to courts and Legal Aid;
- an Aboriginal Family Violence Working Group (the Ya Pulinga Kani Working Group) to provide advice on culturally appropriate responses for Aboriginal people.

Safe at Home also established services to respond to victims and perpetrators of violence. These are discussed further in the section on 'Provision'.

10.2.3 Sustained

Tasmania has put in place the following measures to fund and lead responses to violence against women.

- An Interdepartmental Committee chaired by the Department of Justice also supports the *Safe at Home* initiative. This Committee meets monthly and is responsible for the coordination of service delivery and implementation of the continuous improvement strategy. There are three regional co-ordinating committees that liaise with the service providers at a local level and monitor service delivery. These have cross-sectoral representation from all services involved in responding to family violence.
- *Safe at Home* is a long-term commitment from the Tasmanian Government and attracted \$17.4 million in funding for both development and implementation. An evaluation of the *Family Violence Act 2004* was finalised earlier in 2008. This evaluation identified strengths and weaknesses of the initiative, including the need for:
 - improved data collection;
 - counselling and support for children;
 - responses to offenders;
 - responses to inter-generational violence.
- A second evaluation of the integrated response is under way. Implementation of *Safe at Home* was accompanied by strong data collection mechanisms with a shared police database that can be accessed by a range of service providers, including child protection, justice and counselling services. Data is monitored by the Department of Justice and analysed for trends. Once each family violence incident report is quality assured by police, it is sent to a shared server where a relational search for family members is conducted. It is then turned into a victim-centred case record that links all known related family violence incidents so that outcomes for all family members (victim, offender, and children) can be tracked. These case records form the basis of the agenda for the Integrated Case Coordination meetings.

10.2.4 Prevention

The *Safe at Home* initiative focuses on prevention through the provision of a consistent and clear response to perpetrators. It was originally supported by a strong statewide public awareness campaign.

This prevention-focus is evident in school programs in Tasmania, delivered mainly through the Safe and Supportive Schools and Communities initiative. Local prevention assistance is given upon requests arising from the community service education provided by police, family violence counselling services and school programs.

10.2.5 Provision

The Tasmanian Government provides services to survivors/victims under the whole-of-government *Safe at Home* initiative including the following.

- Family Violence Counselling and Support Service – this service started in 2005 and is a government-funded counselling, therapeutic and support service for adult victims.
- Children and Young People's Counselling and Support service – this service started in 2005 specifically to address child and youth trauma inflicted by family violence and has been combined with the Family Violence Counselling and Support Service.
- Court Support and Liaison Service – this service started in 2004 through the Department of Justice and helps victims (including children) through their legal and court processes. It offers practical support to victims of domestic violence who attend court for criminal or protection order (Family Violence Order) matters. The service's role in *Safe at Home* is to ensure that the legal outcomes for victims are effective in terms of risk management and enhancing safety.
- Court Support and Liaison Service workers – these services collaborate with police, prosecutors and Legal Aid (specialist family violence workers) to ensure a streamlined and coordinated approach to their legal system needs. The program operates in all Tasmanian courts, with staff based in Launceston, Burnie and Hobart. The service provides safe rooms, information, advocacy, referrals and, crucially, involvement in drafting applications to ensure they best meet victim's needs. They also participate in the weekly Integrated Case Coordination meetings. The service provides an Aboriginal and Torres Strait Islander worker who provides court support to the Tasmanian Aboriginal community²²³.
- Family Violence Response and Referral Line – this offers information and referral services for callers who are then able to access the full range of response, counselling, information and other support services provided by *Safe at Home* on a 24-hour, seven-days-a-week basis.

223 Australian Family and Domestic Violence Clearinghouse, *Australian Family and Domestic Violence Clearinghouse webpage*, Commonwealth of Australia, Canberra, 2007, viewed September 2008 http://www.austdvclearinghouse.unsw.edu.au/_resources.html

- Victim Safety Response Teams – these are police teams specially trained to respond to victims of violence. They focus on managing victim safety and supporting victims in crisis. Activities include: quality assuring the conduct of investigations when the offender is removed from the home; gathering evidence and supporting information for a Family Violence Order; assisting in the preparation of the Family Violence Order; conducting a safety assessment of risk to the victim and initiating support or their removal from the home should they need a place of safety; notifying the Child Protection Agency of the presence of children (this is the responsibility of attending police); undertaking a safety audit of the home; arranging the upgrade of security of the victims home where it is deemed appropriate; providing a safety plan to the victim where it is appropriate; advising the victim on the options to be considered, including referral to support and counselling services; investigating breaches of Family Violence Orders; and organising additional security patrols if required²²⁴.
- *Safe at Home* – this provides brokerage for perpetrators of family violence to access accommodation outside of the family home to ensure the safety of victims.

Programs also exist to work with perpetrators, including:

- a *Safe at Home* program delivered through Community Corrections called Family Violence Offender Intervention Program (a mandated program for high risk offenders), a sentencing option available to the courts upon conviction of a family violence offence;
- services provided at a local level through non-government services, including Changing Abusive Behaviours delivered through Centacare (for voluntary perpetrators).

Other victim service provision for adults and children include:

- non-government organisations providing services for women and children including counselling and crisis (shelter) accommodation (for example, Galileo House);
- counselling and medical responses for victims of sexual assault provided through three sexual assault services;
- legal aid for victims of family violence or sexual assault and offenders facing criminal charges;
- services for offenders (such as those offered through Centacare and Relationships Australia).

²²⁴ Tasmanian Department of Justice, *Safe at Home program*, Tasmanian Government, Hobart, 2007, viewed October 2008 <http://www.safeathome.tas.gov.au/services/emergency#Victim%20Safety%20Response%20Teams>

10.2.6 Prosecution

The Tasmanian prosecution environment for family violence comprises the following legislation.

- The justice response centres on the *Family Violence Act 2004*. This provides for an integrated criminal justice response to family violence that promotes the safety of victims. Tasmania is the only state that explicitly mentions sexual forms of family violence in its legislation. Tasmanian legislation defines ‘family violence as assault, including sexual assault’²²⁵. The legislation is also unique in that it introduces economic abuse and emotional abuse and intimidation as criminal offences and as grounds for obtaining Family Violence Orders²²⁶.
- Part 2 of the *Family Violence Act 2004* defines the various forms of family violence covered by the Act and gives penalties for such offences, describes police powers to enter premises, and explains conditions under which arrest and detention may occur. Part 3 describes Police Family Violence Orders and Part 4 Family Violence Orders. Schedule 1 includes consequential amendments to the various Acts affected by this new legislation, including the *Justices Act 1959*, *Police Offences Act 1935* and the *Criminal Code Act 1924*²²⁷.
- A related Act is the *Children, Young Persons and their Families Act 1997*²²⁸ which provides the legislative framework for child protection in Tasmania. Under the legislation, the Department of Health and Human Services’ Child and Family Services is responsible for intervention in cases of children at risk of abuse or neglect. This Act stipulates mandatory notification of family violence. Child Protection regions receive notifications of child abuse and refer them for investigation through regional offices in Hobart, Launceston, Burnie and Devonport. The child protection system is a major element of the sexual assault support system for children. Child protection has a strong relationship with the Children’s Therapeutic Service established as part of the *Safe at Home* strategy.
- The law relating to family violence in Tasmania includes the following features²²⁹.
 - Police can enter premises, conduct searches, seize weapons and evidence, and make arrests without a warrant in circumstances where they suspect family violence has occurred.

225 Z Morrison, ‘Family Violence and Sexual Assault: Aspects of a New Report in Victoria on Law Reform,’ *Australian Centre for the Study of Sexual Assault (ACSSA) Newsletter*, no.13, December 2006.

226 C Caruana, ‘Changes to Federal Family Law and State Domestic Violence Legislation,’ *Family Matters*, no. 70, Australian Institute of Family Studies, 2005.

