

**IN THE MATTER OF THE ROYAL COMMISSION  
INTO FAMILY VIOLENCE**

**ATTACHMENT JMS-6 TO STATEMENT OF JANICE MARGARET SHUARD**

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This is the attachment marked '**JMS-6**' produced and shown to **JANICE MARGARET SHUARD** at the time of signing her Statement on 27 July 2015.

Before me: ...



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the meaning of the Legal Profession Uniform Law (Victoria)**

Attachment JMS-6

# Family Violence Policy Framework

Strategic Projects and Policy

Corrections Victoria

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Department of  
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# 1 Introduction

Family violence is any behaviour that controls or dominates a family member and causes them to feel fear for their own, or another family member's safety or well-being. It can include physical, sexual, psychological, emotional or economic abuse and any behaviour that causes a child to hear, witness, or otherwise be exposed to the effects of that behaviour<sup>1</sup>.

Family violence has a profound impact on the Victorian community and is the leading cause of death and disability in Australian women under 45. Every week in Australia a woman is killed by her current or former partner. Seventy five per cent of all assaults against women happen at home - it is estimated that 17 per cent of women in Australia have experienced violence by a partner.<sup>2</sup> This picture is worse for specific groups of women, including Aboriginal or Torres Strait Islander women who are 31 times more likely to be hospitalised due to family violence and women with a disability who are more likely to experience family violence and for longer periods<sup>3</sup>. Consistent with women's experiences in the community, female prisoners and offenders are more likely than men to have been the victim of family violence, including physical, sexual, psychological, emotional or economic abuse.

We know that the causes of family violence are complex and include gender inequality as well as community attitudes, social norms and beliefs that result in family violence being justified, excused or hidden from view. We also know that family violence is not confined to a specific community or demographic group, but instead cuts across all communities and every level of society. The complexity and breadth of family violence is such that the impact will continue, affecting more and more women and children, unless substantial effort is made to address the causes.

Efforts are being made across a broad range of government, non-government and voluntary organisations to reduce family violence, including the Department of Justice & Regulation, Victoria Police, the courts, Child Protection and Corrections Victoria. In 2014, the Department of Justice & Regulation's Senior Executive Group identified family violence as a priority area for the department. One important initiative is the department's participation in the White Ribbon Australia Workplace Accreditation Program that runs from March 2015 to June 2016. Despite these efforts, the prevalence of family violence continues to be unacceptably high – this points to the need for more to be done both at a micro level, within Corrections Victoria, and more broadly, across all parts of the service system and the community.

The significant impact of family violence on the Victorian community is such that on 19 January 2015, the Premier; the Hon Daniel Andrews MP announced the establishment of a Royal Commission into Family Violence, the first of its kind in Australia. Investigating the entire family violence support system and justice system, including Corrections Victoria the Royal Commission will report its findings on 26 February 2016. While the Royal Commission's findings will no doubt influence the way that Corrections Victoria and the broader system works with perpetrators and victims of family violence, the significant impact of family violence on the Victorian community is such that there is no time to waste. Opportunities exist to review our current response to perpetrators and victims in the correctional system and contribute to reducing the impact now and into the future.

While family violence does not always result in a criminal offence, and may not, therefore, bring a perpetrator or victim into contact with Corrections Victoria, prisoners and offenders may be sentenced for a wide range of offences that have occurred in the context of family violence or, been victims themselves of family violence. This in itself requires Corrections Victoria to include in its overall response to prisoners and offenders, programs and services that are focussed on addressing family violence.

Corrections Victoria already has a number of programs and services relevant to family violence and is working with Victoria Police, the courts, the Adult Parole Board and relevant government and non-government organisations to identify improvements to the way we respond to this issue. Given the profound impact of family violence on the Victorian community, it is time to think more broadly about the opportunities that can be seized now, and into the future, to contribute to the broader effort being made across the whole of Victoria to effect lasting change.

While the priority focus for Corrections Victoria is perpetrator accountability – targeting those prisoners and offenders who are identified as having offences that occurred in the context of family violence, a focus will also be on providing support to those prisoners and offenders who identify as having been a victim of family violence.

<sup>1</sup> *Family Violence Protection Act 2008*.

<sup>2</sup> Australian Bureau of Statistics, 2012, *Personal Safety Survey*.

<sup>3</sup> Better Health Channel – 'Domestic violence and women with disability' - <http://www.betterhealth.vic.gov.au>.

