



# ROYAL COMMISSION INTO FAMILY VIOLENCE

Victorian Government Submission

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# Foreword from the Premier and Minister for the Prevention of Family Violence

Family violence is a national emergency. It is the leading preventable contributor to premature death and disability in Victorian women under the age of 45.<sup>1</sup> It makes up over 40 per cent of the work of Victoria Police on crimes against the person,<sup>2</sup> and has been estimated to cost the Victorian economy \$3.4 billion a year.<sup>3</sup>

Family violence ruins lives. It puts children at risk of serious harm and sadly, in some cases it kills.

Despite thousands of dedicated workers and volunteers, dozens of important services and the hard work they do to make things better, the family violence system is still failing.

When the Victorian Government established a Royal Commission into Family Violence, it did so to improve the way we protect vulnerable families and punish the guilty. We did it to save lives.

The Royal Commission represents a unique opportunity to review the family violence system and achieve lasting generational change. Government cannot afford to simply do more of the same. We need new approaches.

In developing this submission, government held stakeholder and expert roundtables to help us understand the problems in the family violence system more deeply. We have met people affected by family violence and the service providers who support them, members of Victoria Police who pursue and prosecute perpetrators and members of the legal profession who oversee the courts where intervention orders are heard.

These roundtables have delivered a consistent message – the family violence system needs to change and participants in the service system want to be involved in developing practical and lasting ideas for a new agenda.

The government has identified a fragmented system that results in poor outcomes for the people it is meant to assist. This is especially so for high-risk groups and specific cohorts including Aboriginal people, people from culturally and linguistically diverse (CALD) backgrounds, the elderly, people who are lesbian, gay, bisexual, transgender and intersex (LGBTI), people with disabilities and complex needs and people living in regional and rural areas. The process of identifying gaps in the current system and considering opportunities for reform has strengthened our resolve for change.

Family violence can happen in any home, and addressing failures in our family violence system is a responsibility for all of us. While government does much to address family violence in Victoria, it needs to do more. And it needs to do it better. Simply investing more money in a system that is broken is not an option.

We cannot continue doing things just because that's the way they have always been done. We believe Victoria needs a world-class family violence system with:

- a **prevention** framework focused on addressing the key cause of family violence – gender inequality;
- a **response** strategy for individual cases driven by high standards, common risk frameworks, including red flags for early intervention, and tailored support for high-risk victims and perpetrators; and
- a justice system focused on **perpetrator accountability**, ensuring that the community's outrage at family violence is expressed through tougher laws and mandatory behavioural change programs.

# Foreword from the Premier and Minister for the Prevention of Family Violence

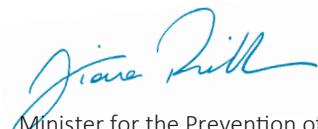
Most of all, we need a system that is designed for continual improvement and driven by strong, independent oversight and evaluation. While we acknowledge an urgent need to change, we also admit we do not have all the solutions.

This is why we have empowered a Royal Commission to hear not just from government, but also from our courts, our police force, the community sector and, of course, from families and individuals whose lives have been harmed by violence in their homes. We need to work together on solutions for change.

We look forward to reviewing the recommendations made by the Royal Commission and implementing them to ensure a safer future for Victorian families.



Premier of Victoria



Minister for the Prevention of Family Violence

# Executive Summary

## The impetus for change

The government is committed to ending the tragedy of violence in the home.

We have appointed a Minister for the Prevention of Family Violence – the first office of its kind in Australia – to bring specific focus to the hard work of reducing family violence cases in Victoria.

Addressing family violence is core business of government. It is also urgent. In 2014, there were 68,134 family violence incidents recorded by Victoria Police – an increase of 82.2 per cent since 2010.<sup>4</sup> And that upward trend is likely to continue into the near future.

It is the biggest law and order issue confronting our state, bar none. And so there is an economic, as well as a social imperative, to get the family violence system right because the investment in policing, court costs and health and community care services is growing.

Family violence is an insidious social issue with far-reaching consequences for individuals and the community.

As stated in *Victoria's Family violence risk assessment and risk management framework*:

*"The impacts of violence on women and children can be profound. In some cases family violence ends in death; in others, it can result in physical harm, disability, mental illness or other serious health problems. Family violence can affect many other aspects of wellbeing – including housing security, employment prospects and educational achievement. Children are always affected by family violence, even if they do not see or hear it. For example, they may see the injuries or damage to property, or experience an environment of fear."<sup>5</sup>*

The prevalence of family violence and its impact on individuals and society have not had widespread public attention until now.

The tragic death of Luke Batty at the hands of his father and the courageous advocacy of his mother, Rosie, changed the way Victorians think about family violence. Luke's death, which took place at a cricket oval in the township of Tyabb,

*"Family violence is an entrenched epidemic that we've lived with since time began, so we've got a long way to go. But I do believe the tide is turned. It's no longer a subject that only occurs behind closed doors."*

Rosie Batty after receiving her Australian of the Year award on 25 January 2015.

has had a profound impact not just on Victorians, but on the whole of Australia, providing a catalysing event for public debate about family violence. Further, in Australia, on average one woman is killed by her partner or ex-partner every week, exposing the gendered nature of violent crime and the need to act quickly.<sup>6</sup>

In this whole of government submission, we explore the prevalence of family violence in Victoria, with reference to current fragmented statistics and data, bringing together a picture of just how pervasive violence in the home is in our state. Our preparation of this material over a number of months helped us identify one of the biggest gaps in the family violence system – the lack of accessible, measurable data to monitor the size of the family violence problem in Victoria. Frustrations with the quantity, quality and connectedness of the data on family violence incidents led us to introduce an immediate reform to the system – the creation of a Family Violence Index. This is a world-first initiative and it is our intention that when it is complete it will help our government and future governments track progress in addressing family violence.

# Executive Summary

This submission has been informed by the views of stakeholders.

Government will continue to assist the Royal Commission throughout the course of its inquiry. The government welcomes any requests to provide additional information and further engagement with the Royal Commission.

## A system at crisis point

High profile cases, an increase in the reporting of family violence along with greater attention on intervention order breaches by Victoria Police are placing heavy demands on the family violence system.

Stakeholders tell us of a system in crisis, with specialist family violence services inundated by victims, Magistrates' Court lists so full there is little time to hear cases and legal assistance services run off their feet trying to meet daily list demand. Similarly, stakeholders suggest that the child protection, crisis housing and corrections systems are overwhelmed with family violence related cases.

This submission emphasises that while there is a need for increased investment in family violence, throwing more money at a broken system is unlikely to fix it. There needs to be structural as well as investment decisions made about the future of the family violence system and the government looks to the Royal Commission for ideas and options to enable reform.

The Victorian Budget delivered earlier this month provided funding for demand pressure to sustain existing programs while deliberately holding off on committing government funding that pre-empted the reform task ahead.

## Gaps in the current system

Since announcing the Royal Commission into Family Violence, the government has been listening and talking with people affected by family violence. We have received hundreds of letters sharing stories about problems in the family violence system. Many of the stories have been gut-wrenching to hear and to read.

The government expects that the Royal Commission will receive many more of these stories through its submission process, community consultations and public hearings. The government believes it is important to listen to the stories of people impacted by family violence because through lived experience we gain an understanding of system-wide failures.

We have also talked with people working in the family violence system. Shortly after taking office, the government established stakeholder and expert roundtables to help us understand problems in the family violence system in greater detail.

Our roundtables have delivered a consistent message – that the family violence system needs to change and that participants in the service system want to be involved in developing practical and lasting ideas for a new agenda. The government has asked people attending our roundtables to reflect on the things they would change. Ideas shared at roundtables about challenges in prevention, response and perpetrator accountability have helped shape the direction of our submission.

We know that there are gaps in the family violence system that are causing it to fail people when they need help the most. We know that there are people who have experienced family violence who do not feel safe, even when they have accessed the protections the system currently has to offer.

# Executive Summary

To assist the Royal Commission to focus its work most effectively, we have identified ten gaps that need to be overcome to address system failure:

1. Poor measurability of the scale and breadth of family violence in Victoria.
2. Lack of consistent and sufficiently resourced prevention frameworks and programs.
3. Limited understanding of the short- and long-term impact of family violence on children and young people.
4. Poorly resourced and under-investment in responses to family violence as demand for services grows.
5. Inconsistent and poorly tailored responses for high-risk groups and specific cohorts, including failure to be culturally responsive.
6. Weak legal consequences that fail to hold perpetrators to account.
7. An inaccessible and complex justice system in which victims do not always feel safe.
8. Lack of an integrated response model and insufficiently robust governance structures.
9. Barriers to sharing information.
10. Challenges to working with the Commonwealth Government.

These issues are contributing to a family violence crisis in Victoria and necessitate a whole of government approach to dealing with them. We explore each gap in detail in Part 3 of the submission.

## Opportunities to innovate and improve

We are already acting to address these gaps. The Family Violence Index will address the lack of measurability of family violence in Victoria (for more information about the Index see [Appendix A](#)).

But we can see other opportunities. Our submission considers the ways we think the government can innovate and improve the family violence system to overcome the challenges confronting us. In Part 4 we explore several significant ideas we think may strengthen prevention, response and perpetrator accountability. We invite robust exploration of those opportunities by the Royal Commission.

## Gender inequality and family violence

Government understands that the underlying causes of family violence are complex but there is a growing body of research and evidence linking family violence to gender inequality.

International evidence on violence against women demonstrates that, “in societies where laws, institutions and cultural beliefs promote or support rigid gender roles for men and women, and where women have less access to leadership, power and resources, levels of violence against women and children are measurably higher.”<sup>7</sup>

“Attitudes that condone or tolerate violence play a central role in shaping the way individuals, organisations and communities respond to violence.”<sup>8</sup> The 2013 *National Community Attitudes Survey* reinforced the importance of attitudes about gender inequality shaping the environment in which violence against women occurs. The survey found that several important beliefs associated with gender inequality had increased between 2009 and 2013 and that demographic factors had limited impact on these results.<sup>9</sup>

Family violence can be conceptualised as the extreme end of a continuum of attitudes and behaviours that enable gender inequality in our society.

# Executive Summary

At one end of the continuum is the acceptance of sexist jokes, a lack of women in leadership positions and the privileging of men's voices over women. At the other end of the continuum is sexual discrimination, street harassment of women, family violence and sexual assault.

Not everybody understands the connection between family violence and gender inequality. It is our job as a government to help people to understand the connection.

Governments have been successful at educating and legislating to prevent violence against vulnerable groups of people. There is now widespread understanding that racist attitudes can lead to racially motivated violence and that homophobic attitudes can lead to gay hate crimes. We must now also educate that sexist behaviour and gender inequality, if unaddressed, lead to sexual assault and family violence.

The government has a strong commitment to achieving gender equality in Victoria. It is committed to gender equality because the full participation of women in our community is fundamental to the health, community and productivity of Victoria.

The current government's achievements so far include:

- a Cabinet with the most female members in Victoria's history;
- the establishment of Australia's first dedicated Ministry for the Prevention of Family Violence;
- the establishment of Australia's first Royal Commission into Family Violence, and a commitment to implement its recommendations;
- the appointment of the first female Governor of Victoria, Linda Dessau AM;
- a commitment that between now and November 2018, no less than 50 per cent of all future appointments to paid government boards and Victorian courts will be women;

- a commitment to develop whole of government policies to address gender inequality issues; and
- a 2015-16 State Budget allocation of \$81.3 million over five years for family violence to support the work of the Royal Commission and to take immediate action to protect women and children and hold perpetrators accountable.

But there is more to do.

All Victorians, at every age and in every region should receive the same messages – that gender inequality is not acceptable, that women have a right to the same status and opportunities as men and relationships should be equal, respectful and safe.

These messages need to be reinforced in all areas of our community, including but not limited to schools, workplaces, government, sporting clubs, faith-based institutions and the media. The messages also need to be reinforced throughout life. And it is important that men, as well as women, are champions of change.

# Executive Summary

## Engaging men

Our submission is informed by our belief in gender inequality being a key determinant of family violence, but is also underpinned by knowledge that the great majority of men in Victoria are loving partners and family members who do not commit violence against their families.

Engaging men in a deeper understanding of the causes of family violence is important to promoting gender equality and reforming family violence.

For many men, it is confronting to recognise the attitudes that promote gender stereotypes or limit women's opportunities may be having an impact on why women are being treated badly in private; that the casual use of sexist language may be seen as tacit approval by perpetrators for more extreme sexualised and family violence.

This is why we need men to have opportunities to engage in family violence prevention and to become champions of change; to speak up and often in support of gender equality at work, in business, in sport and in the community.

## Everyone's responsibility

Government has for some time understood its obligations to ensure families, especially women and children, live in safe and respectful relationships. The *Family Violence Protection Act 2008* outlines that non-violence is a fundamental social value to be promoted by government. Likewise, the *Charter of Human Rights and Responsibilities Act 2006* charges government with the responsibility for protecting and promoting the human rights of families, a fundamental group unit of society.

But government alone cannot change attitudes about women, protect families and promote non-violence.

If we are to challenge and change attitudes and behaviours about family violence we will need leadership from the whole community – in our schools, our sporting clubs, the media, religious organisations, workplaces, the business community and beyond.

The reforms we envisage for the family violence

system are unlikely to be immediate. They are not quick fixes. They will take time and we will need to take people on a journey of change with us. Things may for a time worsen before they get better.

But we are confident that with a shared commitment that family violence is everyone's responsibility, we can begin reducing the numbers of men, women and children being affected by family violence in our homes and in our communities.

## Definitions and assumptions

### **Classification of prevention, response and perpetrator accountability**

For the purposes of this submission, initiatives and action taken to address family violence are classified in terms of prevention, response and perpetrator accountability.

Prevention strategies are those that seek to prevent violence before it occurs and encompass both universal prevention strategies aimed at the whole community and addressing key determinants of family violence such as gender inequality, as well as targeted strategies aimed at high-risk groups and vulnerable cohorts which address contributing factors.

In this submission, response is considered in the subcategories of early intervention (identifying and targeting early signs of family violence and risk) and crisis response and post-crisis support (support after family violence has occurred). In preparing this submission, the government has taken a considered approach to envision early intervention as a subset of response. It has done this because it considers there are opportunities to increase the focus on early intervention across specialist services and other targeted and universal services. Opportunities should be underpinned by coordinated efforts between agencies.

Perpetrator accountability strategies are those that seek to ensure that perpetrators are held to account for their behaviour and prevent re-offending. These may include legal and justice system responses or behavioural change counselling or other initiatives.

# Executive Summary

It is acknowledged that these categories are not mutually exclusive and initiatives may include elements or features that reflect multiple categories. For example, as noted in VicHealth's *Preventing violence before it occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria*, a policy reform such as a police code of practice mandating the arrest of family violence perpetrators is an intervention after violence has occurred.<sup>10</sup> However, it may also have a primary preventative effect (by communicating to the wider community that violence against women is a serious issue) and an impact on early intervention by deterring potential perpetrators.<sup>11</sup>

## Family violence

Under the *Family Violence Protection Act 2008*, 'family violence' means behaviour towards a family member that is:<sup>12</sup>

- physically or sexually abusive;
- emotionally or psychologically abusive;
- economically abusive;
- threatening;
- coercive; or
- in any other way controls or dominates the family member and causes him or her to feel fear for his or her safety or wellbeing or that of another person.

It also includes behaviour by a person that causes a child to hear, witness or be exposed to family violence.<sup>13</sup>

The government acknowledges that most family violence is perpetrated by men against women and children and in the context of ongoing discrimination against women. Therefore, the government considers it important to apply a gendered lens to the analysis of family violence.

However, it is acknowledged that women and children/adolescents can perpetrate family violence, that men can be victims of family violence and that some perpetrators are also victims of family violence. It is further acknowledged that family violence can affect a

range of specific cohorts differently, including the elderly (where family violence is commonly known as elder abuse), LGBTI families, people from CALD backgrounds and people with disability and complex needs as well as those living in rural and regional locations. The government recognises that family violence is also influenced by a broader range of individual, relationship, community and societal factors. It is acknowledged that many people affected by family violence experience violence perpetrated by ex-partners and/or by people that they do not reside with.

## Family violence system

The term 'family violence system' encompasses specialist family violence services delivered by government and community service organisations and justice entities that engage with victims and perpetrators.

It also encompasses the broader set of mainstream services that come into contact with families experiencing or at risk of experiencing violence including, for example, health and education services, and that these play an important role in helping to progress the government's response to family violence.