227 Tasmanian Department of Justice, *Safe at Home program*, Tasmanian Government, Hobart, 2007, viewed October 2008 <http://www.safeathome.tas.gov.au/services/emergency#Victim%20Safety%20Response%20Teams>

228 Department of Health and Human Services, *Children, Young Persons and their Families Act 1997*, Tasmanian Government, Hobart, viewed October 2008 http://www.dhhs.tas.gov.au/about_the_department/structure/operational_units/human_services/children_and_family_services/unit_structure/area_teams/child_protection_services/children_young_persons_and_their_families_act_1997

229 Tasmanian Department of Justice, *Safe at Home program*, Tasmanian Government, Hobart, 2007, viewed October 2008 <http://www.safeathome.tas.gov.au/services/emergency#Victim%20Safety%20Response%20Teams>

- Police can detain a suspected person for the period necessary to prepare and serve a Police Family Violence Order, or to conduct a risk assessment and a safety audit.
- A risk assessment is an assessment of the magnitude of the risk posed by the accused to the victims and their children. A safety audit is an assessment of the safety of the premises in which the victim resides.
- People charged with a family violence offence will not be granted bail unless their release would not adversely affect the safety, wellbeing and interests of victims.
- Where police are satisfied that a person has committed family violence they may make a Police Family Violence Order with respect to that person. Such an order can require the offender or alleged offender to move out of their residence, not to enter certain premises, to surrender firearms, and to refrain from behaviour such as assault, harassment, and approaching or contacting people named in the order.
- Magistrates can make a Family Violence Order on the application of victims, police or a person given leave to make application by the court.
- These orders can include orders to remove the offender's or alleged offender's name from a tenancy agreement.
- The *Family Violence Act 2004* requires courts to consider matters such as the presence of children and pregnancy as aggravating factors when determining sentence with respect to a family violence offender.
- The law relating to family violence can also require that people found guilty of a family violence offence attend a family violence rehabilitation program as part of their sentence.
- Other relevant pieces of legislation include:
 - the *Criminal Code Act 1924* which has been amended to include assault on pregnant women;
 - the *Criminal Code Amendment (Stalking) Act 1999* which has been amended to include stalking behaviour;
 - the *Sentencing Act 1997*, in particular section 7 (ea), which allows courts in the case of a family violence offence, with or without recording a conviction, to make a rehabilitation program order²³⁰.

²³⁰ Australasian Legal Information Institute, *Tasmanian Consolidated Acts*, University of Technology, Sydney, 1997, viewed October 2008 http://www.austlii.edu.au/au/legis/tas/consol_act/sa1997121/s7.html



11 Victoria

11.1 Overview

The following table provides a high-level overview of the support systems in place for victims/survivors of sexual assault and domestic and family violence in Victoria in terms of the ‘three Ss’ – structural, strategic and sustained principles.

Principles of Practice in Formulation – the three S’s

Structural

- Implementation of the *Women’s Safety Strategy* was guided by three statewide steering committees which included representatives from multiple government agencies and non-government agencies
- Five Ministers are collaborating to provide an integrated response to family violence. Government departments involved include:
 - Department of Planning and Community Development
 - Department of Justice
 - Department for Human Services
 - Office of Housing
 - Victoria Police
- The Sexual Assault Advisory Committee, chaired by the Secretary of the Department of Justice, was established in 2004 with terms of reference to provide guidance and advice on the analysis and development of initiatives to improve the response of the criminal justice system to sexual assault
- An implementation strategy that ensures the consistency of Victorian Law Reform Commission’s recommendations and other initiatives with relevant government policies and activities in the criminal justice system (including the work undertaken by the Statewide Steering Committee to Reduce Sexual Assault)

Principles of Practice in Formulation – the three S's

Strategic

- *Growing Victoria Together* (2001)
- *Growing Victoria Together – A Vision for Victoria to 2010 and Beyond* (2008)
- *A Fairer Victoria: Creating opportunity and addressing disadvantage* (2005)
- *Women's Safety Strategy 2002-2007* – evaluated in 2008
- *Reforming the Family Violence System in Victoria; Report of the Statewide Steering Committee to Reduce Family Violence* 2005
- *A Way Forward: Violence Against Women Strategy 2002* (Victoria Police)
- *Indigenous Family Violence 10-year Plan: Strong Culture, Strong Peoples, Strong Families: Towards a safer future for Indigenous families and communities* launched in June 2008

Sustained

- Three Statewide Steering Committees (Family Violence Advisory Committee, Advisory Committee to Reduce Sexual Assault and the Steering Committee to Reduce Violence Against Women in the Workplace) to oversee the *Women's Safety Strategy 2002-2007*
- Family Violence Interdepartmental Committee
- Indigenous Family Violence Partnership Forum – a community-led partnership with the Victorian Government to oversee the development and implementation of the *Indigenous Family Violence 10-year Plan*
- In 2005, \$35.1 million over four years was committed to reform the family violence service system. In 2007-08, a further \$14.1 million was committed, as well as \$24.1 million over four years in the 2008-09 Budget
- In 2006, \$34.2 million was allocated to the *Sexual Assault Reform Package* to reform the way the criminal justice system responds to sexual assault
- In 2008, the Victorian State Budget committed \$8 million over four years to establish a Geelong branch of the Office of Public Prosecutions to provide specialist sex-offences prosecutors to service western Victoria

The following table provides a high-level overview of the support systems for victims/survivors of sexual assault and domestic and family violence in Victoria in terms of the ‘three P’s’ – prevention, provision and prosecution.

Principles of Practice in Content – the three P’s

Prevention
<ul style="list-style-type: none"> • <i>Preventing violence before it occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria</i> (VicHealth) • Men’s Behaviour Change Program • No to Violence Program
Provision
<ul style="list-style-type: none"> • Family Violence Court Division at Ballarat and Heidelberg • Specialist Family Violence Services at three Magistrates Courts (SFVS) • Family Violence Court Intervention Project (Mandated) Men’s Behaviour Change Program • Male Adolescent at Risk Project • Victoria Police Family Violence Unit, Family Violence Advisers and Family Violence Liaison Officers • Victoria Police Sexual Offences and Child Abuse Units in 31 locations across Victoria • Formal Protocol between the Department of Human Services and Victoria Police in relation to family violence referral pathways • Statewide Partnership Agreement between Family Violence Services, Child Protection and Child FIRST/Family Services • Women’s Domestic Violence Crisis Service • Immigrant Woman’s Domestic Violence Crisis Service • 20 Family Violence Regional Partnerships across Victoria

Principles of Practice in Content – the three P's

Provision Cont.

- Centres Against Sexual Assault in 15 locations across metropolitan Melbourne
- Women's Domestic Violence Crisis Service
- A multidisciplinary centre in Frankston and Mildura to provide integrated responses to victims of sexual assault including police, support and counselling and forensic examinations in the one location
- A Child Witness Service with specialist support workers and access to remote witness facilities
- A forensic nurse network to improve access for adult sexual assault victims to appropriate and timely forensic medical services
- Centres Against Sexual Assault in 15 locations across metropolitan Melbourne
- A multidisciplinary centre in Frankston and Mildura to provide integrated responses to victims of sexual assault including police, support and counselling and forensic examinations in the one location
- A Child Witness Service with specialist support workers and access to remote witness facilities
- A forensic nurse network to improve access for adult sexual assault victims to appropriate and timely forensic medical services

Prosecution

- *Crimes Act 1958*
- *Magistrates Court Act 1989*
- *Crimes (Family Violence) Act 1987*
- *Family Violence Protection Act (commencing in late 2008)*
- *Crimes (Sexual Offences) Act 2006*
- *Crimes (Sexual Offences) Further Amendment Act 2006*
- *Crimes Amendment (Rape) Act 2007*
- *Justice Legislation Amendment (Sex Offences Procedure) Act 2008*
- A Specialist Sex Offences Unit established within the Office of Public Prosecutions in 2007 to provide an integrated and specialist service for the prosecution of sexual offence cases

11.2 Profile

This section outlines in further detail the Victorian Government's current response to violence against women and their children, using Amnesty International's structure of the 'three S's' – structural, strategic and sustainable, and 'three P's' – prevention, provision and prosecution.

11.2.1 Structural

The Victorian Government has well established and long standing governance arrangements in place to develop and oversee the response to violence against women and their children, including the following.