Building on this, our longer term focus will be to effect cultural change across the broader population that sits within Corrections Victoria's remit. A unique opportunity presents for Corrections Victoria staff to act as agents for that change whereby they positively challenge all individuals who have the behaviours, attitudes and personal circumstances that may mean they, and their families, are at risk of family violence. Including all prisoners and offenders within a broader cultural change initiative would see Corrections Victoria's effort reaching approximately 11, 351<sup>4</sup> individuals.

The opportunity for Corrections Victoria to effect cultural change will not, however, be limited to offenders and prisoners. As an employer of approximately 3,000 staff, across the whole of Victoria, there is a real opportunity for Corrections Victoria to be an agent for positive cultural change in a way that is far reaching, and responds to and acknowledges that family violence is a problem for the whole Victorian community.

## 2 Context

### 2.1 Prevalence of family violence

In 2013-14, there were 65,393 family incidents reported to Victoria Police, a rise of 83 per cent since 2009-10. Police issued 5961 Family Violence Safety Notices<sup>5</sup> and 11,140 applications for Family Violence Intervention Orders<sup>6</sup> in 2013-14.

Over the same period, 59,661 offences arose from family incident reports, an increase of 16.5 per cent from 2012-13. Of all the offences arising from family incidents reported in 2013-14, 36.7 per cent related to justice procedures, followed by assaults with 35.9 per cent and property damage on 11.4 per cent as the most common types of offences to arise from family incidents.

The Magistrates' Court of Victoria finalised 35,135 family violence intervention orders in 2013-14. This represented an increase of 83 per cent over the previous 10 years<sup>7</sup>.

Corrections Victoria data does not indicate the number of offences that are family violence-related. The data indicates a prisoner or offenders' most serious offence, such as assault or sexual offence, but does not indicate if the offence took place in the context of family violence.

An indication of the extent of family violence can be gained from Victoria Police statistics that indicate that 41.7 per cent of crimes against the person recorded arose from family incidents. Table 1 provides a breakdown of the type of offences recorded and the proportion arising from family incidents.

Table 1: Proportion of offences recorded by Victoria Police, arising from family incidents in 2013-14

Offence type	Proportion arising from family incidents (%)
Rape	34.3
Sexual (other than rape)	32.7
Assault	45.7
Abduction/kidnap	41.7
Property damage	15.5
Justice Procedures (primarily contravention of FVIO)	52.2
Harassment	47.2

<sup>4</sup> Corrections Victoria unpublished data March 2015 - includes all prisoners (sentenced and remand), those on parole, and those on supervised or unsupervised orders.

<sup>5</sup> Family Violence Safety Notice - under Section 31 of the *Family Violence Protection Act 2008*, a FVSN is considered to be an application for a Family Violence Intervention Order. More detailed information on Family Violence Safety Notices can be found on page 7 under the heading 'Definitions'.

<sup>6</sup> Family Violence Intervention Order - under the *Family Violence Protection Act 2008*, a FVIO is a court order made by a magistrate in the Magistrates' Court. More detailed information on Family Violence Intervention Orders can be found on page 7 under the heading 'Definitions'.

<sup>7</sup> Magistrates' Court of Victoria, *Annual Report 2013-14* (2014).

## 2.2 Family violence - Corrections Victoria context

While Corrections Victoria does not have a mandate to enforce compliance with Family Violence Intervention Orders and Family Violence Safety Notifications, the *Privacy and Data Protection Act 2014* provides for agencies working with victims and perpetrators<sup>8</sup> of family violence to share or disclose whether a Family Violence Intervention Order applies – where the information has been collected for the primary purpose of providing support, protection, prevention of violence, or accountability for violence. This is important in the context of prisoner visits, prisoner escorts to court, prisoner telephone contact and mailing, during planning for a prisoner's release, including on parole, and when an offender is supervised by Community Correctional Services to support compliance with existing orders and ensure inadvertent contraventions of the *Family Violence Protection Act 2008* do not occur.

Prisoners and offenders may or may not be identified as having family violence-related offences. At the same time, there will also be prisoners and offenders who do not have family violence-related offences, but whose behaviours, attitudes and personal circumstances may mean that they, and their families, are at high risk of risk of experiencing family violence.

Similarly, staff employed by Corrections Victoria may display behaviours, attitudes and personal circumstances that may mean they, or their families, are at high risk of experiencing family violence.