## Understanding family violence in the Aboriginal community

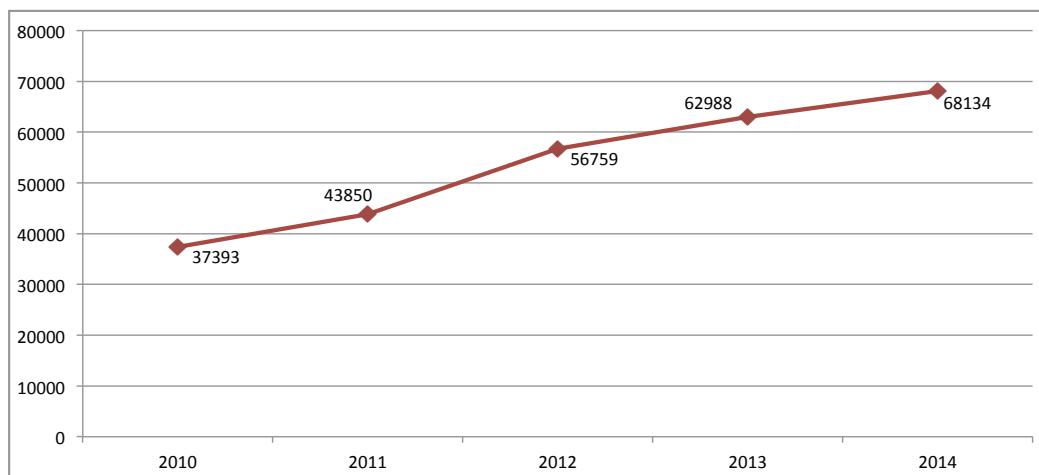
The government recognises that when considering family violence Aboriginal people reflect on the impact of colonisation on the community, the intergenerational trauma and kinship breakdown this has led to, and the importance of a whole of community approach to sensitive and complex issues. The Aboriginal community frames family violence through an Aboriginal cultural lens, as well as a lens of gender, recognising the importance of prevention and response strategies that are specific to men, women and children.

# Part 1: Understanding the scale and impact of family violence

## The prevalence of family violence in Victoria

The full scale of the family violence problem remains unknown. There is currently a lack of aggregated data recording the total number of incidents reported to police, family violence crisis services, hospitals and other organisations. At present, police data is the most reliable indicator of the prevalence of family violence in Victoria and what it tells government is alarming.

**Figure 1: Victoria Police family incident reports, January 2010 to December 2014**



Source: Crime Statistics Agency.

Note that 30 per cent of victims lodging applications for family violence intervention orders make them directly to the courts and are therefore not captured in police data.

In 2014, there were 68,134 family violence incidents recorded by Victoria Police.<sup>14</sup> This was a rise of 8.2 per cent on 2013 figures and 82.2 per cent on 2010 figures.<sup>15</sup>

The growth in the rate of family violence incidents recorded by Victoria Police is due to a combination of increased reporting, family violence focussed policing and increased community awareness as a consequence of high profile cases.

## Family violence – evidence of a gendered crime

For many years now we have known that family violence affects women disproportionately. The Australian Bureau of Statistics reveals that one in six women has experienced physical or sexual violence from a current or former partner since the age of 15. Further, one in three women has experienced physical violence and one in five women has experienced sexual violence.<sup>16</sup>

The 68,134 incidents in Victoria in 2014 involved 71,146 affected family members (affected family members are the individuals who are deemed to be affected by events occurring during the family incident<sup>17</sup>). Of those affected family members, 75.4 per cent were women.<sup>18</sup>

# Part 1: Understanding the scale and impact of family violence

Family violence is a gendered crime as it has an unequal impact on women. And the impacts of family violence on women are often severe. It is the leading preventable contributor to ill health, disability and premature death in young women aged 15-44, more than other well-known risk factors, including high blood pressure, obesity and smoking.<sup>19</sup> The Royal Women's Hospital reports that women with a history of intimate partner violence are more likely to smoke and have alcohol or drug problems, have contracted a sexually transmitted infection, be diagnosed with a mental illness, suffer from a chronic lung condition, heart disease, hypertension, stroke or bowel problems and experience chronic pain and fatigue.<sup>20</sup> The Australian Institute of Criminology has cited research suggesting that women may be at increased risk of domestic violence during pregnancy and in the period immediately after a baby is born.<sup>21</sup>

Family violence is, of course, not only perpetrated against women. Men can be victims, too. However, evidence shows that violence perpetrated by women is less common and the consequences for adult male victims are less severe. Further, violence by women is often in self-defence.<sup>22</sup>

LGBTI stakeholders inform the government that although still under-researched and under-reported, same-sex relationship violence has been estimated to be as high as the rate of violence occurring between heterosexual couples. In the *Coming Forward* report,<sup>23</sup> one in three LGBTI Australians were found to have experienced some form of intimate partner violence.

Although there are complexities about the gendered nature of family violence, and it is important to take into account same-sex differences, government cannot ignore the crime statistics that overwhelmingly show women to be the victims of intimate partner violence.

While the most common reported experience of family violence is violence between current or former partners, violence perpetrated by other family members also occurs between children, siblings and other relatives.<sup>24</sup> The adult children of elderly people can also commit family violence, both physical and economic, on vulnerable ageing parents. Elder abuse has received increasing attention from government and will continue to play a role in the community's understanding of family violence as our population ages.

## **Underreporting of family violence**

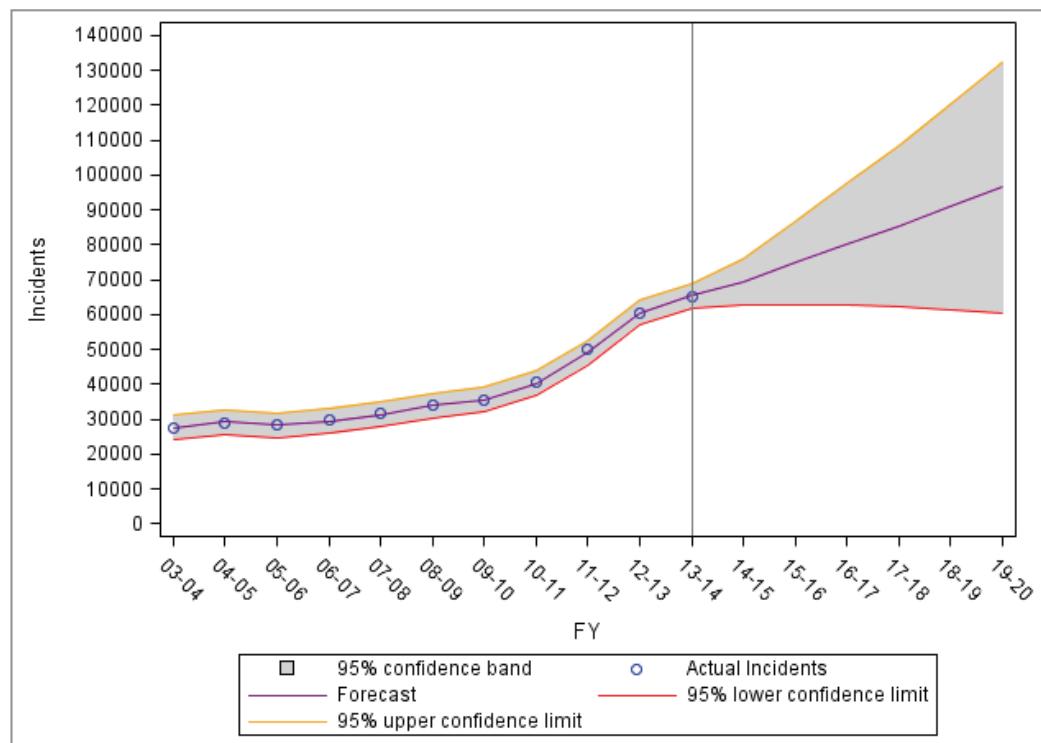
Despite the growth in reporting of family violence, the disclosure of family violence still remains low, particularly in situations not involving physical violence. As such, the true scale of family violence in Victoria is not known.

The 2012 Australian Bureau of Statistics *Personal Safety Survey* found that only 10 per cent of women experiencing violence from their current partner had told the police.<sup>25</sup> The 2012 *Survey of Recently Separated Parents* by the Australian Institute of Family Studies (AIFS) found that 47 per cent of people in the sample who had experienced family violence before or during separation had not disclosed the violence to the police or to another professional.<sup>26</sup> The AIFS study found that women were more likely to disclose experiencing violence than men (61 per cent of mothers in the sample had disclosed compared to 44 per cent of fathers in the sample) and that people were more likely to disclose physical violence than other forms of family violence.<sup>27</sup> Research also shows that many sexual assaults are not reported to the police<sup>28</sup> and of those that are, rape by an intimate partner has the highest category of withdrawn complaints at 31.4 per cent.<sup>29</sup>

In the short to medium term, the rate of reporting is expected to increase as a result of greater community awareness, changes in police reporting practices as well as the spotlight of the Royal Commission. Figure 2 below demonstrates projected increases in reporting.

# Part 1: Understanding the scale and impact of family violence

**Figure 2: Statewide forecast of incidents from 2013-14 to 2019-20**



Source: Centre for Human Services Research and Evaluation, Department of Health & Human Services, analysis of police incident report data.

## Family violence in high-risk groups

### Family violence in Aboriginal communities

We know from representations made to government from Aboriginal stakeholders that they are very concerned about the prevalence of family violence in their communities. They have explained that while data on the extent of family violence in Aboriginal communities is limited and available data requires further analysis, the impact is troubling. Studies have found that Aboriginal women experience “much higher risk of exposure to violence, suffer more severe forms of abuse, including disproportionately high rates of homicide, and face culturally specific barriers to addressing violence once it has started”.<sup>30</sup>

The Aboriginal community has told us that disclosure of family violence in Aboriginal families is a challenge and this is backed by research. Rates of non-disclosure of violence are higher in Aboriginal than non-Aboriginal communities for a range of reasons. This includes fear about the consequences of disclosure, distrust of government agencies and service providers, historical and cultural factors and a lack of access to support services.<sup>31</sup> For the reasons outlined above, police data is likely to underestimate the rate of violence in Aboriginal communities.

In Victoria, police data from 2013-14 shows that Aboriginal people represented 3.4 per cent of all victims and 3.8 per cent of all perpetrators of family violence.<sup>32</sup> Given that Aboriginal people made up 0.9 per cent of the Victorian population, this is a significant over-representation of Aboriginal people in family violence incidents in the state.<sup>33</sup>

# Part 1: Understanding the scale and impact of family violence

Family incident reports involving an Aboriginal family member almost tripled between 2006-07 and 2013-14.<sup>34</sup> The rate of growth in family incident reports has increased each year, with an average increase of 16 per cent per annum over the last seven years.<sup>35</sup>

The over-representation of family violence incidents involving Aboriginal families is also linked to the over-representation of Aboriginal children within the child protection system. In 2012-13, Aboriginal children in Victoria were more than nine times more likely to be the subject of substantiated reports of harm or risk of harm than non-Aboriginal children.<sup>36</sup>

## **Family violence in CALD communities**

Research on the prevalence of family violence against women from CALD backgrounds is scarce, however current information indicates that cultural and religious differences enhance the complexities normally involved in family violence cases, including less likelihood of reporting to police and other authorities.<sup>37</sup> Cultural practices of forced marriages and dowry disputes have been the subject of recent media focus on family violence cases in Victoria.<sup>38</sup> Further, family violence in CALD communities is also complicated by immigration and settlement issues, with women on spousal visas fearing deportation if a complaint is made about intimate partner violence.

## **Family violence and people with disabilities**

Although there is well-known difficulty in obtaining reliable data about family violence and its impact on people with disabilities, we know that women with disabilities continue to be at risk of being assaulted, raped and abused at a rate of at least twice that of non-disabled women, regardless of their age, race, ethnicity, sexual orientation or class.<sup>39</sup> Women with a disability are more vulnerable to abuse in intimate relationships, other family relationships and from carers.<sup>40</sup> Women with disability experience violence for similar reasons to other women, but can also experience violence related to their disability, for example the withholding of medication or assistance with activities of daily living. The social isolation experienced by some women with a disability can make it harder for these women to access support.<sup>41</sup>

## **Family violence in rural and regional locations**

In 2013-14, the 10 local government areas with the highest rates of Victoria Police family violence incident reports per 100,000 population were located outside metropolitan Melbourne.<sup>42</sup> The higher incidence of family violence in some rural and regional locations is borne out by additional research into the prevalence of family violence in rural Victoria.<sup>43</sup>

Recent research indicates that people living in rural and regional areas face particular obstacles to accessing support and justice, including geographic and social isolation, challenges with maintaining anonymity and privacy and limited availability of services.<sup>44</sup> The research also found that women had increased fears for their safety where their abuser had access to a firearm. Gun ownership rates are higher in rural and regional areas than in metropolitan areas.<sup>45</sup>

# Part 1: Understanding the scale and impact of family violence

## Contributing factors to family violence

While the cause and key determinants of family violence is gender inequality, other factors contribute to the problem including disasters alcohol and drug use and exposure to child abuse.

### Disasters

Disasters such as fires and floods put an enormous strain on communities as they work to get their lives back together. The impact of the event and the associated trauma can reach deep into family homes, and violence can flare or worsen in families already suffering from a disaster.

Evidence suggests family violence increases in communities affected by disasters. This is often linked to men seeking to reinstate a sense of control, and can be accompanied by substance abuse. Family violence is often unreported following disasters, as there can be pressure to show understanding and loyalty to men who may have acted heroically in the disaster and/or be traumatised. This is compounded by the fact that support workers are often part of the local community and can be less likely to recognise increased family violence.<sup>46</sup>

### Alcohol and drugs

The relationship between alcohol and family violence is complex. The misuse of alcohol is a factor in a large number of family violence incidents, however, the nature of the relationship between alcohol and family violence is unclear. Research suggests that there may be an association between drug use and the intensity of the violence inflicted on victims.<sup>47</sup> The impact of substance abuse on families plunged into violent cycles needs to be explored in the search for solutions.

## Mental health

Most people who are mentally ill are not violent. Mental illness is not considered to be a contributing factor to the perpetration of family violence.

Some research indicates that certain personality disorders and related characteristics (such as impulsivity and a lack of empathy) may be associated with the abuse of an intimate partner and sexual violence.<sup>48</sup> It is important to note that exposure to violence can contribute to the development of certain personality characteristics or mental health problems that, in turn, could make men predisposed to violence, including violence against women.<sup>49</sup>

## People who experienced abuse or neglect as children

Exposure to abuse or neglect in childhood has been found in some studies to increase the chances that a person will go on to abuse their own children and/or experience abuse themselves as an adult.<sup>50</sup>

The increased likelihood of family violence after experiencing abuse as a child affirms the significance of generational cycles of family violence, and the importance of addressing family violence parental substance abuse and parental mental health problems together with child abuse and neglect.

# Part 1: Understanding the scale and impact of family violence

## Lack of measurability – the need for a Family Violence Index

The full scale of the family violence problem remains unknown. There is currently a lack of aggregated data recording the total number of incidents reported to police, family violence crisis services, hospitals and other organisations.

Without a proper measurement tool, the government does not know the size and scale of the family violence problem. This makes it harder for governments and society as a whole to understand whether programs and services are making things better.

The Victorian Government has recently commissioned Australia's National Research Organisation for Women's Safety (ANROWS) to develop a Family Violence Index.

Building on the existing Victorian Family Violence Database,<sup>51</sup> the Family Violence Index will bring together data from across the fields of crime, justice, health, education and our community to create a single indicator of family violence. Relevant measures, statistics and data for the Index may include the:

- reporting rates of instances of crime;
- number of police referrals to family violence services;
- number of perpetrators convicted;
- number of working days lost by employees affected;
- rate of homelessness caused by family violence;
- number of presentations to the justice system;
- variation of community attitudes towards acts of violence; and
- number of affected women and children presenting to hospital.

In the critical area of family violence, the government is committed to improving outcomes over time and across generations. An important step in achieving this goal is improving our capacity to measure its prevalence (see **Appendix A**).

## The impact on individuals, families and communities

Family violence is an insidious social issue with far-reaching consequences for individuals and the community.

The personal, community, institutional and societal impacts of family violence are evidenced in Victoria across almost every sphere of life, several of which are illustrated below.

### Impacts on individuals and families

#### Fatalities

The most serious consequence of family violence is preventable death. In Australia, on average one woman is killed by her partner or ex-partner every week.<sup>52</sup>

Women are disproportionately represented as victims in intimate partner homicide statistics. The Australian Institute of Criminology found that between 2002-03 and 2011-12, females comprised three quarters of intimate partner homicide victims.<sup>53</sup> At present comprehensive data is not available about the link between suicide and family violence.

#### Impacts on health and wellbeing

The health impacts for people experiencing family violence are also grave. In *The health costs of violence: Measuring the burden of disease caused by intimate partner violence*, VicHealth found that:

- as noted above, intimate partner violence was the leading preventable contributor to death, disability and illness in Victorian women aged between 15 and 44 years, responsible for more of the disease burden than many well-known risk factors such as high blood pressure, smoking and obesity;
- in women aged 15-44, intimate partner violence contributed to an estimated eight per cent of the total burden of disease; and
- of this total burden of disease, the greatest proportion was associated with anxiety and depression, with suicide, drug use and risky levels of smoking and alcohol consumption also significant contributors.<sup>54</sup>

# Part 1: Understanding the scale and impact of family violence

## Impacts on work

Family violence can result in absenteeism and lost labour capacity, causing individuals to be at risk of losing employment. One study found that nearly half of those who had experienced domestic violence reported that the violence affected their capacity to get to work. It also affected work performance, with victims reporting being distracted, tired or unwell, needing to take time off and being late for work.<sup>55</sup>

The government is aware of increasing interest in enabling employees affected by family violence to access additional leave and other flexible arrangements to address the impact of family violence in the workplace.