- The *Women's Safety Strategy* was launched in 2002 as the whole-of-government policy response in partnership with the community sector to:
 - reduce the level and fear of violence against women;
 - improve the safety, wellbeing and capacity of women to participate in Victorian life.
- The strategy was coordinated by the Office of Women's Policy within the Department of Planning and Community Development.
- As part of the *Women's Safety Strategy*, the Government committed to reforming the way in which family violence was handled and to developing a more responsive system for victims of family violence and increasing accountability for perpetrators. A Family Violence Ministers Group was set up to lead the reforms. It is led by the Minister for Women's Affairs and Education and Early Childhood Development and includes the Attorney-General, the Minister for Housing and Local Government, the Minister for Police and Emergency Services, and the Minister for Community Services.
- A Family Violence Interdepartmental Committee was also established to coordinate work across government departments. This committee is chaired by the Department of Planning and Community Development and has representation from the Department of Human Services, the Department of Justice, Victoria Police and the Department of Education and Early Childhood Development.

- The whole-of-government approach to implementing the *Women's Safety Strategy* relied on a number of cross-government committees to build a common understanding of the issues and solutions related to violence against women. Examples of integrated structures under the strategy included:
 - The Statewide Steering Committee to Reduce Family Violence is led by Victoria Police and the Department of Planning and Community Development. It aims to improve the effectiveness of responses to family violence across government and the community sector. It is now known as the Family Violence Statewide Advisory Committee.
 - The Statewide Steering Committee to Reduce Sexual Assault led by Victoria Police and the Department of Planning and Community Development. It aims to provide advice on effective strategies and interventions to prevent and improve responses to sexual assault. It is now known as the Statewide Advisory Committee to Prevent Sexual Assault.
 - The Statewide Steering Committee on Violence Against Women in the Workplace is led by the Department of Planning and Community Development. It aims to improve prevention of, and responses to, violence against women in the workplace (this committee ended in August 2006).

Each of these committees oversaw the introduction of initiatives such as the Criminal Justice System Reform and an Integrated Family Violence Response. There were six defining or critical initiatives within the strategy, which represented major shifts in policy and program responses to increase women's safety. These initiatives are:

- whole-of-government coordination, planning and implementation;
- Family Violence Law Reform;
- Integrated Family Violence Reform;
- Sexual Assault Reform Package;
- Sexual Assault Law Reform.
- The Sexual Assault Advisory Committee, chaired by the Secretary of the Department of Justice, was established in 2004 comprising representatives from the Victoria Police, the prosecution, defence, judiciary, human services, victims and other relevant justice portfolios. Its purpose is to provide leadership and oversight of the implementation of the sexual assault reforms, with terms of reference to:
 - provide guidance and advice on the analysis and development of further initiatives aimed at improving the response of the criminal justice system to sexual assault, and the development of an implementation strategy;
 - ensure the consistency of the Victorian Law Reform Commission's recommendations and other initiatives with relevant government policies and activities in the criminal justice system (including the work undertaken by the Statewide Steering Committee to Reduce Sexual Assault).

- The Indigenous Family Violence Partnership Forum is chaired by the Parliamentary Secretary for Community Development and was established in April 2005 to enable the Government and Indigenous communities to address Indigenous family violence together. It gives community members access to key decision makers across government. The forum includes representatives from the 10 Indigenous Family Violence Regional Action Groups who are community-elected representatives, relevant Indigenous community organisations and state and federal government agencies.

11.2.2 Strategic

Several policy platforms have been established in Victoria to enhance safety in the community and reduce violence. These include: *Growing Victoria Together*, *A Fairer Victoria*, *The Women's Safety Strategy*, Integrated Family Violence Reform, Sexual Assault Reform Package, the *Victorian Indigenous Family Violence Strategy*, and the *Elder Abuse Prevention Strategy*. Further detail on these strategies is as follows:

- The *Women's Safety Strategy* is the main policy responsible for reducing violence against women and their children. Six strategic directions were identified in the *Women's Safety Strategy* in 2002. These are: whole-of-government coordination, planning and implementation; Family Violence Law Reform; Integrated Family Violence Reform; Sexual Assault Reform Package; and Sexual Assault Law Reform. In working to provide a coordinated and integrated response to victims of family violence, reforms have included:
 - the development of a *Police Code of Practice for the Investigation of Family Violence* along with widespread training of members in relation to the *Code of Practice*;
 - the development of specialist courts for victims of family violence, including the introduction of Applicant and Defendant worker positions within five Magistrates Court venues;
 - funding of men's behavioural change programs for court ordered and voluntary attendance by men using violence;
 - the introduction of a common risk-assessment framework for services involved in responding to victims and perpetrators of family violence;
 - enhanced funding and services for women and children experiencing family violence;
 - the development of a Code of Practice and service standards for women's and children's family violence services;
 - a review of legislation relating to family violence resulting in a new *Family Violence Act*;
 - training a large proportion of the health, human services, justice, education and non-government workforce in relation to assessing risk and responding to victims of family violence.

- The Sexual Assault Reform Package allocated \$34.2 million through the 2006-07 Budget to reform the way the criminal justice system responds to sexual assault. The package, along with legislative reforms, responded to the recommendations outlined in the Victoria Law Reform Commission's *Sexual Offences: Law and Procedure Final Report 2004*. This report found low rates of reporting and prosecution despite a high incidence of offences. The inquiry also found a high rate of attrition and low conviction rate in sexual assault matters prosecuted. The report made 201 recommendations regarding legislative and non-legislative reform. It highlighted the need for major cultural and attitudinal change, system-wide change, and legislative reform in the criminal justice system. The objectives of the *Sexual Assault Reform Package* are to: encourage people to report sexual assault; minimise the trauma and distress for complainants throughout the criminal justice process; and reduce the incidence of sexual assault in the community. A range of activities and initiatives form the *Sexual Assault Reform Package* and include:
 - a Specialist Sex Offences Unit within the Office of Public Prosecutions to provide an integrated and specialist service for the prosecution of sexual offence cases;
 - the development of a Victims' Charter;
 - the establishment of multidisciplinary centres in Frankston and Mildura to provide integrated responses to victims of sexual assault that include police, support and counselling and forensic examinations in the one location;
 - treatment programs for young people and adults, including post-release support and the enhanced extended supervision order;
 - a Magistrates and County Courts sexual offences list;
 - judicial education;
 - a Child Witness Service with specialist support workers and access to remote witness facilities;
 - enhanced victim counselling and support to improve service capacity;
 - workforce development through the provision of ongoing training for sexual assault counsellors;
 - new regional crisis-care units provided by Centres Against Sexual Assault in Bairnsdale, Shepparton, Wangaratta and Warrnambool;
 - a forensic nurse network to improve access for adult sexual assault victims to timely and appropriate forensic medical services;
 - system-wide evaluation which started in 2008 and will be completed in late 2010.

- A strategic framework has been developed for the Victorian Aboriginal and Torres Strait Islander community called *Strong Culture, Strong Peoples, Strong Families – Towards a safer future for Indigenous families and communities*. The plan outlines eight high-level objectives which have been developed in close consultation with the community. The objectives are broad and provide a strategic framework underpinned by specific strategies and actions. This 10-year plan articulates a vision whereby ‘the Indigenous community and the Victorian Government, in partnership, will lead the development of a safer Victoria for all Aboriginal and Torres Strait Islander families and communities’²³¹.

11.2.3 Sustained

The governance structures mentioned above have all been in-situ for several years and demonstrate a commitment by the Victorian Government to addressing violence against women and their children. The Government has made a significant financial commitment in recent years to fund programs aimed at improving responses. In 2005, \$35.1 million was committed to assist in reforming the family violence service system. This initial funding was to:

- provide immediate 24-hour assistance and referral support for victims;
- develop a common approach to assessing risk for women and children;
- provide more emergency housing options, with more support and protection to help women stay in their own homes and communities;
- provide more intensive levels of support to the most vulnerable women and children, targeting repeat violence;
- increase counselling and support programs for women and children;
- strengthen police responses;
- increase access to, and improve responses from, the courts;
- increase men’s behavioural change services and emergency housing;
- provide early intervention programs for adolescent males exhibiting aggressive or violent behaviours;
- develop new Healing and Time Out Services for Aboriginal and Torres Strait Islander communities.

²³¹ Department of Planning and Community Development, *Strong Culture, Strong Peoples, Strong Families – Towards a Safer Future for Indigenous Families and Communities*, Victorian Government, Melbourne, 2008, p.6.