## 2.3 Royal Commission into Family Violence

Led by Justice Marcia Neave AO, the Royal Commission will investigate the entire family violence support system and justice system, including government and non-government organisations, courts, prosecutors, police, corrections and child protection.

The proposed Terms of Reference task the Royal Commission with finding the most effective ways to:

- Prevent family violence
- Improve early intervention to identify and protect those at risk
- Support victims
- Make perpetrators accountable
- Improve the way that Government and society work together

The work of the Royal Commission into Family Violence will be completed by late 2015, with the reporting date for the Commission's findings set for 26 February 2016. These findings will provide valuable information for consideration by Corrections Victoria – information that may influence policy, operations and how we work with other areas of government, including the courts, Victoria Police and Child Protection, as well as non-government organisations.

## 3 Document purpose

The purpose of this document is to articulate Corrections Victoria's vision for the response to family violence. In doing so, the framework will outline a number of guiding principles that underpin the strategic objectives to guide our service delivery over the coming years and provide the foundation for Corrections Victoria to realise its vision.

Up to date information is essential to the effectiveness of any policy. Corrections Victoria is committed to reviewing and refining this Family Violence Policy Framework in light of the recommendations from the Royal Commission into Family Violence.

## 4 Scope

The policy framework is applicable to the whole of Corrections Victoria, including staff, prisoners and offenders and covers identification, programs and services, cultural change and contributing to the whole-of-Victoria response to the issue of family violence.

While women are more likely to be the victims of family violence and men the perpetrators, there are likely to be men within Corrections Victoria's remit who have experiences as victims of family violence and women who may be perpetrators of family violence.

<sup>8</sup> The *Privacy and Data Protection Act 2014* recognises that situations exist whereby it may be necessary to share information without the consent of the person who provided it.

Within this context, Corrections Victoria is committed to introducing strategies that are targeted to the greatest area of need and provide the best opportunity to effect positive change, while also taking into consideration individual experiences and responding accordingly.

## 5 Family Violence Policy Framework

### 5.1 Corrections Victoria Purpose

The purpose of Corrections Victoria is to contribute to safer communities by delivering a safe, secure and humane correctional system.

We do this through our offender management practices, actively engaging with offenders and the community to promote positive behavioural change and address social disadvantage.

This purpose provides the foundation for Corrections Victoria to implement a Family Violence Policy Framework that is ambitious and will contribute to the broader work being undertaken in response to the issue of family violence in Victoria.

Corrections Victoria has an opportunity to effect lasting change across a unique population - in a way that positively challenges the beliefs and behaviours that exist within a cultural or familial context and lead to intergenerational transmission of family violence.

### 5.2 Vision

Corrections Victoria's vision is for there to be a reduction in family violence related incidents.

This vision signals Corrections Victoria's intention to take a lead role in addressing the issue of family violence within the Victorian correctional system, and through this, contributing to the whole-of-Victoria response to the issue of family violence.

Corrections Victoria is committed to working towards the achievement of this vision through initiatives that improve identification processes, provide opportunities for positive behaviour change in perpetrators, support victims who are under our care, and effect cultural change within the Victorian correctional system.

This vision aligns with the Department of Justice & Regulation's overarching vision for a safe, just, innovative and thriving Victoria.

### 5.3 Guiding Principles

#### Perpetrators of family violence must be held accountable

- Every effort will be made to identify those prisoners and offenders who are perpetrators of family violence.
- Family violence programs will be targeted to those prisoners and offenders who are identified perpetrators of family violence.
- Relevant responses should be targeted in a way that deters family violence related offending on release.