Research conducted by the Australian Law Reform Commission acknowledged the role that paid employment can play in protecting people experiencing family violence. It found that opportunities to work are vital to health, wellbeing and recovery, providing victims with financial security, independence, confidence and an environment outside the home where they are treated safely and respectfully.<sup>56</sup>

## Impacts on children, young people and intergenerational violence

Witnessing and/or being a victim of family violence has particularly significant impacts on children and young people. As reported in VicHealth's *Preventing Violence Before it Occurs*, exposure to violence in the family increases children's risk of mental health, behavioural and learning difficulties in the short term; of developing mental health problems later in life; and, in the case of boys particularly, of perpetrating violence as adults.<sup>57</sup>

Children were present at 34 per cent of family violence incidents attended by Victoria Police in 2013-14.<sup>58</sup> Given the low rate of disclosure of family violence, this may only represent a small proportion of children who are exposed to or witness family violence and who risk contributing to an intergenerational cycle of violence.

Early childhood is a peak period for brain development. By the age of three, 90 per cent of a child's brain has been developed. Therefore, the cycle of disadvantage can start early in life. A major factor in healthy brain development is the relationship between children and their parents/caregivers. If adult responses are inappropriate or absent, the child's brain development may be disrupted, potentially having negative impacts on the child's learning, behaviour and health later in life.<sup>59</sup>

## Broader social impacts

### The social cost of family violence

Family violence violates the sense of safety traditionally associated with the home. Those escaping family violence are particularly vulnerable to homelessness, unemployment and a cycle of poverty as a consequence. In 2013-14, approximately 35 per cent of clients accessing homelessness services in Victoria cited family violence as a reason for seeking assistance.<sup>60</sup>

Violence in the home undermines the importance of non-violent and respectful relationships in other areas of Australian society. If we condone violent behaviour in intimate relationships, it has the potential to impact on a much wider culture of violence in the community.

### The economic cost of family violence

Financial estimates of the broader impact of family violence have been approached in a number of different ways. In 2004, Access Economics (on behalf of the Commonwealth Office of the Status of Women, now the Office for Women) presented a comprehensive, economy-wide estimate of the costs of domestic violence to the Australian economy.

Access Economics estimated that in Australia, the total cost of domestic violence to victims, perpetrators, children, employers, friends and families, Federal, state and territory governments and the community was in excess of \$8 billion in 2002-03.<sup>61</sup>

# Part 1: Understanding the scale and impact of family violence

In 2009, the National Council to Reduce Violence against Women and their Children's report *The Cost of Violence Against Women and their Children* (undertaken by KPMG) reviewed and updated this estimate, and broadened the scope of its inquiry from family violence to all forms of violence against women and children (including, for example, non-domestic sexual assault).

Following the Access Economics methodology, KPMG estimated across categories of pain, suffering and premature mortality; health costs (including public and private health system costs); production-related costs (such as absenteeism and lost productivity); consumption-related costs (such as property replacement); second generation costs (including costs associated with childcare, counselling, child protection, etc); administrative costs (such as police, incarceration and court system costs); and transfer costs (such as victim compensation and lost taxes).<sup>62</sup>

KPMG estimated that the cost of reported domestic and non-domestic violence against women and their children to the Australian economy was \$13.6 billion in 2008-09, which, if there was no reduction in rates of violence at the time, would increase to an estimated \$15.6 billion by 2021-22. KPMG considered that 52 per cent of these projected future costs would be borne by the victims, while Federal, state and territory governments would bear 19 per cent of these costs.

Extrapolating from KPMG's total Australian figures, the cost to the Victorian economy was estimated at \$3.4 billion in 2008-09, expected to rise to \$3.9 billion by 2021-22 if no action was taken.<sup>63</sup>

## Impacts on Victorian Government services

While detailed analyses such as those discussed above have estimated the total cost impact of violence on society and the economy more broadly, there is no agreed estimate on the indirect financial impacts of family violence on the state (the direct cost of government-funded family violence services is discussed at **Appendix B**).

To approximate the indirect financial impacts of family violence on the state, it may be possible in some cases to examine mainstream or non-family violence-specific Victorian Government services, and estimate the proportion affected by family violence-related demand.

Following are examples that give some indication of those impacts.

### Policing

Family violence is an increasing focus of Victoria Police effort, even as broader crime rates fall.<sup>64</sup> In 2014, Victoria Police recorded 68,134 family violence incidents statewide<sup>65</sup> – around one incident every eight minutes, on average. This was an increase of 8.2 per cent from 62,988 incidents in 2013.<sup>66</sup> The impact goes beyond the frontline: in 2013-14, Victoria Police also prosecuted more than 27,500 family violence intervention order applications in the Magistrates' Court.<sup>67</sup>

### Courts

The Magistrates' Court of Victoria has seen an 83 per cent increase in family violence intervention order applications finalised in the last 10 years.<sup>68</sup> In 2013-14, there were 35,135 family violence intervention order applications,<sup>69</sup> and in the criminal stream, contravention of a family violence intervention order was the fifth most common charge.<sup>70</sup> There were 15,016 charges for contravention in 2013-14, a 284 per cent increase since 2008-09.<sup>71</sup> The total salaries and operating expenditure for Magistrates' Courts in Victoria was around \$46 million in 2013-14.<sup>72</sup>

# Part 1: Understanding the scale and impact of family violence

## Corrections

The impost on Corrections Victoria (CV) of dealing with family violence incidents and the increased demand is another element of the economic impact of family violence. This manifests itself in the costs of incarceration and supervision of those on community correction orders, as well as the increasing need to provide programs for behaviour change in corrections settings.

Further, current sentencing trends moving away from fines for contraventions of family violence intervention orders have corresponding impacts on the corrections system. In a comparison of sentencing outcomes relating to family violence intervention orders and Family Violence Safety Notices between 2004-05 to 2005-06 and 2009-10 to 2011-12, the Sentencing Advisory Council found that imposition of fines had declined by over 30 per cent, while community orders increased by approximately nine per cent. For repeat intervention order contraventions, the use of fines almost halved and custodial sentences increased. As a result, imprisonment became, by a small margin, the most common sentence in repeat contravention cases (21.7 per cent of cases).<sup>73</sup>

## Victims' services

General victims' services also provide assistance to family violence victims. The Victims Support Agency within the Department of Justice & Regulation funds the Victims Assistance Program, which delivers services from over 40 metropolitan and regional locations, provides clients with case management services and practical support such as referrals to counselling, assistance with the court process and assistance with preparation of Victim Impact Statements and Victims of Crime Applications. In 2013-14, the Victims Assistance Program worked with 11,650 clients, 40 per cent of who were involved in family violence-related cases.<sup>74</sup>

## Education

For the *Report of the Protecting Victoria's Vulnerable Children Inquiry*, Deloitte Access Economics estimated that the abuse or neglect of children in Victoria in 2009-10 would result in additional lifetime education costs of \$14.9 million, with the greatest share of the costs incurred by the Victorian Government.<sup>75</sup> In light of the high correlation between the abuse or neglect of children and family violence, it may be assumed that a high portion of the additional education costs identified in the report can also be attributed to the impact of family violence.

## Child protection

The *Protecting Victoria's Vulnerable Children Inquiry* estimated the costs of child protection programs to assist children who were abused or neglected for the first time in 2009-10 at between \$6.4 million and \$38.7 million (over the course of their lives). The Victorian Government incurs the greatest share of these costs.<sup>76</sup>

The Victorian Child Protection Service is specifically targeted to those children and young people at risk of significant harm where families are unable or unwilling to protect them. In Victoria, family violence is currently recorded as a factor in more than 50 per cent of substantiated child protection cases.<sup>77</sup>

The audit by the Victorian Auditor-General's Office (VAGO) of early intervention services for vulnerable children and families, focusing on Child and Family Information, Referral and Support Teams (Child FIRST) and Integrated Family Services (IFS), was tabled on 27 May 2015.<sup>78</sup> VAGO found that the Department of Health and Human Services had not responded to emerging drivers of demand – such as family violence – in a timely manner, in particular the time taken to introduce the family violence referral protocol between Victoria Police, Child FIRST/family services (introduced 2013).<sup>79</sup>

# Part 1: Understanding the scale and impact of family violence

## **Homelessness services**

Nationally, the Australian Institute of Health and Welfare's *Specialist Homelessness Services 2013-14* report noted that 33 per cent of all people requesting assistance from specialist homelessness agencies in 2013-14 were escaping family violence (84,744 clients). This was almost 7,000 more family violence-related clients than in the previous year, and was largely due to an increase in the proportion of clients in Victoria seeking assistance.

The same report found that approximately 35 per cent of those accessing homelessness services in Victoria during 2013-14 cited family violence as a reason for seeking assistance. The total Victorian Government expenditure on homelessness initiatives is around \$238 million for 2014-15.

## **Housing**

Housing is critical for victims of family violence. In a study of women's economic wellbeing during and following family violence, women nominated finding safe, affordable, appropriate accommodation post separation as their single biggest concern.<sup>80</sup> The total Victorian Government expenditure on housing assistance in 2015-16 is \$420.8 million.<sup>81</sup>

## **Health**

As the World Health Organization has noted, research shows that intimate partner and sexual violence lead to a wide range of short- and long-term physical, mental and sexual health problems.<sup>82</sup> Access Economics estimated total health system costs for female victims, perpetrators of domestic violence and children Australia wide at \$388 million in 2002-03.<sup>83</sup> This was made up of direct costs associated with the provision of services in hospitals or other medical services, as well as pharmaceutical and other treatment costs. In 2009, KPMG updated this figure and estimated that, if the National Council to Reduce Violence Against Women and their Children's Action Plan was not implemented, the cost of Australian health expenditure related to domestic violence against women and children would reach \$445 million in 2021-22. This national projection included \$305 million in costs borne by Federal, state and territory governments.<sup>84</sup>

# Part 2: An overview of the current family violence system

## The individual's experience

There are many different ways that victims and perpetrators of family violence enter the family violence system. These include:

- self-referral to specialist family violence services (such as case management, practical support and counselling, peer support, Aboriginal Healing and Time Out services, specialist refuges for Aboriginal women and children, and behaviour change programs);
- reports being made to or people appearing at justice and statutory bodies (such as police, Commonwealth and state courts, correctional services and child protection services); and
- mainstream service providers identifying risks or issues among families (such as education, health services, mental health services, disability services and family and legal services).<sup>85</sup>

Examples of these three pathways are set out in Figures 3, 4 and 5. Government acknowledges that demand pressure means that these pathways are affected by waiting lists. Figure 6 sets out response options for mainstream services in the identification of family violence.

Multiple entry points maximise the opportunity for people who have experienced violence to access the help and services they need.<sup>86</sup>

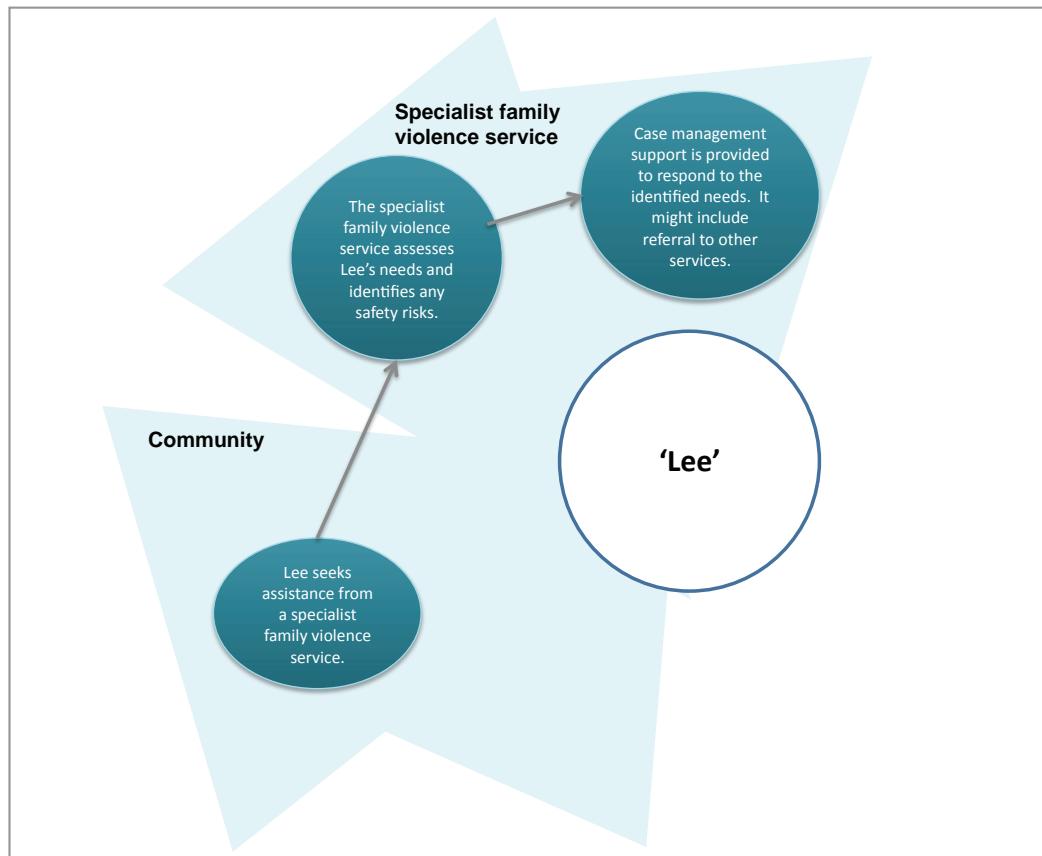
However, this requires a coordinated but tailored approach across the service system. While people can enter the family violence system in many different ways, the response they receive should be consistent. The government intends that appropriate and adequate support is available to people who have experienced family violence no matter how people enter the family violence system. For those who make contact with the system via police or human services agencies, there are agreed referral pathways, including the *Family violence referral protocol* between the Department of Human Services and Victoria Police 2012-14.<sup>87</sup> Similarly, specialised courts have established referral processes and practices for victims,<sup>88</sup> however, a stronger awareness of family violence in the court system has been hampered by problems with resourcing courts to adequately address the issue.

Several reviews outlined in the *Audit of Family Violence Reviews and Evaluations* (**Appendix C**) made recommendations regarding improvements to clients' experience with the family violence system. Initiatives designed to streamline clients' movement through the system, particularly in courts, were recommended by several reviews including the ALRC report *Family Violence – A National Legal Response*<sup>89</sup> and the Victorian Law Reform Commission's *Review of Family Violence Laws*.<sup>90</sup>

It has been identified that specialised and targeted services to assist clients to navigate the system, such as Applicant and Respondent Support workers who are available through the Specialised Family Violence Services are crucial, as are accessibility and consistency.