In the 2007-08 Budget, an extra \$14.1 million was provided to:

- develop a new family violence Act for Victoria;
- implement the Risk Assessment and Risk Management Framework;
- continue the Family Violence Court Division and the Family Violence Court Intervention Project for two years;
- fund a network of specialist family violence lawyers across Victoria to support people applying for intervention orders.

Another significant investment was announced in the 2008-09 Budget, when \$24.1 million over four years was committed to:

- develop a new Victorian State Prevention Plan addressing violence against women;
- extend funding to support Aboriginal and Torres Strait Islander family violence prevention programs and development of an Indigenous specific prevention framework;
- increase support for women and children;
- increase investment in responses to men who use violence;
- provide resources to strengthen governance in the regions;
- develop a communications campaign to increase awareness of the new *Victorian Family Violence Act*.

In 2008, the Victorian State Budget committed \$8 million in funding over four years to establish a Geelong branch of the Office of Public Prosecutions to provide specialist sex-offences prosecutors to service western Victoria.

Progress on initiatives under the *Women's Safety Strategy* is reported annually and in 2007 the *Women's Safety Strategy* was comprehensively evaluated. Outcomes of the evaluation will inform future policy development on women's safety. In 2007, Victoria also secured a five-year Australian Research Council Linkage Grant to undertake research in relation to the family violence reforms. This research is being carried out in conjunction with Melbourne and Monash Universities.

11.2.4 Prevention

In 2006, the Victorian Health Promotion Foundation (VicHealth) developed a prevention framework to address violence against women (*Preventing violence before it occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria*). Priority areas for prevention activity detailed in the framework include media and communications campaigns, community strengthening, targeted activity with specific population groups and the use of schools as a key platform for generating successful approaches to the prevention of violence against women and children.

The Department of Education and Early Childhood Development is undertaking a project to identify violence prevention, intervention and respectful relationships education in Victorian secondary schools. Stage one was completed in August 2008 and aimed to identify violence prevention or healthy relationships programs in government schools. The second stage will analyse three to six programs that were identified as good practice or promising models for further implementation.

The next stage of reform focuses on preventing violence before it occurs. This centres on the development of a statewide prevention plan. Preventing violence before it occurs is recognised as central to the long-term goal of eliminating family violence. It has been recognised from the outset of the Victorian reform process in 2005 that efforts need to be made to improve the system's capacity to intervene effectively after violence has occurred.

The integrity of prevention projects depends, in part, on ensuring the service systems responsible for responding to violence are meaningfully and consistently applied. The Victorian reforms aim to reinforce this link between prevention and response. If services and law enforcement are not effective this will undermine the marketing of primary prevention or incentives for taking primary prevention seriously. Most people see violence as serious, preventable and unacceptable in Victoria. The single message of taking violence seriously has been consistently reinforced in Victorian responses to violence and now in its prevention initiative.

11.2.5 Provision

The Victorian Government provides services under a whole-of-government strategy including:

- The Family Violence Court Division of the Magistrates Court at Ballarat and Heidelberg. These courts provide assigned Magistrates with additional specialist legal and non-legal services comprised of: family violence registrars; family violence applicant workers; outreach workers; family violence defendant workers; family violence duty lawyers; and family violence police prosecutors. In these courts, Magistrates are able to direct perpetrators to attend behaviour change group programs.
- The Specialist Family Violence Service, located in the Magistrates Court of Victoria at Melbourne, Sunshine (with a circuit to Werribee) and Frankston, provides for a specialist family violence registrar, family violence applicant worker, family violence police prosecutor and additional magistrate resources to hear and determine family violence matters.
- Victoria Police have established specialist roles related to family violence and sexual assault. Each police region has appointed Family Violence Advisers, while each station has a nominated Family Violence Liaison Officer. Victoria Police also has specialist Sexual Offences and Child Abuse Units at 31 sites.

- Twenty Family Violence Regional Partnerships across Victoria. These partnerships provide an integrated multi-agency approach, providing support services, counselling and group work programs. The partnerships aim to improve communication between services to ensure that women receive an appropriate response regardless of where they enter the service system. Another 20 organisations operate women's refuges to provide emergency crisis accommodation for women and their children experiencing family violence.
- Centres Against Sexual Assault. Fifteen centres across Victoria provide emergency or crisis care 24 hours a day for victims who have been recently sexually assaulted. This includes information and advocacy, counselling and support and community education and training.
- The Women's Domestic Violence Crisis Service, which provides a 24 hour telephone service providing support, information and accommodation for women and children escaping domestic violence.
- Women's and children's services are funded by the Department of Human Services to provide counselling and support to victims of family violence.

Other programs aimed at reducing violence against women and their children include those programs offered to perpetrators of violence including:

- Male Adolescents at Risk Project operating in the Dandenong Court Region providing voluntary programs for young males between 13 and 17 years who have come to the attention of the justice system as a result of exhibiting aggressive or violent behaviour;
- Men's Behaviour Change Program for men to attend either voluntarily or as part of a court order;
- No to Violence runs the Men's Referral Service for men and community members concerned about violence from men;
- specific programs targeting sex offenders such as those delivered through forensic health services.

Strong funding has been allocated to programs for: new intensive case management for women with complex needs; increased funding for women's and children's counselling programs; the development of a common risk-assessment framework for the integrated service system; expanded housing options for women and children; and crisis accommodation for men and men's voluntary behaviour change programs.

The *Police Code of Practice for the Investigation of Family Violence* was introduced in August 2004 and is aimed at improving responses by police in the legal system. A Family Violence Court Division of the Magistrates Court was established in 2005 with two demonstration courts set up in metropolitan Heidelberg and in the large rural city of Ballarat. Specialist services at three additional Magistrates Courts have also been established to provide a high level of support for the applicant as well as specialised court staff and additional magistrate resources.

Other services that may be involved in responses to family violence include Child and Family Services programs (including Child Protection), mental health services, drug and alcohol services and community health services. Many initiatives have resulted from the *Women's Safety Strategy* and in particular from the cross government steering committees.

The following initiatives were highlighted as case studies under the *Women's Safety Strategy 2002-07*:

- The Australian Football League (AFL) – the Respect and Responsibility policy framework was developed by the AFL in conjunction with The University of Melbourne and the AFL's advisory committee. The policy aims to position the AFL as a leader in advocating cultural change across the organisation and to promote safe and inclusive environments for women at all levels of Australian Football.
- Time out services are intended to provide Aboriginal men who use violence against family members a place to calm down and receive counselling, mentoring and support to help them reduce their reliance on violent responses. The services also link Aboriginal and Torres Strait Islander men into mainstream support services that can provide a culturally appropriate response.
- Student Critical Incident Advisory Unit – in 2005, the Department of Education and Early Childhood Development established this unit to respond to student-critical incidents involving allegations of sexual assault. This followed issues raised by the Victorian Law Reform Commission and the Victorian Ombudsman, which sought to improve government agency responses to sexual assault. It conducted an internal organisational review that recommended the unit's establishment. The unit developed *Responding to Allegations of Student Sexual Assault: Procedures for Victorian Government Schools*, a practical resource to guide school principals and teachers about the processes and protocols to be followed in responding to allegations of sexual assault reported to schools.

11.2.6 Prosecution

In 2002, the Attorney-General asked the Victorian Law Reform Commission to examine the system of family violence intervention orders in the *Crimes (Family Violence) Act 1987*. The Report was tabled in Parliament in March 2006. A key recommendation of the commission's report was that the *Crimes (Family Violence) Act 1987* be repealed and a new *Family Violence Act* passed. The new *Act* would focus solely on family violence, not interpersonal disputes resulting in stalking intervention orders. Introduced into Parliament in 2008, the new *Family Violence Protection Act* will:

- establish a new system of police-issued family violence safety notices, which will provide police with another tool to respond quickly and effectively to family violence;
- make it easier for victims of family violence to remain in the family home with their children if they wish, while the perpetrator of violence may be required to leave;
- restrict self-represented respondents from personally cross-examining their alleged victims in court;
- provide a comprehensive definition of family violence that includes economic and emotional abuse, as well as other types of threatening and controlling behaviour;
- broaden the definition of 'family member' to cover a wide range of family and family-like relationships;
- ensure that all the relevant evidence is before the court when it is making decisions, with appropriate checks and balances in place to ensure that no unfairly prejudicial evidence is admitted.