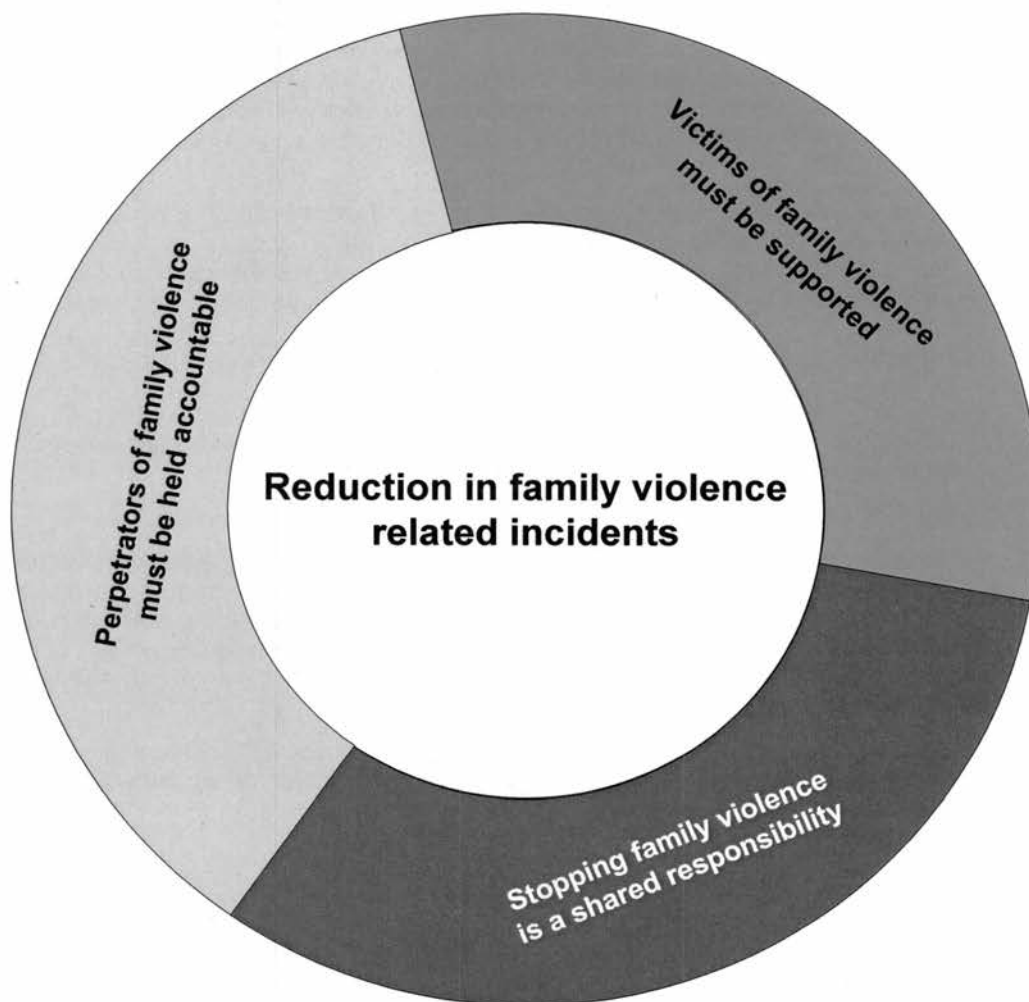
#### Victims of family violence must be supported

- Everyone has a right to feel safe, including our staff, prisoners or offenders and their children.
- Every effort will be made to support those prisoners and offenders who are victims, including women with children who are at risk of family violence.
- Understanding the impact of family violence on victims, and in particular children who are victims, is critical.
- Relevant available services should be prioritised to ensure the safety of prisoners and offenders who are at risk of family violence and to empower them to rebuild their lives.

#### Stopping family violence is a shared responsibility

- Working together across a number of service systems, including state and local government, non-government, courts, police, and child protection is integral to stopping family violence.
- Education is critical to changing attitudes and behaviours and promoting respectful relationships that are free from violence.

- Everyone has a role to play in positively challenging those attitudes and behaviours that promote or lead to family violence.
- Everyone has a role to play in saying 'no' to family violence.



## 5.4 Strategic Objectives

### 5.4.1 Objective 1: Identifying perpetrators

Corrections Victoria will consolidate its processes for identifying perpetrators of family violence, as well as identifying new opportunities for enhanced identification processes - this aims to ensure that perpetrators of family violence are identified and efforts to reduce further harm to victims are maximised.

#### Why this is our objective

Robust identification and information sharing processes are important to the way that Corrections Victoria works with both perpetrators and victims of family violence – enabling us to target programs and services to those individuals who are at risk of further family violence related offending in the future, and enhancing our capacity to support victims and reduce further risk of harm.

Through improved identification and information sharing processes, Corrections Victoria will be better placed to ensure inadvertent contraventions of the *Family Violence Protection Act 2008* do not occur during prisoner visits, prisoner escorts to court, prisoner telephone contact and mailing, during planning for a prisoner's release, including on parole, and when an offender is supervised by Community Correctional Services.