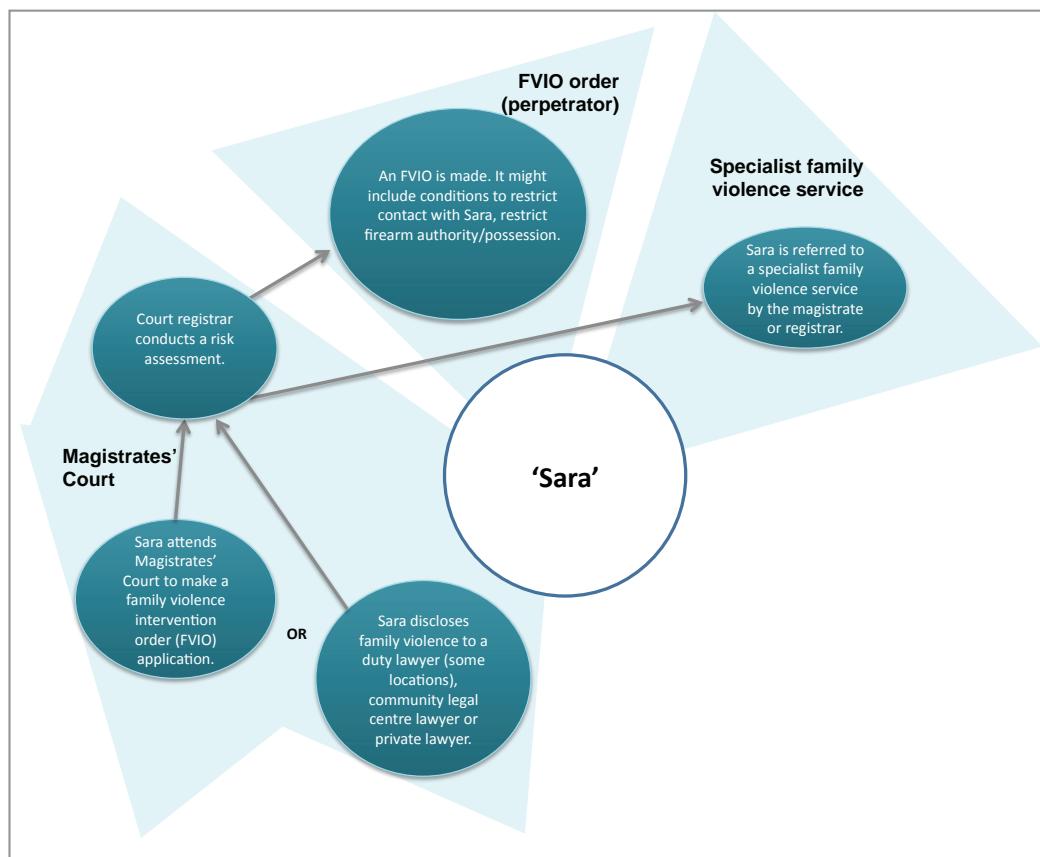
## Part 2: An overview of the current family violence system

Figure 3: Entry points – self-referral to a specialist family violence service



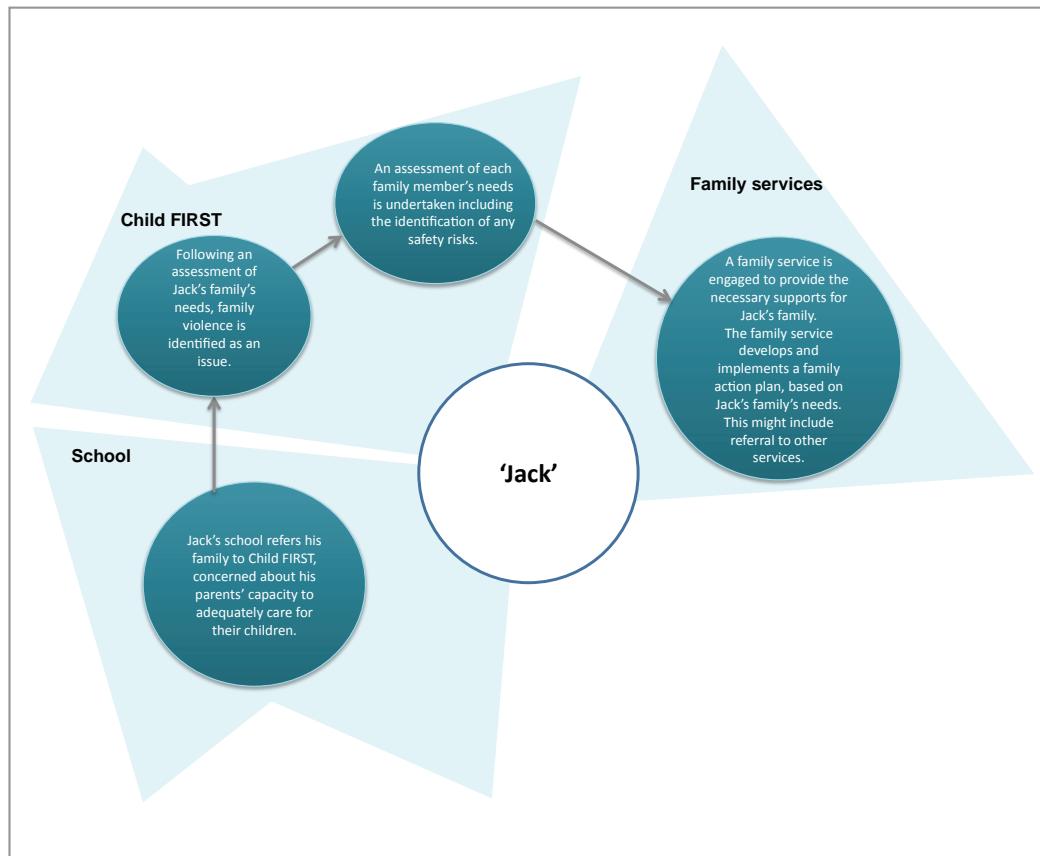
# Part 2: An overview of the current family violence system

Figure 4: Entry points – self-disclosure at a Magistrates' Court



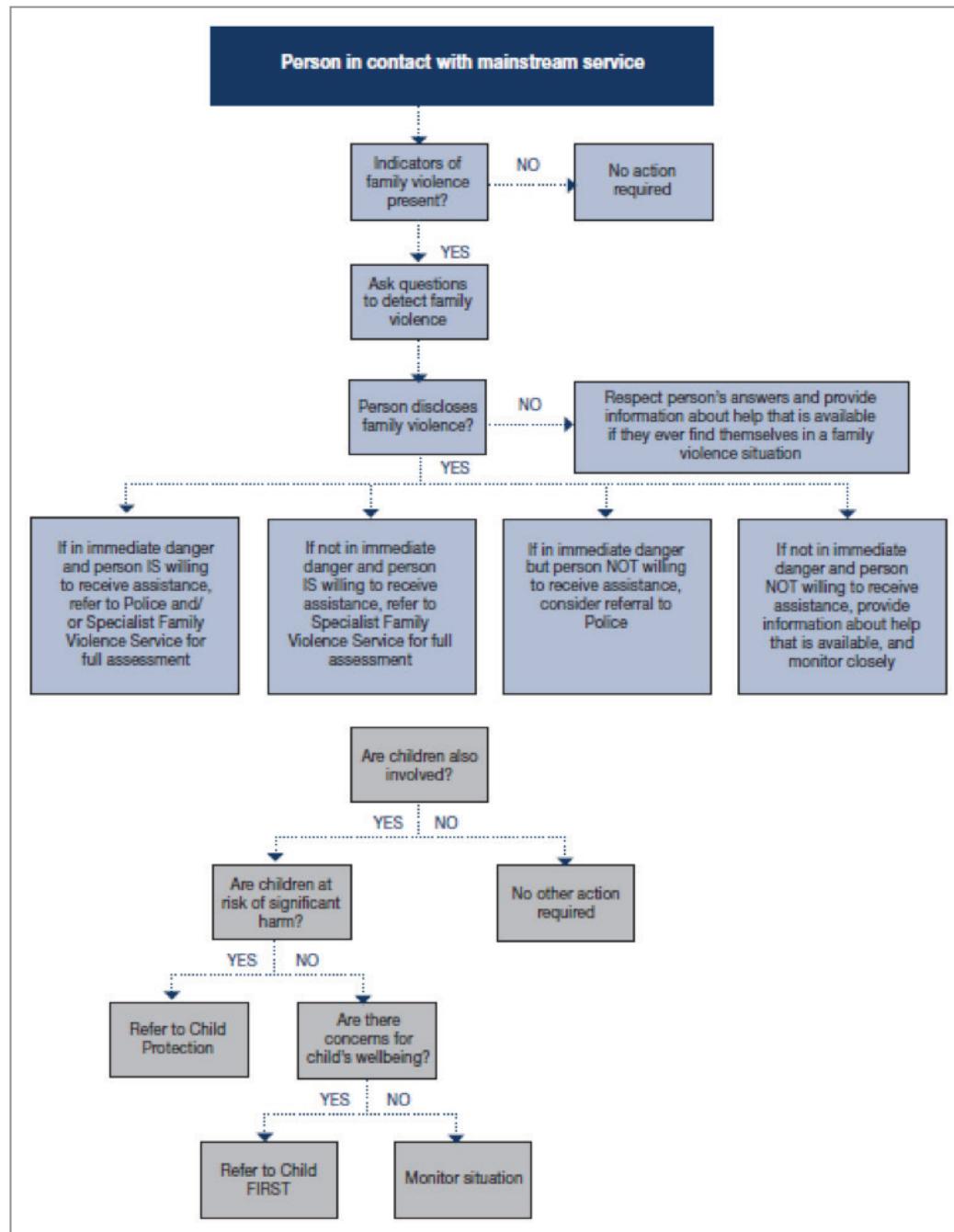
## Part 2: An overview of the current family violence system

Figure 5: Entry points – referral from mainstream service provider



# Part 2: An overview of the current family violence system

Figure 6: Response options for mainstream services in the identification of family violence



# Part 2: An overview of the current family violence system

## The role of participants in the family violence system

Victoria's family violence system includes a range of government and non-government bodies with different fields of expertise, roles and responsibilities. While all participants have unique expertise and areas of focus, working hard to reduce the incidence and effects of family violence in Victoria, the Victorian Government acknowledges the family violence system works best when there is collaboration between participants and a culture of rigorous, continuous improvement focused on outcomes.

### The community sector

Several community sector family violence services have their origins in the women's movement of the late 1960s and early 1970s. As women began challenging traditional stereotypes, they also began raising awareness about the impact and prevalence of domestic violence. Government acknowledges that long before family violence received widespread media attention and community outrage, women's-based family violence services were among the first advocates of the need to respond to violence in the home.

The community sector has expertise about how best to approach family violence for specific cohorts of victim and perpetrator. Community-led solutions to family violence, especially for Aboriginal communities, are fundamental to the family violence system.

The community sector remains a principal participant in Victoria's family violence system. Victim support and housing/accommodation services, counselling, legal advice and advocacy work, public education campaigning, research and resource development services are all delivered by a range of non-government agencies. Expert advice and recommendations from the sector have informed government policy development and reform.

### Victorian Government departments and agencies

Over time and in response to community advocacy, government has become a key participant in the family violence system in several ways:

- The Department of Education & Training makes available teaching and learning resources for respectful relationships education, delivers the Respectful Relationships Education in Schools program in partnership with Our Watch and the Department of Premier and Cabinet in up to 30 Victorian Government secondary schools, and jointly (with local government councils) runs the universal Maternal and Child Health Service, which includes family violence screening.
- The Department of Health & Human Services funds community service organisations throughout the state for the delivery of services that respond directly to the needs of people experiencing family violence. This includes a statewide crisis line, refuges, specialist family violence counselling and case management services for victims. For perpetrators, it includes men's behaviour change programs and case management. The Department of Health and Human Services delivers child protection services to respond to children and young people at risk and funds family services programs (including Child FIRST) to provide a comprehensive range of services for vulnerable children and their families to promote children's safety, stability and healthy development.
- The Department of Justice & Regulation coordinates the justice system and legislative responses to family violence, including prevention initiatives focusing on reducing violence against women and children, Corrections Victoria and the Victims Support Agency. Each of the justice entities (courts, corrections, police and legal services) play a significant role in contributing to the safety of victims, ensuring a focus on perpetrator accountability. Victoria Police and Victorian courts (including the Magistrates' Court, the

# Part 2: An overview of the current family violence system

criminal jurisdictions of the higher courts, the Coroners Court and Children's Court) play a critical role in the system's family violence response through law enforcement, adjudication of disputes and the direction of victims and offenders to services. A major challenge for the justice system in recent years has been managing demand, which has arisen from increased awareness of family violence and stronger justice responses. This demand has an impact on the capacity of police, courts, corrections and legal services to respond to family violence victims and perpetrators.

- The Department of Premier & Cabinet coordinates whole of government family violence policy, including the prevention of family violence and efforts to address family violence in Aboriginal and CALD communities.

## The 2015-16 Budget

On 5 May 2015, the Treasurer delivered the 2015-16 Budget.

Funding was provided to deal with current identified family violence demand as well as establishing the Family Violence Fund. The Family Violence Fund provides for an amount of unallocated funding that can be quickly drawn down by the government in order to respond to urgent requests for funding or currently unforeseen demand pressures.

The vast majority of the additional funding provided for family violence within the 2015-16 Budget is in the first year of the estimates period. This is a deliberate decision to provide the greatest flexibility for the government in responding to the recommendations of the Royal Commission next year. Funding was also provided to deliver on the government's election commitments in full.

## Funding arrangements and performance monitoring

In general, family violence sector service funding arrangements are governed by individual service agreements with funded organisations. Individual projects, pilots or one-off grants are overseen by departments and funding acquitted according to the relevant departmental agreements and reporting requirements.

The *Policy and Funding Plan 2012-15* for the human services sector describes service delivery components that relate to the funding provided by the Department of Health & Human Services.<sup>91</sup> Current performance-monitoring arrangements encourage community service organisations to deliver against agreed target outputs. There is a requirement that community service providers funded by government will adhere to documented standards. Monitoring service delivery outcomes is limited within existing frameworks. This has been affirmed by the recent VAGO audit of early intervention services for vulnerable children and families which concluded that Child FIRST and Integrated Family Services had limitations in service performance data and a lack of outcomes monitoring at the system level.

# Part 2: An overview of the current family violence system

## Commonwealth Government

The Commonwealth Government has several roles and responsibilities relevant to family violence including:

- funding and administering Australia's family law system;
- jointly with the state, funding:
  - legal assistance through the *National Partnership Agreement on Legal Assistance Services (Legal Assistance Services NPA)* and direct program funding; and
  - homelessness services through the *National Partnership Agreement on Homelessness (NPAH)* and *National Affordable Housing Agreement Specific Purpose Payment*;
- jointly with the states, implementing the *National Plan to Reduce Violence Against Women and their Children 2010-22*; and
- funding and administering income support, employment services, Medicare and some community services for families and children.

The Legal Assistance Services NPA, which governs the Commonwealth Government's financial contribution to Victoria Legal Aid for the delivery of Commonwealth legal aid services, expires on 30 June 2015. The Commonwealth, states and territories are currently negotiating a new Legal Assistance Services NPA to commence on 1 July 2015, which will include reforms to the current arrangement covering legal aid commissions, Community Legal Centres and Indigenous legal assistance providers. On a per capita basis, overall Victoria continues to receive the lowest amount of funding from the Commonwealth Government of all states and territories. Commonwealth funding for Community Legal Centres will reduce in 2017-18 under the new Legal Assistance Services NPA.

The current NPAH is also due to expire on 30 June 2015, and the Commonwealth, states and territories are negotiating the details of a new NPAH to commence on 1 July 2015. The 2015-16 Commonwealth Budget includes \$230 million for a two-year extension to the NPAH (2015-16 and 2016-17), with \$22.8 million each year for

Victoria. This is the same amount of funding provided to Victoria in 2014-15, and therefore does not maintain the value of the NPAH. The Commonwealth has announced that its priorities will include women and children experiencing family violence and young people facing homelessness.

The Family Division of the Children's Court of Victoria has jurisdiction over applications relating to the protection and care of children and young persons at risk and applications for intervention orders that involve children. The Magistrates' Court of Victoria also has jurisdiction over applications for intervention orders. In certain circumstances, the Magistrates' Court and Children's Court may exercise jurisdiction under the *Family Law Act 1975* (Cth). When making or varying a family violence intervention order, section 68R of the *Family Law Act* allows magistrates to revive, vary, discharge or suspend a parenting order to the extent to which it provides for a child to spend time with a person. Magistrates may also make parenting orders by consent under the *Family Law Act*. There is further work to be undertaken to ensure heightened awareness of family violence in matters coming in the first instance to the Family Law Court.

The Commonwealth also has a role in promoting gender equality and the participation of women through the Office for Women in the Department of Prime Minister and Cabinet and via a range of legislative instruments, including the *Sex Discrimination Act 1984* (Cth), *Workplace Gender Equality Act 2012* (Cth) and a range of programs, including funding national women's organisations.