This *Act* is likely to commence towards the end of 2008 and will be accompanied by a \$1.5 million community education campaign with training and information sessions for the relevant response areas and services. Other relevant legislation includes:

- *Crimes (Family Violence) Act 1987* – the main purpose of this *Act* is to provide for intervention orders in cases of family violence. Part 1 of the *Act* gives definitions of the terms used within the *Act*. Part 2 stipulates the conditions of the intervention orders for which it legislates, including who may make a complaint, the duration of the order and the provisions regarding interim intervention orders, and holding powers for police. Part 3 deals with procedures regarding consent orders, costs, service and variation of orders as well as the registration of interstate orders. Part 2A, inserted in 2004, allows the court to order the defendant to attend counselling and creates an offence of contravening a counselling order. Part 4 deals with the criminal offence for breaching an intervention order, an arrest power for police and procedures for search and seizure of firearms.

- *Crimes Act 1958* – Part I, Division 1 of the *Crimes Act* deals with offences against the person. Subdivision 1 is involved with homicide; subdivision 4 includes offences against the person including assaults, deprivation of liberty, threats and stalking (including cyber stalking). Subdivision 8 covers sexual offences including rape.
- *Magistrates Court Act 1989* – Sections 4H and 4I establish a Family Violence Court Division of the Magistrates Court, define the jurisdiction of this division and create special arrangements for giving evidence in family violence matters²³².

The *Sexual Assault Reform Package*, along with legislative reforms, responded to the recommendations outlined in the Victorian Law Reform Commission's *Sexual Offences: Law and Procedure Final Report 2004*. The Commission undertook an inquiry into the law and procedure in relation to sexual offences, which found low rates of reporting and prosecution despite a high incidence of offences. The inquiry also found a high rate of attrition and low conviction rate in sexual assault matters prosecuted.

The report's recommendations included legislative and non-legislative reform, and highlighted the need for cultural and attitudinal change, system-wide change and legislative reform in the criminal justice system to effectively respond to sexual assault.

Legislative reforms include:

- *Crimes (Sexual Offences) Act 2006*;
- *Crimes (Sexual Offences) Further Amendment Act 2006*;
- *Crimes Amendment (Rape) Act 2007*;
- *Justice Legislation Amendment (Sex Offences Procedure) Act 2008*.

The Department of Justice also led the drafting and enactment of the *Justice Legislation (Sexual Offences and Bail) Act 2004* which created the new offences of forced prostitution and sexual exploitation.

²³² Australian Family and Domestic Violence Clearinghouse, *Policy and Legislation*, Commonwealth of Australia, Canberra, 2007, viewed September 2008, http://www.austdvclearinghouse.unsw.edu.au/au_resources.html.



12 Western Australia

12.1 Overview

The following table provides a high-level overview of the support systems in place for victims/survivors of sexual assault and domestic and family violence in Western Australia in terms of the 'three S's' – structural, strategic and sustained principles.

Principles of Practice in Formulation – the three S's

Structural
<ul style="list-style-type: none">• Office for Women's Policy• Family and Domestic Violence Unit• Department of Health - Sexual Assault Resource Centres
Strategic
<ul style="list-style-type: none">• <i>Western Australian Women's Safety Framework</i>• <i>Western Australian Family and Domestic Violence State Strategic Plan 2004-2008</i>• <i>Western Australian Family and Domestic Violence Action Plan 2007-2008</i>• <i>Draft Western Australian Family and Domestic Violence Strategic Plan 2009-2013</i>• <i>Aboriginal Justice Agreement</i>
Sustained
<ul style="list-style-type: none">• Family and Domestic Violence Senior Officers' Group• Western Australian Women's Safety Framework Reference Group

The following table provides a high level overview of the support systems for victims/survivors of sexual assault and domestic and family violence in Western Australia in terms of the 'three P's' – prevention, provision and prosecution.

Principles of Practice in Content – the three P's

Prevention
<ul style="list-style-type: none"> • <i>Youth Says No</i> resources targeting youth • Family and domestic violence and dating violence peer education program for schools
Provision
<ul style="list-style-type: none"> • Sexual Assault Resource Centres • Regional Coordination Responses to Family and Domestic Violence • Screening for, and responding to, domestic violence in the Women and Newborn Health Service at King Edward Memorial Hospital • Guidelines for Responding to Family and Domestic Violence (WA Department of Health) • Family Violence Courts and Family Violence Service • Geraldton Family Violence Court • Crisis accommodation, counselling and support services • Men's Domestic Violence Helpline • Women's Domestic Violence Helpline • Specialist domestic violence legal services provided by Legal Aid's Family and Domestic Violence Unit and Community Legal Centres • Police Orders (24 or 72 hours) • WA Police Family Violence State Coordination Unit • Police Order Pilot project – police referral of the victim and/or perpetrator (with consent) to local family violence services in Joondalup, Wheatbelt, Rockingham and Bunbury • Child protection social workers located in police stations • Indigenous Family Violence Program • Men's treatment programs both mandated and non-mandated

Prosecution

- *Criminal Law Consolidation Act 1935 Section 19AA*
- *Criminal Code Part V*
- *Restraining Orders Act 1997*
- *Family Court Act 1997*
- *Acts Amendment (Family and Domestic Violence) Act 2004*
- *Statutes Amendment (Evidence and Procedure) Bill 2007*
- *Criminal Law Consolidation (Rape and Sexual Offences) Amendment Bill 2008*
- *Evidence Act 1906*

12.2 Profile

This section outlines in further detail the Western Australian Government's current response to violence against women and their children, using Amnesty International's structure of the 'three S's' – structural, strategic and sustainable, and 'three P's' – prevention, provision and prosecution.

12.2.1 Structural

In Western Australia, policy coordination for domestic and family violence and sexual assault are managed through two different government departments:

- Policy coordination for sexual assault is managed through the Department of Health.
- Policy coordination for domestic and family violence is managed through the Family and Domestic Violence Unit within the Department for Communities. The primary purpose of the unit is to identify, inform and monitor the development of government policy on domestic and family violence, coordinate a central and regional across-government approach and facilitate community partnerships in addressing the issue of domestic and family violence²³³.

²³³ Department for Community Development, *Family and Domestic Violence Unit*, Western Australian Government, Perth, 2008, viewed October 2008 <http://www.communities.wa.gov.au/NR/exeres/DF00BA25-77DE-4756-AC9B-8D513D3D3055.htm>

12.2.2 Strategic

Key strategies and plans to respond to violence against women in Western Australia are detailed below.

- The overarching strategy for the prevention of violence against women and their children in Western Australia is the *Western Australian Women's Safety Framework*, developed by the Office for Women's Policy. The framework provides a foundation to improve women's safety by outlining the way in which long-term policies and programs affecting women will be developed, and providing a structure for cross-agency collaboration²³⁴.
- One of the major outputs of the unit is the Western Australian Family and Domestic Violence State Strategic Plan titled *A Balanced Approach: Prevention-Protection-Provision 2004 – 2008*. It was developed in consultation with members of the Family and Domestic Violence Coordinating Committee, which comprises representatives from government and non-government agencies. It adopts a whole-of-government and whole-of-community approach. It aims to reduce and prevent the incidence of domestic and family violence in Western Australia. Three priority areas underpin its approach:
 - prevention – ensuring the prevention of interpersonal and gender-based violence through community development and education that is supported by an effective legal framework;
 - protection – promoting the protection of those at risk through changes to the law, policy and practice and through holding perpetrators accountable for their abusive behaviour;
 - provision – developing the provision of an effective service response that meets the needs of all those experiencing domestic and family violence²³⁵.

Activities undertaken to progress the strategy are reported in annual action plans. The most recent is the *Western Australian Family and Domestic Violence Action Plan 2007-2008*. This builds upon the progress achieved against by the previous action plan for 2006-2007. There are four overarching themes for 2007-2008 (which are a continuation of the previous action plan's themes) and are a reflection of the 10 focus areas presented in the strategic plan. The themes are:

- greater coordination and collaboration across government and non-government sectors;
- improving service delivery standards through better training, consistent and up-to-date guidelines and monitored competencies;
- improving services for communities of interest through a combination of client-centred and capacity building approaches;
- integration of policy and practice.