Improved identification processes will provide valuable information that can be recorded on the Corrections Victoria Information Management System to improve our understanding and capacity to respond to demand.

#### Opportunities for the future

Corrections Victoria will continue to work with a range of relevant stakeholders both internal to the Department of Justice & Regulation and external, to strengthen existing and identify new streamlined processes for information sharing for the identification of perpetrators of family violence – including ensuring that all relevant staff are aware of the information sharing provisions provided for in the *Privacy and Data Protection Act 2014* that enables specific agencies working with victims and perpetrators of family violence to share or disclose whether a Family Violence Intervention Order applies.

This includes a commitment to work with the courts, Victoria Police, the Adult Parole Board and relevant areas of the Department of Health & Human Services to explore enhanced information sharing opportunities, including protocols and information technology solutions, so that family violence interventions can be targeted and efforts to reduce further harm to victims can be maximised.

### 5.4.2 Objective 2: Delivering targeted family violence programs and services to perpetrators

Corrections Victoria will ensure the delivery of targeted family violence programs and services for prisoners and offenders identified as perpetrators of family violence.

#### Why this is our objective

In order to reduce the incidence of family violence related offending and reduce further harm to victims Corrections Victoria must ensure prisoners and offenders, who are identified as perpetrators of family violence, have access to programs and services that are targeted to their area of need - in doing this, it is important that Corrections Victoria also consider ways to increase the capacity of perpetrators to engage with the available programs and services to ensure they are not only effective, but also represent efficient use of resources.

Expanded family violence intervention programs and services will be critical to meet any increased demand that may occur through the improved processes for identifying perpetrators of family violence as outlined in the previous objective.

#### Opportunities for the future

Corrections Victoria will undertake a review of its current service system, across prisons and Community Correctional Services to explore new opportunities and dedicated family violence service pathways for perpetrators of family violence. This will include consideration of programs and services that ensure responsivity to specific cohorts such as perpetrators of family violence who are Koori, perpetrators from culturally and linguistically diverse backgrounds, and those with a disability.

### 5.4.3 Objective 3: Supporting prisoners and offenders who are victims of family violence

Corrections Victoria will ensure the delivery of targeted family violence programs and services for women, women with children, and men who are identified as victims of family violence, or at risk.

#### Why this is our objective

While Corrections Victoria's priority focus is perpetrator accountability, we recognise that it is also important to provide the right support to those prisoners and offenders who are victims of family violence.

When coupled with robust identification and information sharing processes, programs and services to victims can be planned and targeted in a way that ensures efforts to reduce further harm are maximised.

Many of our prisoners and offenders have backgrounds that include experiences of family violence – this is particularly so for women prisoners and offenders who are more likely than men to have been the victim of family violence, including physical, sexual, psychological, emotional or economic abuse. This is important when considered in the context of women's violent offending, which may stem from external factors related to social disadvantage, including a history of exposure to family violence<sup>9</sup>.

<sup>9</sup> Bottos (2007); Carnovale (2009); Miller (2005) cited on the Australian Institute of Family Studies website at [www.aifs.gov.au](http://www.aifs.gov.au).

Given certain types of offending may stem from an individual's history of exposure to family violence, efforts to support victims, as well as improved identification and the delivery of targeted family violence programs and services to perpetrators may, in the long run, lead to a reduction in crime.

#### Opportunities for the future

Corrections Victoria will consider options for strengthening the response provided to prisoners and offenders who are victims of family violence. Considerations include targeting transitional housing to women, and women with children who are exiting prison and may be returning to an environment that places them at risk of family violence. Consideration will also be given to strengthening our Community Correctional Services case management resources to include family violence related services for referral of those offenders who are victims or at risk, including services that are targeted to victims who are Koori, or those who have a disability.

### 5.4.4 Creating an environment for cultural change

Corrections Victoria will lead cultural change through education and the creation of an environment that supports individuals to positively challenge any attitudes and behaviours that promote or lead to family violence.

#### Why this is our objective

Engaging in a broad cultural change initiative will not only ensure that victims feel supported, but will also provide an environment where perpetrators are challenged to change their thinking in a way that promotes respectful behaviour as the norm. Critical to the success of this cultural change is access to education, including initiatives such as the *Our Watch* campaign and the *White Ribbon* Foundation which promote the message that family violence, or violence against women and children is unacceptable.