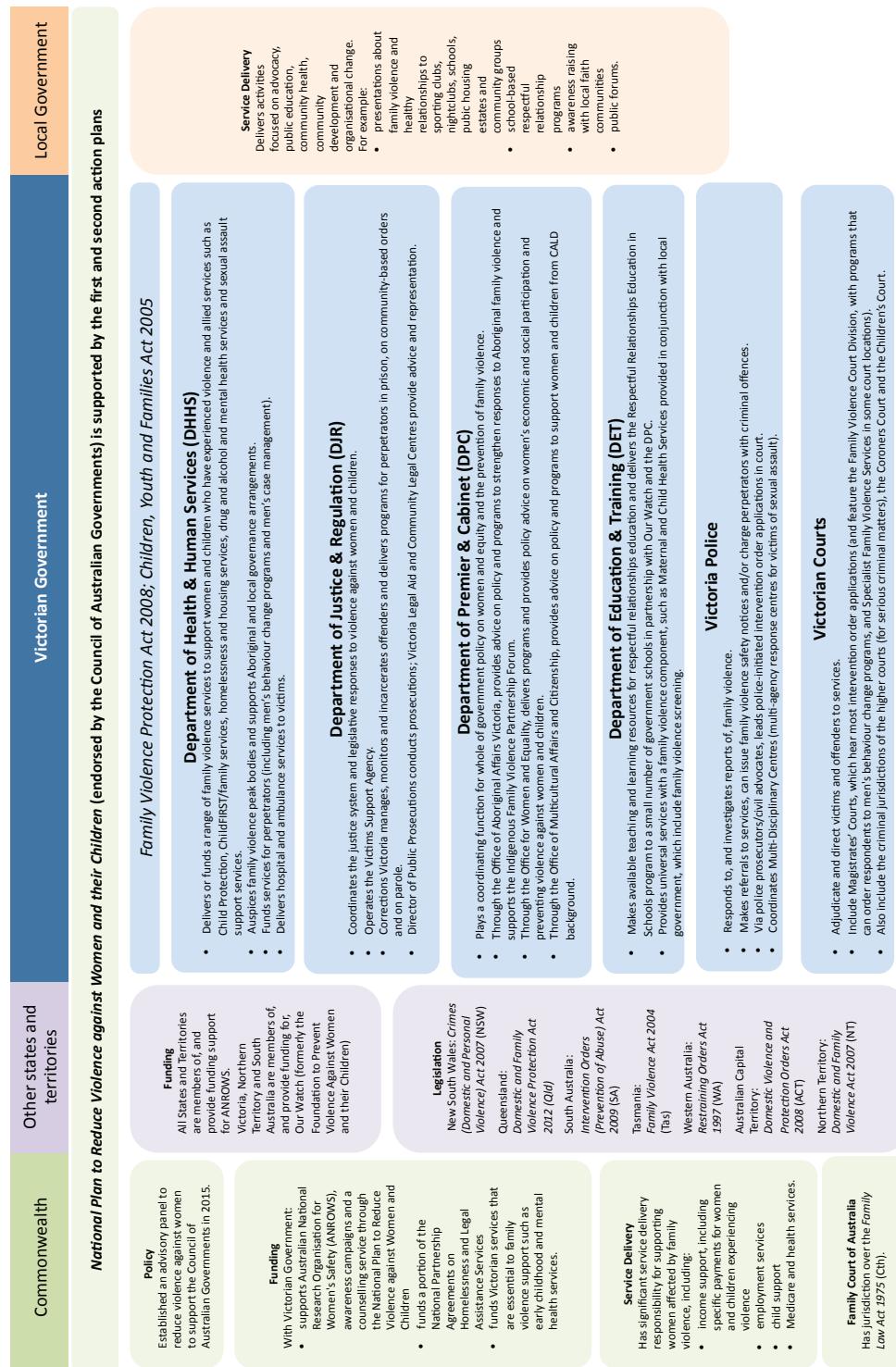
## Local government

Local government plays an important role in delivering local services, including jointly delivering the Maternal and Child Health Service, public education and community development initiatives, supporting local partnerships, influencing a range of local settings via prevention activities and pursuing their own organisational change.

Figure 7 illustrates the various levels of government and their responsibilities in relation to family violence.

# Part 2: An overview of the current family violence system

**Figure 7: Government responsibilities for responding to family violence**



# Part 2: An overview of the current family violence system

## Governance and system-wide monitoring arrangements

### The beginnings of an integrated family violence system

In 2005, the Statewide Steering Committee to Reduce Family Violence, comprising participants in the family violence system, released *Reforming the Family Violence System in Victoria*.<sup>92</sup> The report recommended the realignment of participants in the family violence system into a more integrated model to overcome siloed service delivery and to foster collaborative prevention solutions.

In response, the then Victorian Government introduced system reform and the beginnings of a new, integrated approach<sup>93</sup> to family violence service delivery, including:

- statewide governance and accountability coordination, involving multi-disciplinary decision making forums at Ministerial and interdepartmental level; and
- regional partnerships working together operationally to streamline services at a local level.

The Department of Human Services document, *Guiding Integrated Family Violence Service Reform 2006-09* supported the work of the department and funded partnerships as they adopted a new approach to services. It set out key reform priorities for all funded partnerships of services across the state, and communication and engagement mechanisms at a statewide and regional level.<sup>94</sup>

Accordingly, in the years following the release of *Reforming the Family Violence System in Victoria*, a range of statewide governance mechanisms and forums evolved. By 2010, established governance structures included:

- regular meetings of the senior Ministers with responsibility for family violence;
- a Family Violence Interdepartmental Committee (IDC) – a regular meeting of senior executive officers from the departments responsible for health, human services, justice and planning and community development

and Victoria Police, chaired by the Department of Planning and Community Development (DPCD), reporting to the Family Violence Ministers and working closely with statewide and regional governance and advisory structures;

- a Family Violence Statewide Advisory Committee – a quarterly meeting of key government, sector and statewide representatives, co-chaired by the DPCD and Victoria Police to provide advice to government on the progress of the reforms and on the direction and issues related to the reform program; and
- a Family Violence Roundtable – a biannual meeting of all stakeholders.<sup>95</sup>

At a regional level, reforms included:

- regional (or sub-regional) integration committees – to draw together family violence specific stakeholders and key service stakeholders, building on existing networks to drive integration of family violence services at a regional level and oversee the reform process, as well as promoting and supporting community awareness and education; and
- regional (sub-regional) leadership, service integration and planning roles funded by the Department of Human Services.<sup>96</sup>

It is of note that Indigenous Family Violence Regional Action Groups, which have a leadership role in implementing community-led responses that educate, prevent, reduce and respond to family violence in the Aboriginal community,<sup>97</sup> and the Indigenous Family Violence Partnership Forum, which was established in response to an *Indigenous Family Violence Task Force Report* (2003)<sup>98</sup> to provide a forum for ongoing, high level dialogue between government and Aboriginal communities,<sup>99</sup> predate the new, integrated approach.

From around 2011, the Statewide Advisory Committee was discontinued and a quarterly Violence Against Women and Children Advisory Forum was adopted as a stakeholder engagement mechanism. In 2012, the government released *Victoria's Action Plan to Respond to Violence Against Women and Children*.

# Part 2: An overview of the current family violence system

## Far from complete integration

The aim of the integrated family violence service model was to establish a common understanding of family violence and the needs of families. It was established to facilitate information sharing between agencies and government departments to enable uniform risk assessment processes and appropriate referrals to take place anywhere in the system.

While the integrated family violence system has been successful in promoting collaboration between participants in the family violence system, including the development of a common risk assessment framework (CRAF) and the establishment of two pilot Risk Assessment Management Panels, integration is far from complete. The culture of ‘silos’ and barriers to information sharing continues.

For further information about the development of the family violence system in line with the whole of government policy frameworks and reform initiatives see **Appendix D**, as well as information about successive reviews and evaluations in **Appendix C**.

## Current governance structure

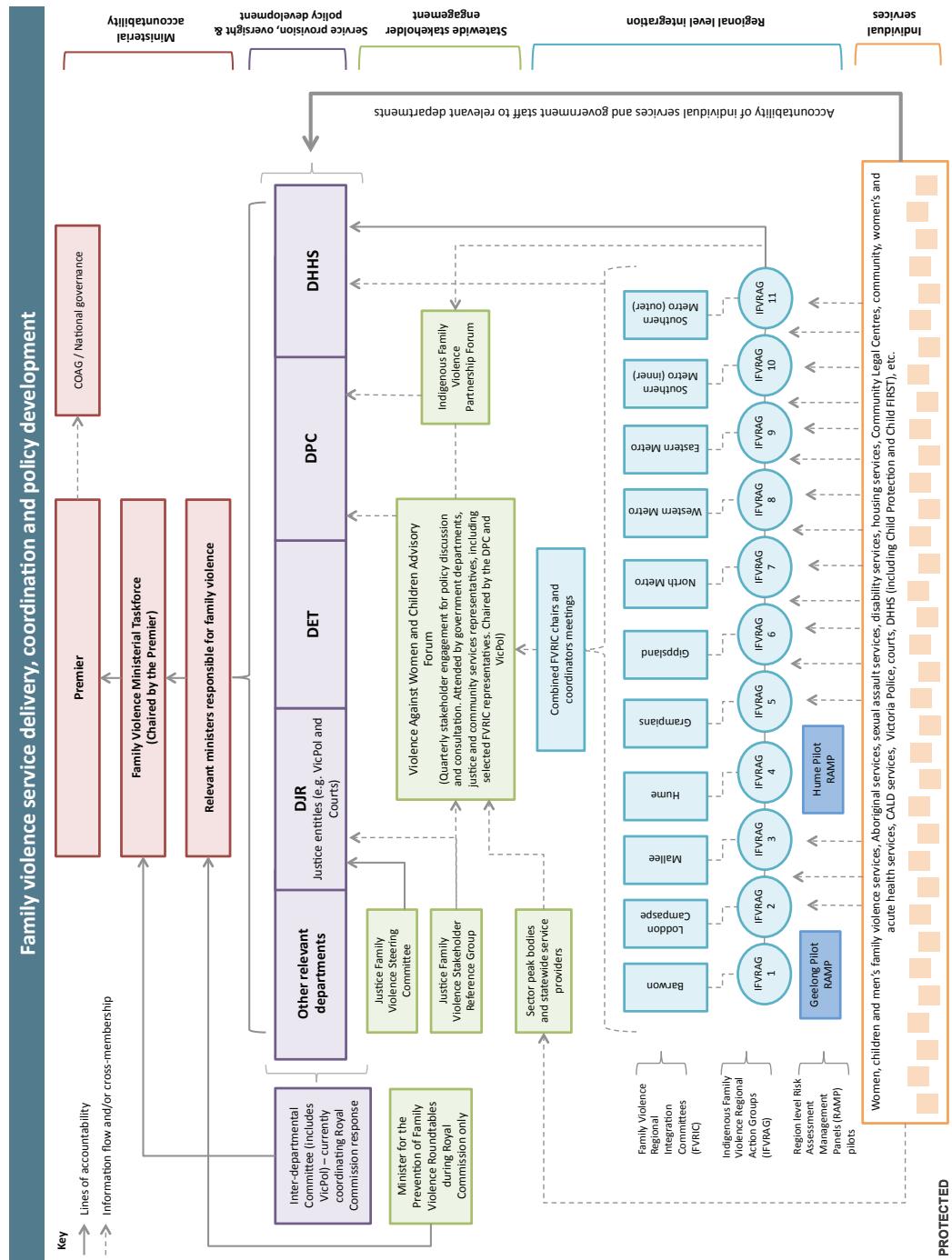
The government has created or retained a number of bodies to assist its deliberations and accountability during the course of the Royal Commission’s inquiry and beyond. These include:

- a Ministerial Taskforce chaired by the Premier with the Minister for Family Violence Prevention, Attorney-General, Minister for Police, Minister for Mental Health, the Minister for Families and Children and the Special Minister of State. The Minister for Aboriginal Affairs attends by invitation of the Chair. This forum meets monthly to manage the government’s engagement with the Royal Commission and set strategic directions for addressing family violence;
- a Family Violence Royal Commission Interdepartmental Committee which brings together senior executive officers of relevant departments and agencies to assist with management of the family violence services and with Royal Commission engagement;
- regional Integration Committees continue to operate according to their strategic plans, overseen by peak body Domestic Violence Victoria. The Regional Integration Coordinators continue to be funded by the Department of Health and Human Services;
- the Indigenous Family Violence Regional Action Groups (comprising Aboriginal community members, relevant stakeholders including service providers and a departmental coordinator) continue to meet. They are funded by the Department of Health and Human Services and supported by the Department of Premier and Cabinet and the Department of Health and Human Services;
- the Indigenous Family Violence Partnership Forum, which continues to meet, coordinated by the Department of Premier and Cabinet, through the Office of Aboriginal Affairs Victoria;
- ministerial roundtables convened on a temporary basis to inform the development of the government’s response to the Royal Commission and to feedback on service demand pressures. Ministerial roundtables enable stakeholders to engage directly with government and include a forum for representatives of peak family violence service providers, as well as thematic forums focused on discussing three issues – prevention, response and perpetrator accountability; and
- a Violence Against Women and Children Advisory Forum, with a quarterly meeting for policy discussion and consultation, attended by government departments, justice and community services representatives.

Figure 8 outlines a diagram of the current family violence services delivery, governance coordination and policy development.

# Part 2: An overview of the current family violence system

Figure 8: Current family violence services delivery, governance coordination and policy development



# Part 2: An overview of the current family violence system

## Information sharing

Victoria has a legislative framework to safeguard the privacy of its citizens, which informs the way in which information can be shared between agencies. However, the *Children, Youth and Families Act 2005* includes provisions authorising the sharing of information to facilitate collaboration between Child Protection, the police and others to assist vulnerable Victorian children. In accordance with this legislative framework, a range of protocols and agreements are in place to support information sharing and effective responses to family violence including:

- *Protecting Children Protocol between the Department of Human Services – Child Protection and Victoria Police:* Articulates the statutory and non-statutory responsibilities of Child Protection and Victoria Police to provide strengthened operating requirements for both organisations when working together. The Protocol focuses, in particular, on ensuring that information is exchanged between both organisations.<sup>100</sup>
- *Family violence referral protocol between the Department of Human Services and Victoria Police 2012-2014:* Sets out effective referral pathways for Victoria Police and family violence services along with clear and consistent referral practices and specifies procedures for service agencies to notify Victoria Police of safety concerns and to provide feedback on the outcomes of referrals.<sup>101</sup>
- *Towards collaboration: a resource guide for child protection and family violence services:* Provides support and information for cross-sector collaboration to improve outcomes for those children and their families who have experienced family violence.<sup>102</sup>

## Workforce development

Workforce development programs vary according to sectors and there are variations with respect to minimum qualifications required.

Government does not mandate training for practitioners delivering family violence service for victims. These organisations determine their own professional development requirements. Family violence practitioners have access to training delivered through Domestic Violence Resource Centre Victoria and Domestic Violence Victoria.

Practitioners must have a relevant degree from a recognised institution, a Graduate Certificate in Social Science (Male Family Violence) or equivalent experience as deemed by No To Violence, in order to facilitate Men's Behaviour Change Programs.<sup>103</sup> The certificate is delivered by No To Violence, the peak body for men's behaviour change programs.

The Department of Health & Human Services funds and administers training in relation to the Family Violence Risk Assessment and Risk Management Framework (known as CRAF or the Common Risk Assessment Framework)<sup>104</sup> to those who work with individuals affected by family violence including family violence services, mental health service providers, drug and alcohol services, disability and health services, child protection and private providers.

At the commencement of their employment, child protection practitioners are provided with training in family violence during *Beginning Practice*, a 17-day mandatory induction program. This training includes possible responses by Child Protection to incidents of family violence. Child Protection practitioners, Child FIRST and family services staff currently have access to training delivered by No To Violence on making risk assessments, engaging perpetrators and working with other service providers.

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## The legislative framework and the justice system

### Legislation

A range of Victorian and Commonwealth legislative schemes may apply to or intersect with incidents of family violence. These include crimes and summary offences legislation, bail and sentencing laws, Commonwealth family law (outlined above in the Participants in the Family Violence Sector section), privacy legislation, child protection legislation and legislation relating to court operations. Victoria has standalone legislation dealing with family violence specifically aimed at maximising safety, preventing and reducing family violence and promoting perpetrator accountability.

The *Family Violence Protection Act 2008* was introduced in response to the Victorian Law Reform Commission's report, *Review of Family Violence Laws*.<sup>105</sup>

Since 1987, a victim of family violence in Victoria had been able to apply to the Magistrates' Court (or the Children's Court) for a family violence intervention order.<sup>106</sup> However, the new legislation adopted a broader approach to the grounds for a family violence intervention and explicitly stated the law's key, underlying principles.

The preamble to the *Family Violence Protection Act* includes four principles:

- non-violence is a fundamental social value that must be promoted;
- family violence is a fundamental violation of human rights;
- family violence is not acceptable in any community or culture; and
- the justice system should treat the views of victims of family violence with respect.

The preamble also acknowledges the gendered nature of family violence, the serious impact of exposure to family violence on children, the fact that it affects the entire community, and the fact that family violence extends beyond physical and sexual violence to include emotional, psychological and economic abuse, and may involve overt or subtle exploitation of power imbalances.

The *Family Violence Protection Act* also introduced police-issued Family Violence Safety Notices, enabling police to obtain temporary protection for a victim. In addition, the Act:

- addressed the problem of some litigants using court processes to further harass victims, by allowing the court to declare a person a vexatious litigant (subsequently moved to vexatious proceedings legislation);
- relaxed the rules of evidence to allow otherwise inadmissible evidence to be considered by the court in appropriate circumstances;
- restricted direct cross-examination of a victim of family violence or other vulnerable person by the alleged perpetrator;
- expanded the definition of a family member;
- supported victims and their children to stay in their own homes if they wished by requiring the perpetrator to leave the home in appropriate circumstances (there is also the capacity for a victim in rented premises to apply to become the legal tenant, if not already);
- clarified the interaction between family violence intervention orders and child protection orders, family court orders and bail conditions;
- provided that police may apply for family violence intervention orders without the victim's consent (although conditions, and therefore protections, are more limited in these circumstances); and
- made a suite of changes to the administration of family violence intervention orders to improve the efficiency and effectiveness of the system.