²³⁴ Department for Communities, *Western Australian Women's Safety Framework*, Western Australian Government, Perth, 2008.

²³⁵ Department for Community Development, *Western Australian Family and Domestic Violence State Strategic Plan 2004 – 2008*, Western Australian Government, Perth, 2004.

The action plan describes and outlines key actions, initiatives and activities, responsible departments, organisations and other groups. It does not provide clear measures and/or indicators to assess progress relative to these objectives. Progress reports for previous financial years do, however, provide a description of progress against objectives. The *Progress Report for the 2006-07 Action Plan* (the most recent progress report) is available on the Department for Communities' web site.

- In 2008, a cross-government Senior Officer Group developed a *Strategic Plan for Family and Domestic Violence 2009-2013*. The draft plan provided the foundation for the development of an action plan by government departments with primary responsibility for responding to domestic and family violence. The draft strategic and action plan focus on the following:
 - the need for greater reform of the system through a more robust integrated response across agencies that respond to domestic and family violence;
 - the lack of service capacity, particularly in regional and Aboriginal and Torres Strait Islander communities, to effectively respond to the needs of victims and perpetrators;
 - the need for a comprehensive approach to prevention and early intervention.
- Another strategy is the *Aboriginal Justice Agreement*. While not solely focused on violence against women and their children, the agreement is 'a planning framework that brings together Aboriginal people and government and non-government agencies to identify and address justice issues at a local, regional and state level'²³⁶. It aims to create safer communities, reduce the number of victims of crime and reduce the degree to which Aboriginal people are represented in the criminal justice system. There are 30 local justice forums in 10 regions. Local forums are held to identify issues in the community and to develop a local justice agreement. The top three issues are then implemented with the help of a Regional Coordinator from the Department of the Attorney-General. Many of the initiatives focus on reducing community violence/family feuding and improving the safety of children.

12.2.3 Sustained

Arrangements for leading responses to violence against women in Western Australia are as follows:

- Whole-of-government responses to sexual assault are coordinated through the Women's and Newborns Health Service, Department of Health. Western Australia has a Family and Domestic Violence Senior Officers' Group made up of senior officers from various government departments. It functions to 'ensure high level coordination and a strategic cross-government response to the issue of family and domestic violence'²³⁷.

²³⁶ Department of the Attorney-General *Aboriginal Justice Agreement*, Western Australian Government, Perth, 2008, viewed October 2008 http://www.justice.wa.gov.au/W/wa_aboriginal_justice_agreement.aspx?uid=4342-1114-3498-1551

²³⁷ Department for Community Development, *Western Australian Family and Domestic Violence Action Plan 2006-2007*, Western Australian Government, Perth, 2006, p.22.

- The Western Australian Women's Safety Framework Reference Group consists of representatives from early childhood, crime prevention, domestic and family violence, youth, health and women's advisory groups and government agencies. The reference group is facilitated by the Office for Women and Department for Communities and provides expert advice on projects targeted under the framework.

12.2.4 Prevention

The Western Australian Government has initiated programs to prevent and reduce violence against women and children. These include education and public-awareness campaigns to change entrenched cultural attitudes. Over the past four years, the Family Domestic Violence Unit has supported the following initiatives:

- Establishing an Advisory Group on Prevention and Early Intervention with representation across both government and non-government agencies to advise on priorities and strategies for raising community awareness, and understanding, of domestic and family violence.
- Providing funding for the development of a training manual for the domestic violence and disability sectors in Western Australia.
- Providing funding to support a project by the Same Sex Domestic Abuse Group to develop inclusive policies and procedures for mainstream service providers to ensure that the services they provide are appropriate and accessible to gay and lesbian people experiencing domestic abuse. Further funding enabled the group to focus on training and resource development and awareness-raising.
- Producing resources for young people experiencing abuse in partnership with the Office for Children and Youth. The resources target three areas including: young people experiencing domestic and family violence; young people experiencing dating violence; and how to support friends or mates who are experiencing abuse.
- Providing a small grant through the Culturally and Linguistically Diverse (communities) Family Violence Education Grants Program to help community leaders, elders and religious leaders undertake education and/or training that will provide them with better skills and confidence to address the issue of domestic and family violence in their community. Fourteen of the 19 grants provided were for African communities.
- Targeting General Practitioners with training and resources on how to respond to domestic and family violence.
- Establishing a departmental Family and Domestic Violence Consumer Advisory Committee of women who have experienced domestic and family violence, to provide advice on policy direction.

- Partnering with the Women's Council for Domestic and Family Violence Services and the Department of Education to develop a school-based Peer Education Program aimed at preventing relationship violence. The project involves educating school children to act as peer educators (by acting as contact points for information and by conducting school-based activities) in relation to domestic and family violence and dating violence.

12.2.5 Provision

In terms of provision, the Western Australian Government provides services for victims/survivors to access support for their physical, mental and social well-being and to protect them from further violence. The following list provides examples of typical services:

- The Department of Health funds services for victims of sexual violence. The Sexual Assault Resource Centre, which is part of the Women's and Newborns' Health Service, provides 24-hour-a-day, seven-day-a-week medical, forensic and crisis counselling services to recent victims of sexual assault. It also provides a counselling service at several sites across the metropolitan area for victims of sexual assault or historical sexual abuse. Albany Hospital also has a designated worker who is responsible for providing a service to victims of sexual violence.
- Victims of recent sexual assault can present at regional emergency departments for medical and forensic services. Where a regional non-government sexual assault service exists, a counsellor from that service can provide psychosocial support after a recent sexual assault. Additionally, regional non-government sexual assault services in Mandurah, Bunbury, Kalgoorlie, South Headland and Geraldton provide counselling to victims of sexual assault or historical sexual abuse. In addition to the government-run Sexual Assault Resource Centres, there are non-government centres throughout regional Western Australia²³⁸.
- The provision of funding for 14 Regional Coordination Responses to Family and Domestic Violence located in six metropolitan and eight regional areas. The purpose of regional coordination responses is to coordinate domestic and family violence services to achieve more consistent, appropriate and accountable agency responses. They involve both government and non-government agencies.
- Development and implementation of clinical guidelines to screen antenatal women for, and respond to, family violence at King Edward Memorial Hospital for Women. Thirteen other metropolitan and regional hospitals also have access to the antenatal screening tool.
- The Department of Health *Guidelines for Responding to Family and Domestic Violence* for all public sector health workers.

²³⁸ Department of Health, *Regional sexual assault services*, Western Australian Government, Perth, 2008, viewed October 2008 http://www.kemh.health.wa.gov.au/services/women's_health_centres/index.htm

- Family Violence Courts in Perth's six Magistrates Courts – Joondalup, Rockingham, Fremantle, Armadale, Midland and Perth Central Law Courts. These Family Violence Courts hear criminal domestic and family violence cases and offer offenders who plead guilty to their charge(s) the opportunity to participate in a court-supported behavioural change program prior to sentencing. These programs are provided by non-government agencies as well as the Department of Corrective Services, who are the primary providers of the Indigenous Family Violence Program. The Family Violence Court process is monitored by a case-management team, which monitors perpetrator progress in court-ordered programs and coordinates service responses to maximise victim safety. The team comprises the Victim Support Service, Community Justice Services, Western Australia Police, the Department for Child Protection and other support services²³⁹. The team:
 - meets regularly to talk about the safety of the victim(s) and the progress of the offender while the case is being monitored by the court;
 - exchanges relevant information about the case;
 - provides the victim(s) with support and the opportunity to appear in court if desired;
 - makes decisions on the support and help available to the victim(s) and the offender;
 - reports on the progress of the offender and makes recommendations to the court²⁴⁰.

The case management team is supported by the Family Violence Service which also provides support for victims seeking Violence Restraining Orders in court, assists in safety planning and provides advocacy and referral services.