Such an environment will enable Corrections Victoria to be an agent for positive cultural change in a way that is far reaching. This is important when considered in the context of the causes of family violence, which include such things as community attitudes, social norms and beliefs that result in family violence being justified, excused or hidden from view.

This is consistent with the values and behaviours that Department of Justice & Regulation employees are expected to model in their day to day interactions, including those that align with Serve the community; Work together; Act with integrity; Respect other people; and Make it happen. The behaviours that align with these values including, 'treat all people with respect'; 'give and receive feedback constructively'; 'accept accountability for our actions'; and 'develop and maintain positive working relationships', provide the platform for staff to positively challenge those behaviours and attitudes demonstrated by other staff members, prisoners or offenders that are derogatory and result in family violence being justified.

This also supports the Department of Justice & Regulation's broader family violence related initiatives, which includes events that acknowledge International Women's Day, as well as seeking White Ribbon Workplace Accreditation and hosting events that support the White Ribbon campaign. The Secretary of the department and Corrections Victoria's Deputy Commissioners for Operations and Offender Management have taken a leadership role in this process as White Ribbon Day Ambassadors.

#### Opportunities for the future

Corrections Victoria aims to provide an environment that has positively adopted a 'zero tolerance to family violence' and where such things as respectful and equitable gender relations and respectful behaviour towards women are the norm.

This will require providing all Corrections Victoria staff with training opportunities so that they can gain an understanding of what constitutes family violence and the underlying causes, as well as promoting access to the broader Department of Justice & Regulation family violence initiatives, such as the professionally trained Family Violence officers within the Victim Support Agency who can provide assistance and support to an employee who is a victim of family violence.

Corrections Victoria will continue to host events that raise awareness of the impact of family violence, including those focussed on acknowledging and celebrating International Women's Day.

Combined, these initiatives aim to equip staff with the skills to support other staff that may be victims of family violence, as well as positively challenge their colleagues, prisoners and offenders, whenever someone demonstrates the attitudes, behaviours and personal circumstances that support family violence and may mean they, or other family members are at risk.

#### 5.4.5 Objective 4: Working with other service systems

Corrections Victoria is committed to contributing to a whole-of-Victoria response to the issue of family violence by working with other service systems including, the courts, Victoria Police, the Adult Parole Board and Child Protection, as well as local government and non-government organisations.

##### Why this is our objective

The issue of family violence is far reaching, with perpetrators and victims intersecting with a broad range of government, non-government and voluntary organisations. While efforts are being made across the whole of Victoria, the prevalence of family violence continues to be unacceptably high – pointing to the need for more to be done both at a micro level, within Corrections Victoria, and more broadly, across all parts of the service system and the community.

##### What we will do

Corrections Victoria acknowledges that stopping family violence is a shared responsibility and is fully committed to working with other service systems to ensure a whole-of-Victoria response to the issue of family violence is achieved.

Corrections Victoria will support the Victorian Government's submissions and response to the Royal Commission and will be ready to implement new and improved ways of addressing family violence into the future.

## 6 Document information

### Document details

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### Document approval

This document requires the following approval:

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Richard Wittmack	Director, Business Services	Corrections Victoria
Jan Shuard	Commissioner	Corrections Victoria

## Audience

The audience for this document is Corrections Victoria to outline the future response to family violence.

## Definitions

Terms	Description
Family Violence Safety Notice	Issued by Victoria Police, a Family Violence Safety Notice is considered to be an application for a Family Violence Intervention Order under Section 31 of the <i>Family Violence Protection Act 2008</i> . This notice may include any condition the court may include in a Family Violence Intervention Order. These start when served to a respondent and end when a court either makes, or refuses to make, a Family Violence Intervention Order on the first mention date for the application. It is a criminal offence to contravene the conditions of a Family Violence Safety Notice.
Family Violence Intervention Order	A Family Violence Intervention Order is a court order made by a magistrate in the Magistrates' Court, as provided under the <i>Family Violence Protection Act 2008</i> . This order will include a number of conditions determined by the court as necessary (noting that the safety of the affected person and children is paramount in the courts decision making regarding the inclusion of each condition). These remain in force for the period specified in the order, unless revoked sooner by the court or set aside on appeal. If no period is specified in the order, then it remains in force until it is revoked by the court or set aside on appeal. It is a criminal offence to contravene the conditions of a Family Violence Intervention Order.