As a means of strengthening perpetrator accountability, the *Family Violence Protection Act* was amended in 2012 to create indictable offences for persistent breaches of family violence intervention orders and family violence safety notices.<sup>107</sup>

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The most recent amendments to the *Family Violence Protection Act* in 2014 extended the operation of Family Violence Safety Notices to enable police to issue Family Violence Safety Notices during court hours (in addition to after hours) and made changes to allow victims more freedom to publish, or approve the publication of, their stories.<sup>108</sup>

## **Legislative amendments**

To improve cross-jurisdictional mechanisms for the protection of people affected by family violence, the Commonwealth, states and territories have been working together since 2009 to develop a national domestic violence order scheme. This requires the development of model legislation to provide for the automatic recognition of domestic violence orders across Australia and a national IT system to enable administration of the scheme and enforcement of ‘national’ Domestic Violence Orders.

## **Justice system**

The government is responsible for the provision of mainstream justice services, including Victoria Police, the Victorian courts and corrections systems.

Timely access to legal advice is another feature of the justice response to family violence that is integral to maximising protection for victims and assisting perpetrators to understand the orders they receive and the consequences of breaching those orders. Legal services for family violence victims and perpetrators also make a significant impact on the system’s capacity to deal effectively with family violence. Victoria Legal Aid provides advice and representation to victims and perpetrators and Community Legal Centres are critical services that provide advocacy for family violence victims seeking representation.

## **Victoria Police Code of Practice (2004)**

Victoria Police plays a key role in addressing both victim safety and perpetrator accountability through its legislated capacity to provide immediate protection through issuing Family Violence Safety Notices and through a proactive approach to policing and monitoring

victims and perpetrators. The establishment of Family Violence Liaison Officers and 30 family violence teams as well as extensive training, are some of the key strategies that contribute to stronger responses to family violence.

The police response to, and investigation of, family violence is governed by the *Code of Practice for the Investigation of Family Violence* (Code of Practice),<sup>109</sup> applicable legislation and the *Victoria Police Manual*. It has also been supported by key strategy documents, *Violence Against Women Strategy: The Way Forward* (2002) and its successor, *Living Free from Violence – Upholding the Right, Victoria Police Strategy to Prevent Violence Against Women and Children 2009–2014*.<sup>110</sup>

Victoria Police released the first edition of the Code of Practice in August 2004. The Code of Practice outlined step-by-step processes for police responses to reports of family violence. It emphasised the seriousness of family violence, strengthened police procedures and promoted referrals and partnerships with specialist services. In all cases, police were required to make a referral to an appropriate agency such as a family violence service, either through formal referral or the provision of information about available options.

The aims of the Code of Practice included increasing safety, providing early intervention, holding perpetrators accountable, minimising trauma, supporting affected family members to stay safely in their homes where they wish to, encouraging reporting, achieving best practice and supporting a response integrated with other agencies. In the five years after the introduction of the first edition of the Code of Practice (2003–04 to 2008–09) the number of family violence intervention order applications made by police increased 212 per cent.<sup>111</sup> A second edition of the Code of Practice was launched in 2010. A third edition was published in 2014. Following the leadership of former Chief Commissioner Ken Lay, Victoria Police Command established the first Assistance Commissioner, Family Violence Command.

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## **Victorian courts**

Victorian courts, including the Magistrates' Court of Victoria, operate independently from government. The Magistrates' Court is, however, a critical component of Victoria's family violence system. Courts, particularly specialised family violence courts:

- support victims;
- address family violence either in the process of family violence intervention order or contravention hearings or in the identification of crimes committed in a family violence context; and
- hold perpetrators to account through granting orders and sentencing practices.

The greater focus on and familiarity with family violence in the courts reflects community values about this unacceptable behaviour.

Magistrates are supported by the Family Violence Benchbook and, more recently, Judicial College of Victoria training which includes a focus on assessing risk. Court staff also undertake Common Risk Assessment Framework training.

## **Specialist courts**

Specialist family violence courts are intended to meet the needs of those seeking protection in a more supportive and informed environment by simplifying access to the justice system and increasing safety for affected family members and children. Important elements for accessibility vary between the courts and may include improved safety at the court (e.g. separate entrances or waiting areas); assistance with paperwork and applying for intervention orders; advocacy; and family violence support workers to assist with referrals, legal services and information about other family violence support services. Magistrates and family violence workers comment that specialist courts that also incorporate services and strategies that focus on perpetrators play an important role in achieving compliance with orders and reducing repeat family violence offending.

In Victoria, there are several specialist court models:

- the Family Violence Court Division (at two locations);
- Specialist Family Violence Services (at six locations); and
- the Koori Family Violence and Victims Support Program (Melbourne Magistrates' Court).

The Family Violence Court Division commenced in 2005 at the Heidelberg and Ballarat Magistrates' Courts. It is a one-stop shop for family violence cases, hearing cases across multiple jurisdictions, including applications for family violence intervention orders, civil personal injury claims, family law parenting orders and child support matters, criminal proceedings, and compensation and restitution cases. Magistrates in these courts are empowered in some cases to order attendance at a behaviour change counselling program under Part 5 of the *Family Violence Protection Act 2008*. Staff at these courts – including magistrates, family violence registrars, applicant and respondent support workers, outreach workers, legal services and police prosecutors – have been trained in the dynamics of family violence.

The second specialist court-based model, the Specialist Family Violence Services, commenced at the Melbourne Magistrates' Court in 2005 and at Frankston and Sunshine Magistrates' Courts (with a circuit to Werribee) in 2006. The model provides specialist staff, such as magistrates, family violence registrars, dedicated police prosecutors and an applicant support worker. From 2013, the Moorabbin and Frankston Courts were empowered to issue orders mandating respondents to attend behaviour change counselling, and both these courts are also staffed with applicant and respondent support workers and family violence registrars.

Funding has recently been made available at a further seven courts to provide applicant and respondent workers and family violence registrars. When fully implemented this means that 13 out of Victoria's 53 Magistrates' Courts will provide a specialised family violence model. Funding has also been provided for the expansion of the Court Integrated Services Program to which family violence offenders with mental health and/or substance abuse issues can be directed.

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## Corrections

Corrections Victoria also plays a pivotal role in the management of prisoners and offenders, which contributes to perpetrator accountability and prevention of repeat family violence offending. In recent years, CV has implemented a range of programs for prisoners and those on Community Correction Orders where family violence is a known component of the offending. Since 2012, over 450 Community Corrections Officers have been trained in the use of the Common Risk Assessment Framework to assist with targeting of appropriate perpetrator interventions.

CV's response to family violence perpetrators has required a significant allocation of existing resources towards the implementation of family violence-related assessments, program delivery and staff training. With existing community-based Men's Behaviour Change Programs stretched to capacity, there has been a notable absence of program referral options for offenders on Community Correction Orders and those on parole.

CV also provides Men's Behaviour Change Programs specifically for family violence perpetrators within community correctional settings. It is highly likely that demand for family violence perpetrator programs will continue to increase in the immediate future, and CV is actively considering opportunities to more accurately identify and predict this demand.

Whilst the principal CV focus is on perpetrators, there is also an increasing need for assessing whether female prisoners are victims of family violence, and how this may have led to their offending. An Australian Institute of Criminology report found that 78 per cent of female offenders reported experiencing emotional, sexual or physical abuse as an adult, with the primary perpetrators of emotional or physical abuse being spouses or partners.<sup>112</sup>

Further work is needed to identify victims of family violence when they are entering the corrections system, how they can be better supported whilst in prison and how services can be better linked up to support them once released.

# Part 3: Ten gaps in the current system

In preparation of its submission, government convened stakeholder and expert roundtables to develop a deeper understanding of opportunities and challenges within the family violence system. The roundtables were convened with peak family violence service and other stakeholders in early March 2015, followed by a series of themed roundtables exploring issues in prevention, response and perpetrator accountability. A further roundtable was held for academics specialising in family violence and violence against men.

Government has, with the help of roundtables and departmental research and analysis, identified ten key gaps in the family violence system that need to be overcome to address system failure.

## **1. Poor measurability of the scale and breadth of family violence in Victoria**

Currently not all aspects of the family violence system are evidence based, monitored or evaluated.

In many cases, this is because government lacks the right data. While some services collect data to monitor the effectiveness of their programs and services and to help inform advocacy, the data is not shared in a way that would support system wide understanding of the size of the family violence problem or to innovate or reduce the incidence or severity of violent incidents. Some departmental data collections are focused on service outputs only and may not assist with measuring outcomes.

The creation of the Family Violence Index is designed to address challenges posed by disparate data collection and provide incentives across the system to work towards the reduction of family violence incidence.

An Index, once established, has the capacity to drive evidence-based interventions and support continuous improvement.

## **Possible areas of focus for the Royal Commission**

- In addition to a Family Violence Index, what other tools are needed to measure the scale and breadth of family violence in Victoria?
- How could a Family Violence Index be used to drive performance improvement in prevention, response and perpetrator accountability programs?

## **2. Lack of consistent and sufficiently resourced prevention frameworks and programs**

Over the years, there has been comparatively low investment in prevention initiatives aimed at the key determinant of family violence or its contributing factors. Prevention programs have often relied on short-term, project-based funding rather than ongoing and sustained investment. This is despite the evidence that says contemporary prevention approaches should be broad based and longer term.

Victoria needs a consistently applied and resourced prevention framework with both universal and targeted programs.

## **Universal prevention aimed at systemic, key determinants**

A key determinant of family violence is gender inequality, yet the government does not have a long-term gender equity framework. Not enough has been done to target gender inequality in a whole of government fashion, addressing gender stereotyping, discriminatory behaviours and leadership disparities between women and men. Nor has there been sufficient investment in gender focused programs.

We note that joint research is being undertaken by VicHealth, ANROWS and OurWatch into the development of a national prevention framework for family violence. The results of this research are due in 2015.

Previous VicHealth research has highlighted the need for targeted approaches to prevention in a range of settings and with a range of population groups. An overview of some of the prevention initiatives funded by government since 2007 is

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outlined in **Appendix C**. Recent initiatives include a project to provide young people with education and training about healthy relationships. To date, government has directly funded respectful relationships education trial programs in only a small number of government schools (up to 30).

Given the high incidence of family violence and the geographic breadth of these incidents, it is important to ensure that prevention initiatives have wide as possible reach in the community in the same way that the Transport Accident Commission educates the whole community about road trauma and road safety, and WorkSafe educates Victorians about the risks of workplace injury and death.

## **Targeted, situational prevention addressing contributing factors in high-risk cases and cohorts**

We need to understand how prevention strategies can target some of the contributing factors in high-risk family violence cases – such as alcohol and drug abuse, mental health disorders and family separation/breakdown. This is important in the context of community care programs that are based around portfolio-specific programs, such as housing, mental health and alcohol and other drugs and family services. We also need to ensure that our prevention work for high-risk groups is targeted effectively and rigorously assessed.

As outlined in Part 1, Aboriginal families are disproportionately represented in incidents of family violence. We need to listen and understand why and develop tailored prevention programs. This exercise needs to be repeated for all high-risk groups.

We know that other high-risk victim and perpetrator cohorts require family violence solutions that are tailored to unique needs, rather than a one-size-fits-all approach.

## **Possible areas of focus for the Royal Commission**

- What gender equity framework could be put in place to prevent family violence?
- How can primary prevention to improve gender equality be embedded as core business in relevant sectors such as education and health?
- Recognising the need for flexibility to respond to emerging evidence over time, what would be the best length of time for a prevention strategy to effect real and sustained change? How, and at what intervals, should it be centrally evaluated and reviewed?
- How could current examples of good practice in prevention be broadened to achieve life cycle and geographic coverage?
- What is the right balance between universal systemic prevention programs and targeted prevention programs addressing individual risk factors for specific cohorts?
- What ways could a prevention framework be monitored and evaluated for success?

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## 3. Limited understanding of the short- and long-term impact of family violence on children and young people

Extensive reviews of published research have found that children who are affected by domestic violence experience significant negative impacts to their physical, psychological, emotional, social, behavioural, developmental and cognitive wellbeing and functioning.<sup>113</sup> All children can be affected by violence. Children living with violence are at increased risk of a range of negative outcomes including:

- depression;
- anxiety;
- post-traumatic stress symptoms;
- interpersonal problems; and
- behavioural problems.<sup>114</sup>

The death of any child as a consequence of family violence is a traumatising experience for the family and for our community. In Victoria in the last ten years we have had several high-profile deaths of children at the hands of their parents.

During the trial of Arthur Freeman, who tragically threw his daughter Darcey off the Westgate Bridge in 2009, Justice Coghlan observed:

*"The motive which existed for the killing had nothing to do with the innocent victim. It can only be concluded that you used your daughter in an attempt to hurt your former wife as profoundly as possible. You chose a place for the commission of your crime which was remarkably public and which would have the most dramatic impact. It follows that you brought the broader community into this case in a way that has been rarely, if ever, seen before. It offends our collective conscience."*<sup>115</sup>

Filicide, the killing of a child by a parent, touches the collective conscience of Victoria.

Later this year, the Coroners Court will make findings on the death of Luke Batty, which may make statements about the family violence system. Shortly before the finalisation of this submission, government received the VAGO report into early intervention for vulnerable children and families. The report concluded that Child FIRST is failing to provide effective services for vulnerable children and families as demand across the system has not been managed to reflect growth in the number and complexity of cases, particularly family violence cases. Further, weak partnerships and governance arrangements in some areas were found to be impeding the delivery of integrated and coordinated services, meaning families are not receiving the full range of supports to address complex needs.<sup>116</sup>

We need to improve our response to family violence incidents affecting children and we need to understand more about the effects of family violence on children and young people on their education and learning, their sense of confidence and self-esteem.

We also need to recognise that the impact of family violence on young people can be long lasting.<sup>117</sup> How many of our young people are homeless or engaged in our juvenile justice system and detention centres because of exposure to family violence?

Some young people with a history of family violence may need professional therapeutic services to ensure that they do not become perpetrators themselves in later life.

A focus on young people in our family violence system is not just about getting the response setting right. It's also a prevention strategy, ensuring the cycle of intergenerational violence is severed.

Further, our system needs to get the correct balance between children's rights and parental rights. Better integration between the family law and the family violence system is part of the solution while ensuring violence towards any family member becomes a red flag warning sign for a child's safety is another.

# Part 3: Ten gaps in the current system

## Possible areas of focus for the Royal Commission

- What ways can the family violence system be improved to better protect children and young people?
- What ways can government better support parents to guard against the threat posed to children from a violent partner?
- What ways can we better support the child protection workforce to identify and respond to child protection matters through the lens of family violence?

## 4. Poorly resourced responses to family violence as demand for services grows

### Crisis response

For too long, family violence has been perceived as a small, private problem with public assistance limited to the provision of crisis emergency assistance, advocacy and counselling. The need to address family violence has been funded as if it is a marginal issue rather than a driver of much of the work for mainstream services. Stakeholder roundtables have revealed the staggering amount of work that is being done by police, courts, child protection workers, family violence services and the correctional system to address family violence. Consequently, the need for increased capacity has been an ongoing concern raised with government.

Despite recent investment, there is still significant unmet demand for family violence service response for victims. This is particularly the case for early intervention and crisis responses (including services handling referrals from Victoria Police), but it has also been raised in relation to prevention and perpetrator accountability initiatives, too.

While evidence-based prevention is crucial, the government recognises that investment in prevention may initially drive up demand for services. The system must have capacity to respond. Both frontline government services and the government-funded service sector are already straining under the weight of escalating

demand for family violence-related services.

Many people seeking to escape violent homes fear being exposed to poverty and homelessness if they leave. Government considers there is a need to develop new models of crisis support and affordable housing assistance, which are flexible and responsive to individual needs including those who are high risk or with special needs.

### Early intervention response

The family violence system is so often in crisis response mode, that its early intervention response is limited.

While it is important to strengthen the identification of family violence in a range of universal and secondary services, we also need to provide interventions that aim to prevent violence from escalating. This will include improving the capacity of professionals in a range of sectors (such as maternal and child health, family services, health services and homelessness services) to work with people experiencing family violence in a way that maintains safety and minimises the impact of violence.

There are opportunities to improve our risk assessment for victims, including analysis of the threat posed by potential abusers. We need to ensure that at all possible entry points into the family violence system, individuals receive the same high-quality assessment of risk and needs.

Given the time since the introduction of the Common Risk Assessment Framework, it is important to examine the risk screening tools available for use in mainstream and family-violence-specific settings to identify those that best reflect current evidence about risk factors and early warning signs of family violence. This includes the intersection of family violence, child abuse and sexual assault and the impact of other risk factors such as substance abuse and mental health.

There are few mechanisms for identification, assessment and intervention services targeted to potential abusers. Universal and mainstream services, including health and education, need to be resourced and supported to identify and

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respond to the early risk signs of abusers. The agencies and organisations best able to assess the risk of abuse may not be the same agencies assessing the risk to victims. We need early intervention response to be designed to gather information and data at the entry points where risk of abuse first comes to light.