- Geraldton Family Violence Court, also known as the Barndimalgu Court. This is an alternative pre-sentencing court that hears domestic and family violence charges involving Aboriginal people. Respected members of the Aboriginal community work with the local magistrate to divert offenders to culturally appropriate programs aimed at addressing violent behaviour prior to final sentencing. The court is operated by the Department of the Attorney-General, with offender programs provided by the Department of Corrective Services, and is supported by the Geraldton Aboriginal Justice Agreement local group²⁴¹.
- The Department of Corrective Services has entered into contractual agreements with non-Government providers to facilitate men's treatment programs in metropolitan and regional locations. These groups include men who are subject to the Family Violence Court process or who have been placed on community supervision orders with special conditions to attend a program. Perpetrators are referred through to the appropriate agency to undergo assessment and treatment.

²³⁹ Department of the Attorney-General. *Help for victims of family violence – the family violence court*, Western Australian Government, Perth, 2007, viewed October 2008 http://www.justice.wa.gov.au/_files/Family_Violence_Court_brochure.pdf

²⁴⁰ Ibid.

²⁴¹ Department of the Attorney-General, *Geraldton Family Violence Court*, Western Australian Government, Perth, 2008, viewed October 2008 http://www.justice.wa.gov.au/G/geraldton_family_violence_court.aspx?uid=1691-0693-2137-1143.

- The Department of Corrective Services facilitates and manages the *Indigenous Family Violence Program*, a 20-week program with one session conducted per week. Referrals are made via the Family Violence Court process or direct from Community Justice Staff. The format of this program allows for entry points resulting in limited waiting time for new referrals. The program is based upon the *Northern Territory Indigenous Family Violence Program* as well as aspects of the Duluth model. Aboriginal and Torres Strait Islander staff from the Department of Corrective Services are the primary facilitators of this community based program, working alongside their non-Aboriginal and Torres Strait Islander colleagues. Staff attend case-management meetings and liaise with victim services, keeping the safety of women and children as their primary focus. The *Indigenous Family Violence Program* is also facilitated in Casuarina and some regional prisons. The program in these settings is provided by Department of Corrective Services' staff working in partnership with staff from non-Government agencies in regional locations.
- The Department for Child Protection funds a residential and therapeutic service for men who have been violent or abusive to their family. Men are encouraged to leave the family home and enter a fully supported residential program designed to help them change their violent or abusive behaviour over a three-month period. Individual counselling, domestic violence men's groups, fathering groups, substance abuse interventions and case management are all provided on site as a holistic response to men's violence.
- After a five year trial, the Department for Child Protection has begun placing child protection social workers in major metropolitan police stations to ensure victims get support and information quickly.
- Crisis accommodation, counselling and support services for victims of domestic and family violence provided by the Department for Child Protection via the Commonwealth/ state-funded Supported Accommodation Assistance Program.
- Men's Domestic Violence Helpline offers a free telephone information, referral and counselling service for men who wish to change their violent behaviour.
- Women's Domestic Violence Helpline provides free 24-hour telephone support and counselling for women experiencing domestic and family violence.
- The Legal Aid Western Australia Domestic Violence Legal Unit provides specialist services to victims of family violence. The unit provides advice and assistance to women seeking a restraining order against the perpetrator of violence, liaises with police to ensure appropriate criminal charges are laid against the perpetrator, provides initial counselling on legal rights and options and represents women in court for Restraining Order hearings where legal aid has been granted²⁴².

²⁴² Legal Aid Western Australia, *The Domestic Violence Legal Unit*, Western Australian Government, Perth, 2008, viewed October 2008 <http://www.legalaid.wa.gov.au/LAServices/asp/default.aspx?Page=Domestic.xml>

- Police issued protection orders (Police Orders) which allow police to issue on-the-spot temporary orders (for 24 and 72 hours), to remove perpetrators from the home.
- The Western Australian Police Family State Coordination Unit was created in the 2007-08 financial year to provide a coordinated approach across the Western Australian Police Force to policy, procedure and legislative requirements relating to domestic and family violence attendance and investigation.
- The Police Order Pilot Project in which police issuing a Police Order refer both the victim and/or perpetrator to a local domestic violence service (with their consent). Domestic violence service staff then contact the individuals to offer support, information, advocacy and referrals to other services as required.

12.2.6 Prosecution

The Western Australian prosecution environment for domestic and family violence centres on the *Acts Amendment (Family and Domestic Violence) Act 2004*. In 2004, the *Acts Amendment (Family and Domestic Violence) Act 2004* amended the *Restraining Orders Act 1997*, the *Criminal Code Act* and the *Bail Act 1892* to afford greater protection to victims of domestic and family violence. Significant amendments in this Act include:

- introduction of Police Orders to allow early intervention and stop escalating domestic and family violence;
- increased penalties for domestic and family violence offences;
- removal of consent as a defence to breaching an order;
- ability to vary or cancel an interim violence restraining order;
- automatic granting of restraining orders in some circumstances;
- better protection of children in the community through a range of actions;
- mandatory requirements for police to investigate certain suspected incidents of domestic and family violence, and other new police powers;
- recognition of emotional abuse as a form of domestic and family violence.

Other important legislation pertaining to violence against women and their children include:

- *Restraining Orders Act 1997*. This encompasses the making of violence restraining orders and misconduct restraining orders and gives details pertaining to their application and court hearings dealing with them. It also discusses the registration of interstate and foreign restraining orders.
- *Criminal Code Act Part V* deals with offences against the person and those relating to marriage and parental rights and duties. These include assaults, sexual offences, offences against liberty, threats and stalking.
- *Family Court Act 1997*. Part 5, Division 10 of the *Family Court Act 1997*, is concerned with family violence. It deals specifically with the situation where an order under the *Act* about contact is not in agreement with a family violence order. It also addresses the powers available to the court to grant a family violence order which may affect orders made under this *Act* about contact²⁴³.
- *Evidence Act 1906*. This governs the use and admissibility of evidence in Western Australian courts.

²⁴³ Australian Family and Domestic Violence Clearinghouse, Policy and Legislation, Commonwealth of Australia, Canberra, 2007, viewed September 2008 http://www.austdvclearinghouse.unsw.edu.au/au_resources.html



13 Summary of findings from the 'As Is' jurisdictional analysis

All states and territories have recognised that a single-department approach to reducing violence against women and their children will not be effective and have implemented, or are implementing, cross-departmental and inter-agency approaches. Some jurisdictions have included non-government agencies as key partners in their approaches. No jurisdiction said it was directing considerable time or resources into interacting or coordinating with other jurisdictions. From the 'As Is' jurisdictional analysis, key areas have been highlighted for improvement.

Structural

All jurisdictions have some degree of cross-portfolio collaboration and harmonisation with a socio-structural approach to understanding and tackling violence against women and their children. This means they have strategies, services and laws that: address sex discrimination and inequality; include all forms of violence against women; prioritise women's safety and empowerment; and adopt a collaborative and consultative approach with knowledgeable and informed stakeholders.

The 'As Is' jurisdictional analysis highlights the need for greater depth of collaboration and sharing of information and resources across jurisdictions.

Strategic

While all jurisdictions have plans to reduce violence against women and their children, their details vary. Some include specific actions; assign responsibility for completion to an agency and articulate targets and timelines. Others remain more strategic, containing global statements of intent rather than detailed actions. It is not standard practice to evaluate strategies.

The 'As Is' jurisdictional analysis highlights the need for consistent and integrated state and territory-based action plans that include responses from police, education, community services, health and human services and the justice system. These plans should clearly articulate key performance indicators, targets, and timelines. Appropriate monitoring, reporting and accountability measures, and on-going evaluation are essential components of successful strategic plans of action.



Sustained

Many initiatives to reduce violence against women and their children are funded and operated as pilot programs. Most jurisdictions have committed large amounts of funding to reducing violence against women but in some there appears no commitment to continuing funding. Activities to prevent violence against women and their children appear secondary to those responding to violence from a funding perspective.

The 'As Is' jurisdictional analysis highlights the need for continuing funding for activities that reduce, and prevent, violence against women and their children. Funding needs to be substantial, clearly designated, supported by the whole of government and directed by a permanent and well-resourced leadership body.

Prevention

All states and territories have developed and implemented preventative educational activities and campaigns to prevent violence against women and their children. Differences in campaign target audiences and sustainability tends to reflect funding cycles. Little information is available about the effectiveness of such initiatives.

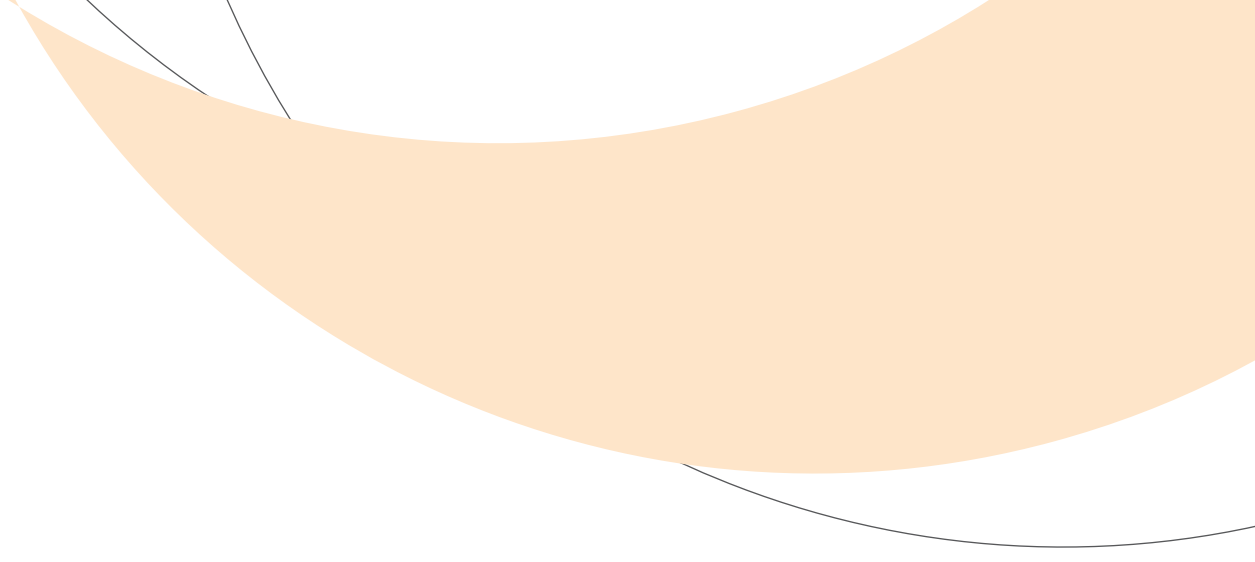
The 'As Is' jurisdictional analysis highlights the need for continued funding and support for nationwide campaigns to prevent violence against women and their children, linked to state and territorial education initiatives.

Provision

The provision of services for women and their children, who have experienced, or are at risk of experiencing, sexual assault or domestic and family violence varies throughout Australia. All jurisdictions offer services for victims.

One area that could be improved is that of data collection and analysis. Robust data on violence against women and their children in Australia is limited. Information about which services victims seek and can access is not readily available, and the way it is reported does not always allow for a comprehensive exploration of the issue. For example, police data files would be the most likely source of information on domestic and family violence and sexual assault, but not all victims go to the police. This affects data estimates.

Variations in data estimates across Australia are affected by what is captured, counted and reported across jurisdictions. The difficulty in measuring the true extent of domestic and family violence and sexual assault in the community has meant many incidences go unreported. Personal and institutional barriers to reporting domestic and family violence and sexual assault also affect data collection.



The 'As Is' jurisdictional analysis highlights the need to strengthen prevention and early intervention services (crisis response) with robust collection systems including:

- the development of a national minimum data set, data dictionary and standard protocols for domestic and family violence and sexual assault to enable consistent and standardised data collection methods and analysis;
- the development of common online databases for national data collection that can monitor individuals across the service sector and across jurisdictions.

There is also a need for: increasing the number of safe houses for women and their children; integrated and specialised victim support; increasing professional training opportunities for professionals who work in the area of sexual assault or domestic and family violence; appropriate protection of survivors from further violence; and support for victims seeking compensation.

Prosecution

Limited information is available on the use of justice remedies by women and their children experiencing violence. While some states publish data on the number of domestic violence intervention or protection orders granted (e.g. New South Wales), only aggregate data is reported and therefore it is not easily interpreted. There is little comprehensive data relating to victims' use of the court, nor the linkage of data with national registers or crime databanks.

Over the past 30 years, there have been major changes to the law concerning sexual offences in every state and territory. Every jurisdiction has created distinct legislation²⁴⁴. But systems vary in their processes, laws, provisions (e.g. evidence about past sexual experiences, corroboration, protection of sexual assault counselling communications, outlining of the offences, non-consent of the victim-complainant and mental state of the accused person, to name a few), and outcomes.

In the wake of rape law reforms, police responsiveness and sensitivity is widely believed to have improved. But charge and conviction rates in some English-speaking jurisdictions have fallen during the past 10-20 years. For example, in 1996-1997, the number of findings of guilty for 'sexual assaults' in New South Wales comprised just 10 per cent of offences reported. In Victoria, the number of convictions for rape in 1997-1999 was only 4.2 per cent of total reports²⁴⁵.

The 'As Is' jurisdictional analysis highlights the need for consistent legislation in relation to family violence and sexual assault across Australia, linked to robust justice data collection systems.

²⁴⁴ M Heath, 'The law and sexual offences against adults in Australia,' *Australian Centre for the Study of Sexual Assault (ACSSA) Issues paper no.4*, June 2005.

²⁴⁵ Ibid.

A **Acronyms**

AIC	Australian Institute of Criminology
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
DCO	Defence Community Organisation
DEEWR	Department of Education, Employment and Workplace Relations
DIAC	Department of Immigration and Citizenship
DoCS	Department of Community Services
DoHA	Department of Health and Ageing
DVA	Department of Veterans' Affairs
DVO	Domestic Violence Order
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
HREOC	Human Rights and Equal Opportunity Commission
MINCO	Council of Commonwealth, State, Territory and New Zealand Ministers for Women
NTER	Northern Territory Emergency Response
PM&C	Department of the Prime Minister and Cabinet
SAAP	Supported Accommodation Assistance Program
SARC	Sexual Assault Referral Centre
SCAG	Standing Committee of Attorneys-General
VLRC	Victorian Law Reform Commission
NSW	New South Wales
TAS	Tasmania
QLD	Queensland
VIC	Victoria
WA	Western Australia
NT	Northern Territory

B Agencies represented in jurisdictional consultations

Commonwealth

Attorney-General's Department
Australian Crime Commission
Australian Human Rights Commission
Centrelink
Department of Defence
Department of Education, Employment and Workplace Relations
Department of Families, Housing, Community Services and Indigenous Affairs
Department of Health and Ageing
Department of Human Services (Child Support Program)
Department of Immigration and Citizenship
Department of Infrastructure, Transport, Regional Development and Local Government
Department of the Prime Minister and Cabinet
Department of Veterans' Affairs

Australian Capital Territory

Australian Federal Police
Department of Disability, Housing and Community Services
Department of Education and Training
Department of Health
Department of Justice and Community Safety
Government Office for Women

New South Wales

Attorney-General's Department
Department of Aboriginal Affairs
Department of Community Services
Department of Health
Department of Premier and Cabinet
New South Wales Police Force

Northern Territory

Department of Education
Department of Health and Families

Queensland

Corrective Services
Department of Communities
Department of Education, Training and the Arts
Department of Health
Department of Housing
Department of Justice and Attorney-General
Department of Premier and Cabinet
Government Office for Women
Legal Aid
Queensland Police

South Australia

Centacare
Central Domestic Violence Service
Department for Correctional Services
Department of Families and Communities
Department of Families, Housing, Community Services and Indigenous Affairs
Department of Further Education, Employment, Science and Technology
Department of Health
Government Office for Women
Legal Services Commission of South Australia
Migrant Resource Centre
Multicultural Communities Council of South Australia
South Australian Multicultural and Ethnic Affairs Commission
South Australia Police
Yarrow Place

Tasmania

Department of Health and Human Services
Department of Justice
Department of Premier and Cabinet
Legal Aid Commission of Tasmania
Tasmanian Police

Victoria

Department of Education
Department of Human Services
Department of Justice
Government Office for Women
Victoria Police

Western Australia

Department of the Attorney-General
Department for Child Protection
Department for Communities
Department of Health
Legal Aid