A Victorian Coroners Court review of family violence deaths found that victims and abusers often had contact with the health system and justice services prior to their death. Twenty-nine per cent of people had contact with the health system and 19 per cent had contact with the justice system in the six months leading up to the homicide.<sup>118</sup> These findings suggest how government might target an early intervention program at perpetrators.

## Possible areas of focus for the Royal Commission

- Where are the opportunities for improvement in the way in which government coordinates its crisis response to family violence? How can it improve crisis response in a sustained way?
- How can services collaborate more effectively with each other to meet increases in demand?
- Where are the opportunities to improve a coordinated and integrated approach across workforces to risk assessment, needs assessments and the triaging of family violence matters, including the risk of abuse?
- How do agencies best share risk assessments and triage effectively without breaching individual privacy?
- Is service delivery driven by outputs or outcomes? What are the examples of where government departments or agencies effectively deliver and/or are measured against outcomes-based service models?
- Is there a model where family members can receive separate support, education and advice that enables restoration of the family when this is freely desired by all parties?

## 5. Inconsistent, poorly tailored responses for high-risk groups and specific cohorts, including failure to be culturally responsive

Family violence is experienced differently for specific cohorts of people and high-risk groups. Currently, the government's response to the need for different approaches is limited.

A common call from stakeholders is the need for government to avoid a 'one-size-fits-all' approach to family violence. This cuts across all streams – prevention, response and perpetrator accountability.

Victoria's response to family violence must recognise that some victims and perpetrators in our community will require a specialised response.

Measurability and data capture of family violence incidents in high-risk groups and specific cohorts also need further attention. At present, information about incidents and prevalence in high-risk groups is unclear and strategies are needed to increase visibility of these groups and their unique needs. Victoria Police incident reports do not collect all of the variables required to assess how difference and diversity impact on family violence incidents.

We need this data to enable community-based solutions to Aboriginal family violence that retains cultural integrity and engages men, women and children. Racism, discrimination and over-representation in the criminal justice system, creates the need for tailored responses to Aboriginal family violence essential for government.

We also need better data and tailored responses for women with disabilities who face additional disability-related risks that can make them an 'easy target' for perpetrators. The development of strong safeguards for people with disabilities is being addressed by the government as it continues to work with the Commonwealth and other states and territories on the development of the National Disability Insurance Scheme.

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CALD victims also have unique challenges within the family violence system including access to interpreters and culturally appropriate refuges. The family violence system – from entry all the way through to the correctional responses for women incarcerated due to family violence – require a CALD lens.

Rural and regional victims of violence, LGBTI victims and elderly people confronting elder abuse also need nuanced responses that address their specific needs.

## Possible areas of focus for the Royal Commission

- To what extent do current risk assessment tools and other aspects of the family violence system support the early identification of family violence among Aboriginal families, CALD families and LGBTI families, and family violence affecting children, seniors, people with disabilities and complex needs and people living in rural and regional areas?

## 6. Weak legal consequences that fail to hold perpetrators to account

Women and children are still dying, despite having intervention orders.

We need to strengthen our legal response to perpetrators so that it is clear to people doing the wrong thing that the community condemns their behaviour and that they will be held to account.

Family violence intervention orders are breached too often, and victims and stakeholders feel that penalties are not matched to the severity of the perpetrator's behaviour. The Coroners Court has found that while intervention orders are crucial to victim safety, they do not always result in violence ending.

Concerns have been raised about the consistency of responses to breaches of family violence intervention orders, family violence safety notices and counselling orders. We need to consider ways to make perpetrators more accountable for their actions, including stricter monitoring and tougher laws. We also need to make sure that perpetrators understand their obligations under intervention orders.

There are few innovative justice solutions for perpetrators. Further stakeholders have called for options for introducing therapeutic justice that delivers clear, unambiguous solutions focused on changing perpetrator behaviour.

For some perpetrators, especially men, the first contact they have with the family violence system is at court. They do not always approach health or counselling services or men's behaviour change programs.

We need to better utilise programs that support perpetrators to address factors that may contribute to their use of violence. These also serve the purpose of keeping them connected and in sight, allowing ongoing assessment of risk. We need to ensure they work and that we have the best program model in place.

Currently, there is limited availability despite high demand, a lack of alternatives for perpetrators for whom men's behaviour change programs will not be suitable, and limited men's behaviour change programs for men from Aboriginal and CALD backgrounds.

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We need new, innovative responses that can meet the needs of the range of family violence perpetrators, including women and young people. Government is currently trialling duress alarms in a small number of high-risk family violence cases to investigate the effectiveness of technological solutions to perpetrator accountability.<sup>119</sup>

## Possible areas of focus for the Royal Commission

- What risk screening tools and data are most effective for early identification of perpetrators of family violence to reduce escalation of risk?
- How would a crime of family violence increase perpetrator accountability? How would it work beside the civil justice family violence intervention order system?
- Would a dangerous partner register be an effective way to improve the safety of victims or potential victims?
- Are changes to sentencing laws or other legislative reforms needed to keep track of perpetrators and make them more accountable for their actions, behaviours and crimes?
- How can system-wide monitoring and accountability for perpetrator behaviour be implemented?
- What is best practice in men's behaviour change programs?
- What role can technological solutions play in holding perpetrators to account?

## 7. An inaccessible and complex justice system in which victims do not always feel safe

We need accessible justice for victims, which means a safe environment at court and legal support and staff (including magistrates, court staff and lawyers and applicant and respondent workers) who are trained in the dynamics of family violence and the needs of victims.

Many victims report that the justice system can be confusing, difficult and, in some cases, unsafe to access. The barriers are even greater for groups who are particularly vulnerable to experiencing violence. We need to ensure that going to court is not re-traumatising for victims.

Legal assistance can be costly and diminished funding from the Commonwealth for legal aid and Community Legal Centres puts additional pressure on an already frayed system.

While specialist courts may help to ensure that victims have contact with those in the system who have the best understanding of family violence, in Victoria specialised court responses are not statewide and are not based in the areas with the highest rates of family violence service demand.

Safe and accessible court facilities are also not available statewide. The physical aspects of some court buildings, for example where victims and perpetrators are not adequately separated, may prevent victims from feeling protected. That is why government has funded a court safety audit to tell us exactly where the problems are.

The availability of legal advice for both victims and perpetrators is critical to victims having appropriate conditions on their orders and makes a contribution to perpetrators understanding the orders, thereby reducing the risk of breaching an order.<sup>120</sup>

## Possible areas of focus for the Royal Commission

- How can courts be made more user friendly for families experiencing family violence?
- What justice solutions, including therapeutic courts, are available to manage high volumes

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of family violence case work in an efficient and creative manner focused on reducing repeat offending?

- What legal or non-legal strategies might be used to demystify the court process for people experiencing family violence?
- How can we ensure that going to court for a family violence matter is not a re-traumatising experience?

## **8. Lack of an integrated service response model and insufficiently robust governance structures**

Despite incremental improvements to the integration and cohesion of the family violence service system since the mid-2000s, integration and coordination across the system remains a challenge.

Multiple entry points for victims entering the family violence system create both complexity and a high risk that people will fall through the gaps. To avoid this, agencies need to work effectively with each other to ensure that there is no wrong entry point to the service system and that victims' needs are met.

The complex, parallel and sometimes competing objectives of the children's safety, family law, and family violence systems can also create a maze for people to navigate. The complexity needs to be resolved at the strategic and operational level, not left to clients to manage. The experience for people escaping family violence should be seamless, with outwardly delivered services that are easy to access and tailored to specific needs, overseen by internally consistent objectives and standards.

That is why formal leadership and coordination mechanisms are needed, to bring together government and funded agencies to collaboratively manage the service system and to drive continual improvement through strong oversight and evaluation.

The evolving integrated family violence system needs to be more robust and be able to withstand changes in the budgetary and economic cycle.

Family violence should be the responsibility of all governments, regardless of politics. We need lasting structures – with proper governance and accountability arrangements – which outlive the commitment of the current government to address the problems.

A number of reports have concluded that specialisation of services provided by state funded and/or delivered agencies is crucial to preventing family violence and promoting the ongoing safety of victims of family violence.

There is sometimes inconsistency in the quality of both government and government-funded services and supports to families. This variation reflects the influence of factors such as geographic variation, different underlying service philosophies, the age of service infrastructure and historic patterns of partnering between organisations.

We need to address this lack of consistency and quality of responses and support across and within service providers and locations while keeping in mind that it is appropriate to tailor for local situations and different types of service in some contexts.

### **Possible areas of focus for the Royal Commission**

- Where are improvements required to governance (regional and statewide) to ensure arrangements are well defined, simple and agile?
- Is the balance between state-wide governance and regional leadership serving Victoria well? What improvements are required?
- Are all the right stakeholders engaged in the family violence system governance?
- How can governance monitoring of the performance of the family violence system be preserved in the long term? What options are there for other models of governance to ensure prevention, response and perpetrator accountability programs and monitoring outlive the commitment of the current government?

# Part 3: Ten gaps in the current system

## 9. Barriers to sharing information

Government and government-funded service providers do not and cannot always share information effectively. Legal, technical and cultural impediments to communication must be overcome to achieve a truly integrated family violence system. These real and perceived barriers to information sharing limit the system's capacity for integrated practice and risk assessment and management.

Some of these problems come from a lack of resources in data collection and sharing technology. We need to address any structural and legislative impediments to bring together a big picture assessment of family violence risk, which strikes the right balance between individual safety and individual privacy.

The need for better integration has also been highlighted by several reviews, which have emphasised the critical link between health and human services and justice services and the need for information management systems to support agencies and ensure that they are held accountable for the services they provide.

### Possible areas of focus for the Royal Commission

- How can government address legal and operational barriers to information sharing and collaboration within and across organisations?
- Are amendments to the *Privacy and Data Protection Act 2014* required to open up information sharing opportunities?

## 10. Challenges working with the Commonwealth

The Commonwealth Government holds many levers that impact on the experience of victims including employment programs, industrial relations and pay equity policies, income support and child care policies and programs. These areas can also contribute to prevention through reversing gender inequality. There is currently an absence of a consistently applied family violence or gender lens in Commonwealth programs.

The interaction between family law and Victorian family violence law continues to be a source of tension in resolving complex family violence matters. There is potential for conflict between an intervention order made by the Magistrates' Court and an order made by the Family Court in relation to the same family. This is because in some cases, a *Family Law Act 1975* (Cth) order made after an intervention order may override the operation of the intervention order. For example, a family violence intervention may include a condition that a parent is prohibited from coming within a specified distance of the victim's home. If a parenting order is made at a later point in time, which provides that the parent is able to collect and return the child at the victim's home, that parenting order will prevail. This essentially leaves a gap in the protection of the victim.

Federal reforms to the *Family Law Act 1975* (Cth) that enabled greater flexibility to vary and set aside family court orders in family violence cases needs urgent attention. The Commonwealth Attorney-General has established a Family Law Council with terms of reference examining this complex issue. It is expected to report on this matter in 2015. That report may be of assistance to the Royal Commission in examining this issue.

# Part 3: Ten gaps in the current system

In addition to inconsistent orders, a lack of adequate information sharing by stakeholders working across the family violence and family law jurisdictions has been raised as a significant issue. While there is a single protocol between Child Protection, the Family Court of Australia and the Federal Circuit Court, which sets out the purpose and principles for information exchange, there is no such protocol in place that exists between the Family Court, the state courts and those organisations that could potentially have a stake in family violence proceedings. There is also no data system in place that could capture both family violence intervention orders and family law orders. Therefore, victims who are involved in both intervention order and family law proceedings are often required to tell their story repetitively to different courts, lawyers, and counsellors working across the jurisdictions, and re-litigate the same issues in different forums. This results in duplication and re-traumatisation of victims.

There are other opportunities for the Victorian and Commonwealth Governments to work more effectively together in the areas of prevention, response and perpetrator accountability. For example, Medicare reforms including family violence-related treatment programs could be created, or the *Migration Act 1958* (Cth) could be amended, to provide support for women who are newly arrived to Australia and fleeing violent relationships.

## Possible areas of focus for the Royal Commission

- How can Commonwealth and state court systems, particularly at the interface between family violence and family law, improve outcomes for people experiencing family violence?
- What other Commonwealth reforms could address failures in the family violence system in Victoria?

# Part 4: Opportunities for reform

The government has considered a number of opportunities for reform in the areas of prevention, response, perpetrator accountability and governance. The Royal Commission is invited to comment on the following initiatives. It is acknowledged that the Royal Commission will, through the course of its inquiry, identify further opportunities for exploration.

## Opportunities in prevention

### A whole of government family violence prevention framework

Government is considering the establishment of a family violence prevention framework with two approaches:

1. Universal, systemic prevention aimed at the key determinant of family violence – gender inequality. A gender equality strategy would need to be whole of government with short- and long-term goals and be funded accordingly.
2. Targeted, situational prevention aimed at addressing contributing factors to family violence including, but not limited to, drug and alcohol abuse, mental illness, pregnancy, separation, relationship breakdown and other matters, as well as the increased risk to vulnerable cohorts.

A whole of government family violence prevention framework would be centred around outcomes and evidence-based solutions, aligned to clear and measurable targets and rigorous monitoring.

The National Preventative Health Taskforce (2009) identified that investment in prevention programs has seen improvements in tobacco control, road trauma and drink driving, skin cancers, immunisation, cardiovascular disease, childhood infection diseases, sudden infant death syndrome (SIDS) and HIV/AIDS.<sup>121</sup>

There is no reason why a strong prevention framework backed with an appropriate governance structure and investment could not see the same results in family violence as we have seen in the road toll.

### A whole of government family violence education agenda

Government needs a whole of community education program aligned to its prevention framework, not just the ad-hoc initiatives in place now. We need respectful relationship, gender equality and non-violence education to be part of a whole of government community education response.

We envisage the expansion of existing education modules in government schools across the state, but also adapting this material for other settings including workplaces, health centres, community sport centres and other locations.

Ideally, communities should be engaged in the co-design of prevention and education initiatives.

### Areas that would benefit from further examination

Primary prevention linked to preventing violence against women and their children is an emerging field and it will be valuable to understand what research is guiding women-centred prevention efforts.

The Royal Commission may also consider the most effective opportunity for reform in areas of Commonwealth Government responsibility such as employment programs, industrial relations and pay equity policies, income support and child care policies and programs to contribute to prevention through reversing gender inequality.

Government needs to manage the move from pilot prevention initiatives to a whole of government response, maintaining consistent messaging across different prevention settings. This approach would mean Victorians receive consistent messages about acceptable standards of behaviour across their life-course, from early childhood, through adolescence and into adulthood, with messages reinforced at critical life points, such as parenthood.

How could current pilot programs educating young people about family violence be expanded or adapted to enable respectful relationship education to be delivered in other appropriate community settings for people of all ages?

# Part 4: Opportunities for reform

## Opportunities for reforms in response

Government is considering all the elements that should underpin a contemporary family violence system, including early intervention, crisis and post-crisis response. Stakeholders across many sectors have informed government that family violence is a factor in much of the community care work currently undertaken by government, particularly child protection and the criminal justice system. For this reason, government must begin to see its community care services through a family violence lens.

It seeks to learn from other jurisdictions where this reorientation of community care work is taking place, including New Zealand, Scotland and the United States, and the way new and emerging policies, programs and initiatives that see community care through a family violence lens, particularly at early intervention stages, can deliver improved outcomes.

### **Strengthening and rolling out common risk assessment tools, management panels and standards**

The process of integrating services to enable multidisciplinary management of risk of family violence could be strengthened and governance arrangements within government improved to ensure the entire family violence system workforce is trained to identify and manage risk in a similar way.

The *Code of Practice for specialist family violence services for women and children* (Domestic Violence Victoria 2006) provides the basis and direction for how family violence services meet minimum standards.<sup>122</sup> The Code of Practice is used alongside other guidance and standards, such as the *Family violence risk assessment and risk management framework* and guiding resources for Child Protection and Family Services. Stakeholders have informed government that the Code of Practice needs to be strengthened.

A systematic approach to early intervention needs to be identified with simplified risk assessment and management tools that use the latest information sharing technology. The

development of this approach could draw on expertise available, including the family violence sector, the Coroners Court, academia and government and could incorporate the lessons from the Risk Assessment Management Panels.<sup>123</sup> Further, we need to look at other jurisdictions' success in simplifying their assessments, including South Australia and Tasmania.

We need to consider how best to intervene early and improve the lives of people experiencing family violence; how to create flexibility so that the individual support needs of women, children and men who have experienced or perpetrated family violence can be best met; and the need to critically re-examine existing responses to ensure that they minimise the disruption to victims' lives, provide the greatest level of safety for victims, and deliver improved life outcomes.

### **Preventing and responding to family violence within an integrated community care model**

There is an opportunity to examine and improve the alignment between all current service agencies, particularly between adult and child services as well as between health and human and justice services. Government seeks advice on the right balance between generalist and specialist service responses and ways that a 'no wrong door' approach can be pursued while preserving high-quality specialist family violence expertise.

The current community care system is fragmented, based around narrow program/portfolio boundaries (housing, mental health, alcohol and drug service, child protection and family services) and historical groupings of disadvantaged people or problems. The result is a system that is 'people unfriendly' – often confusing and overwhelming – as well as uncoordinated, duplicative and wasteful. There is very little, if any, information about the outcomes achieved for people or communities. While some efforts have been made to join up the service system within programs or portfolios, many weaknesses in these approaches exist.

# Part 4: Opportunities for reform

More needs to be done to ensure that families receive the right intervention at the right time. Pressures on current services and the way they are funded mean families often have to reach a critical crisis point before they receive any form of assistance. Often a woman and child's needs remain unaddressed due to the rationing of services. In addition, some service responses compound the disadvantage and isolation experienced by victims as they dislocate them from their community, schools, job and other support networks. Services that help people experiencing family violence should be understood as part of a wider community care system.

Adopting a family violence lens through which to see community care creates opportunities to integrate services in a system that holistically supports the health and wellbeing of all Victorians. There is limited connection across the system and with other tiers of government, such as the Commonwealth, to fully address the causes of disadvantage and gender inequality. There are opportunities to integrate health and human services in a system that holistically supports the health and wellbeing of all Victorians. It also provides an opportunity to create a response to disadvantage that better acknowledges the needs of vulnerable people – including people experiencing family violence – typically cross over multiple programs and portfolio areas.

There are clear opportunities to improve the response to family violence and provide the right interventions for people experiencing family violence through an Integrated Community Care system. Victims have immediate safety needs and a broad range of longer-term needs, and require the support of highly skilled and experienced workers, as well as practical assistance, such as housing. Therefore, early intervention and fast and effective crisis support must be linked with longer-term support that accounts for continued risk.

Children who come into contact with the family violence system (or whose parents or caregivers do) require a response that directly engages with their needs, including their relationship to

the perpetrator, their familial context and circumstances, their culture and identity, their risk and trauma response and their stage of development. This cannot happen without holistic, systematic assessment of their safety and needs. A focus on parent-child relationships is also vital.

An Integrated Community Care system could also work better with perpetrators of family violence, working to end violent behaviour, change attitudes and address perpetrators' other needs and issues (for example their housing needs, mental health, alcohol and other drug misuse).

In envisaging a new approach to family violence-centred community care, there is also an opportunity to acknowledge and review and if necessary reset gender assumptions that currently underpin the child and family systems. It is important for government to address endemic gender bias when developing its family violence response framework to ensure that the key determinant of the problem of family violence – gender inequality – is not itself limiting solutions.

## **Multi-disciplinary Centres**

Sexual Assault Multi-disciplinary Centres (MDCs) have been developed to improve responses to sexual offences and child sexual abuse. The centres are victim centric and co-locate police, child protection practitioners and sexual assault counselling services, at one site, to provide integrated support for adults and children who have experienced sexual assault.

There are currently four MDCs operating in Victoria, in Geelong, Mildura, Seaford and Dandenong.

Government is interested in exploring whether the MDC model could be expanded and/or modified to include a family violence response, and rolled out to priority locations.

# Part 4: Opportunities for reform

## Innovative justice solutions

The expansion of specialist courts focused on restorative justice for victims and perpetrators is an opportunity for government in the area of crisis response. Further exploration of specialist family violence courts and consideration of 'one judge one family' models is of interest to the government. The prospect of expansion of the capacity to interface between family law, child protection and family violence within one court needs to be explored.

Envisaging innovative justice in family violence means actively avoiding the re-traumatisation of victims through traditional adversarial legal processes.

Understanding how innovative justice solutions, such as a specialist family violence courts operating within a multi-disciplinary, restorative and therapeutic justice model, could be adopted in Victoria is of interest to the government.

It is understood that courts will make a separate submission to the Royal Commission.

## Areas that would benefit from further examination

There is an opportunity to investigate ways to ensure perpetrators are adequately held to account for their violent behaviour. In doing so, it is important to recognise the views of those in the community who would welcome stronger perpetrator interventions, while also noting that there are victims for whom more punitive measures against perpetrators will be a barrier to disclosure.

There is also an opportunity for more to be done to intervene early and work with people displaying warning signs of abuse, as well as to reduce the likelihood of violent behaviour reoccurring and to ensure that to the greatest extent possible victims are supported to remain safe. To achieve this, more needs to be known about drivers for change, the factors that promote compliance with justice and behaviour change programs, and the most effective times and points of intervention to bring about changes in behaviour.

There may be an opportunity to develop further the range of cost-effective, evidence-based perpetrator behaviour change programs that are culturally responsive, including to the needs of Aboriginal and CALD people.

The Royal Commission may wish to examine different models of specialist courts in use and consider whether further expansion of these models is warranted. There is also an opportunity to consider models of therapeutic courts that are in use in other settings, whether these are successful and could be further adapted for use in, or integrated into, family violence justice programs.

# Part 4: Opportunities for reform

## Opportunities for improving the lives of victims

Victims of family violence face considerable hurdles in rebuilding their lives after a crisis incident or cycle of violence. Escaping violence means confronting the risk of homelessness. In Australia, family violence is a key driver of homelessness,<sup>124</sup> with people escaping family violence at significant risk of needing emergency shelter and relief. Consequently, government needs strategies for emergency accommodation, social housing (public and community) and affordable private housing that enable victims to leave violent homes quickly and safely.

However, government also needs to adopt strategies that enable victims, particularly women and children, to stay safe and together within their own family home. This strategy requires a combination of joined up services acting together to prioritise victim-centred responses while ensuring that perpetrators have access to alternative housing solutions.

Many victims also face economic challenges, including ongoing control of finances by perpetrators. Utility companies, banking institutions, fines and infringement systems and the registration of vehicles can all be complicated for victims when untangling financial affairs from that of their controlling partners. Government recognises there are opportunities to use legislation and executive leverage to ensure that third party organisations overlay hardship criteria and policies with a family violence lens.

## Opportunities for reform in perpetrator accountability

Family violence is the biggest law and order challenge unfolding in Victoria. And it is taking place in homes across the state. The family violence system evolved at a time when family violence was considered a shameful and private issue, making victims reluctant to come forward and enabling perpetrators to escape accountability for acts of violence.

Today, attention is shifting from the gender biased, victim blaming lens to one focused on perpetrators and curtailing their unlawful behaviour.

More attention is now being paid to the relationships between different forms of violence, acknowledging that perpetrators may also be violent towards other family members, and to the impact of contributory factors such as alcohol and other drugs and mental health.

Government wants to make perpetrators more visible and more accountable in the family violence system. New and emerging research in Australia<sup>125</sup> and internationally emphasises ways in which the actions of perpetrators might be held to account, not just through post crisis legal interventions, criminal sanctions and corrections, but through early intervention and behavioural change.

Government is interested in early intervention strategies that converge policing, health and legal services for perpetrators. We envisage accountability for family violence, including intervention orders and breaches therein, to be aligned to evidence-based perpetrator and men's behavioural change programs, gender equality training and respectful relationships education. Government is interested in understanding more about perpetrator and men's behavioural change programs that are attached to "swift, certain criminal justice solutions".<sup>126</sup>

The Royal Commission may wish to examine ways in which a family violence incident can be used as an early intervention strategy to address crisis issues taking place in perpetrators' lives, while also encouraging deep cultural change.

# Part 4: Opportunities for reform

Programs that give opportunities for partners to, if they wish to, continue to engage in the treatment and support of perpetrating partners are also of interest to government.

There is an opportunity to examine interventions that will most effectively impact on particular cohorts of perpetrators' and strengthen follow-up and compliance with orders.

Perpetrators also need role models for changing behaviour. Government recognises that there are opportunities for further engagement with Male Champions of Change, an initiative of the Federal Sex Discrimination Commissioner, which is currently being rolled out in Victoria through the Victorian Equal Opportunity and Human Rights Commission.

## Opportunities for reform in governance, administration and performance monitoring

### **Effective governance that makes systematic use of data to supports decision making**

Using robust governance models and performance frameworks can assist to drive sustained improvement in individual programs, across service types, and across the family violence system as a whole. An outline of the models and frameworks used most recently in Victoria was provided in Part 2 of the submission.

Effective governance models and performance monitoring frameworks could promote regular and robust meta-evaluations of the family violence system, as well as drawing on evaluations of individual programs, services and interventions. These evaluations could inform investment decisions to drive evidence-based interventions, and to support continuous improvement and innovation.

Government acknowledges the need for, and importance of, effective evaluation of programs, services and interventions to improve the family violence system.

There is an opportunity for government to consider the most effective model for governance, administration and performance monitoring that can drive the achievement of reform directions, the promotion of continuous system improvement and monitoring of outcomes.

Further, ensuring that structural oversight of the family violence system is embedded for the long term and elevated from the political cycle to enable sustained reform and innovation is critical. A Royal Commission is a once-in-a-lifetime opportunity to effect change, so the response to any recommendations must be supported by a structure that embeds prevention, research, innovation and high-quality service delivery for future generations.

Government is investigating examples of agency structures that provide similar or comparable functions across other policy areas and jurisdictions.

# Part 4: Opportunities for reform

## Information sharing to support early intervention, crisis response and perpetrator accountability

Timely access to information remains an ongoing challenge in the family violence system and is critical to increasing the safety of people at risk of family violence. Across the social policy spectrum, information sharing is a difficult issue because of the need to balance personal privacy with risk management. Within the family violence-specific service system there are a number of client-based information databases used across government, each with its own objective. For example, the Department of Health and Human Services uses systems to manage client information in the areas of mental health, drugs and community health, child protection and homelessness and housing services, in addition to family services specific data sets.

More effective information sharing may be supported by improved policy guidelines covering what information needs to be shared and who it can be shared with.

## Areas that would benefit from further examination

Further examination of international best practice in relation to information sharing enabling legislation would be beneficial, particularly in relation to high-risk cases.

Examination of the factors preventing information sharing between and within agencies is warranted to gain clarity about their nature and scale. It is possible that sharing of information is influenced by organisational practice and culture, real or perceived operation of privacy legislation and technological factors.

## Conclusion

This submission represents an overview of government's current structures, services, programs and funding of family violence prevention, response and perpetrator accountability.

Government will continue to assist the Royal Commission throughout the course of its inquiry. The government welcomes any requests to provide additional information and further engagement with the Royal Commission.

Any early opportunities for change identified by the Commissioners will be welcomed by the government.

# Acknowledgements

Government thanks and acknowledges the participation of the following organisations in its stakeholder and expert roundtables. The views expressed in this submission are the government's and may not reflect the views of the organisations named.

Aboriginal Family Violence Prevention Legal Service	Magistrates' Court of Victoria
Annie North Women's Refuge	McAuley Community Services
ANROWS	Melbourne School of Population and Global Health
Australian Institute of Family Studies	Monash University
Barwon Centre Against Sexual Assault	Multicultural Centre for Women's Health
Bethany Community Support	Municipal Association of Victoria
CASA Forum	No To Violence/Men's Referral Service
Centre for Excellence in Child and Family Welfare	Our Watch
Children's Court of Victoria	Project Respect
Commissioner for Aboriginal Children and Young People	Quantum Support Services
Coroners Court	RMIT
Corrections Victoria	Safe Steps
Council on the Ageing	Swinburne University
Council to Homeless Persons	University of Melbourne
Country Women's Association	Victoria Legal Aid
Court Network	Victoria Police
Crime Statistics Agency	Victorian Aboriginal Child Care Agency
Domestic Violence Resource Centre Victoria	Victorian Aboriginal Community Controlled Health Organisation Inc
Domestic Violence Victoria	Victorian Aboriginal Legal Service
Elizabeth Morgan House	Victorian Health Promotion Foundation (VicHealth)
Equal Opportunity Commissioner	WAYSS
Federal Circuit Court	White Ribbon Australia
Federation of Community Legal Centres	Women With Disabilities Victoria
Haven Home Safe	Women's Health Association Victoria (WHAV)
inTouch Multicultural Centre Against Family Violence	Women's Health Victoria
Justice Connect	Women's Legal Service Victoria
Kildonan Uniting Care	Youth Affairs Council of Victoria
La Trobe University	

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# MEASURING THE TOLL: THE FAMILY VIOLENCE INDEX

Presented by Fiona Richardson MP, Minister for the Prevention of Family Violence



# FROM THE MINISTER FOR THE PREVENTION OF FAMILY VIOLENCE



For generations, family violence has undermined the very heart of our most important institutions and the place where we are supposed to be at our safest.

In February 2014, the tragic death of Luke Batty and the courageous response by his mother Rosie gained the attention of our nation.

In May, Daniel Andrews announced that a Labor Government would create a Royal Commission into Family Violence.

In the course of my work, since December, as the country's first Minister for the Prevention of Family Violence, one striking fact has emerged: we know there is a problem, but we don't know just how big the problem is.

In almost every other sphere of civic life and human wellbeing, there are firm measures that tell us where we are at and where we are headed.

Measuring death and injury on our roads has helped us improve safety, reduce road trauma and save lives on our roads. Measuring the Consumer Price Index helps us understand the cost of living.

A Family Violence Index will tell us so much more about the size and scope of our national emergency. Most importantly, it will help us save lives.

A handwritten signature in blue ink, appearing to read "Fiona Richardson".

Fiona Richardson MP  
Minister for the Prevention of Family Violence



## BACKGROUND

- Family violence is the leading contributor to death, injury and disability in Victorian women under 45.
- In Australia, one woman is killed by her current or former partner every week.
- In 2014, there were more than 68,000 incidents of family violence reported to Victoria Police – an increase of 70 per cent since 2010.
- Three quarters of all reported assaults against women happen at home.
- Women and children are most likely to have crimes committed against them in their own homes.

Building on the courageous work of advocates and survivors, such as Rosie Batty, our Australian of the Year, together with the dedicated efforts of the community sector and Victoria Police, the Andrews Labor Government has given family violence the political prominence it deserves.

Changing the statistics – and changing attitudes – will be hard. It will take time. Nonetheless, the cost to society, to government and most importantly to women and children is now under the spotlight like never before.

## OUR EFFORTS TO REDUCE FAMILY VIOLENCE

*"The system is broken. It's failing. We won't fix it until we admit it"*

With these words, Daniel Andrews announced that a Labor Government would take action on the number one law and order issue in our state. Unless we change the way that we respond to family violence we will keep getting the same outcome. We will continue to see people dying. We will continue to allow fear.

Just over 100 days into the Government, work has already begun. We have appointed the first Minister for the Prevention of Family Violence and established Australia's first Royal Commission into Family Violence.

The Royal Commission is an opportunity to take a root and branch look at the way we do things. As an independent inquiry it also captures the attention of the policy makers and the community alike. The Commissioners are tasked with finding practical solutions to deliver better outcomes.

Its findings will help us find a better way to support victims, deal with perpetrators and stop violence from occurring in the first place. It will save lives.

## THE PROBLEM

While it is generally acknowledged that our state, indeed our nation, is facing a crisis in family violence, the true scale of the problem is as yet unknown.

In Victoria, Acting Chief Police Commissioner, Tim Cartwright, says incidences of family violence are significantly under reported. A comparison with family violence rates in New Zealand indicates that up to one in three incidents could be going unreported in Victoria.

Credible, high-quality data is collected by police, but it is a limited measure.

**Police data does not tell us how our courts, prisons, hospitals, community services, schools and workplaces are effected by family violence.**

Perversely, as rates rise, and the Police welcome the increase in reporting, the community at large may instead conclude that we are actually seeing an escalation of violence. While the truth may lie somewhere between the two, it is not possible to confidently conclude either way.

Relevant data is collected by other agencies but these data sets can be disparate and seen in isolation. Community attitudes, gender stereotypes and other measures of inequality are also measured but their links to family violence are often difficult to understand or are poorly communicated.

Even though we know that family violence is widespread crisis and a whole-of-society issue, we do not know the size and scale of the problem or how to measure it. This makes it harder for governments and society as a whole to understand how to make things better.

## YOU CAN'T MANAGE WHAT YOU DON'T MEASURE...

Twentieth century management guru, Peter Drucker, whose writings contributed to the philosophical and practical foundations of the modern business corporation famously said "*You can't manage what you don't measure*".

In the critical area of family violence, we need to improve outcomes over time and across generations and the first step in achieving this important goal is putting in place a comprehensive measure of family violence.

Victoria led the way in reducing the road toll and introducing innovative measures to improve safety. A Family Violence Index will provide the foundation for our state to lead the way once again. We owe it to the victims of family violence to do nothing less.

# THE CONCEPT OF A FAMILY VIOLENCE INDEX

There's nothing new about using an index to measure our progress as a society, but it is a new approach to addressing family violence.

**A family violence index would bring together data from across the fields of crime, justice, health, education and our community to create a single indicator of family violence.**

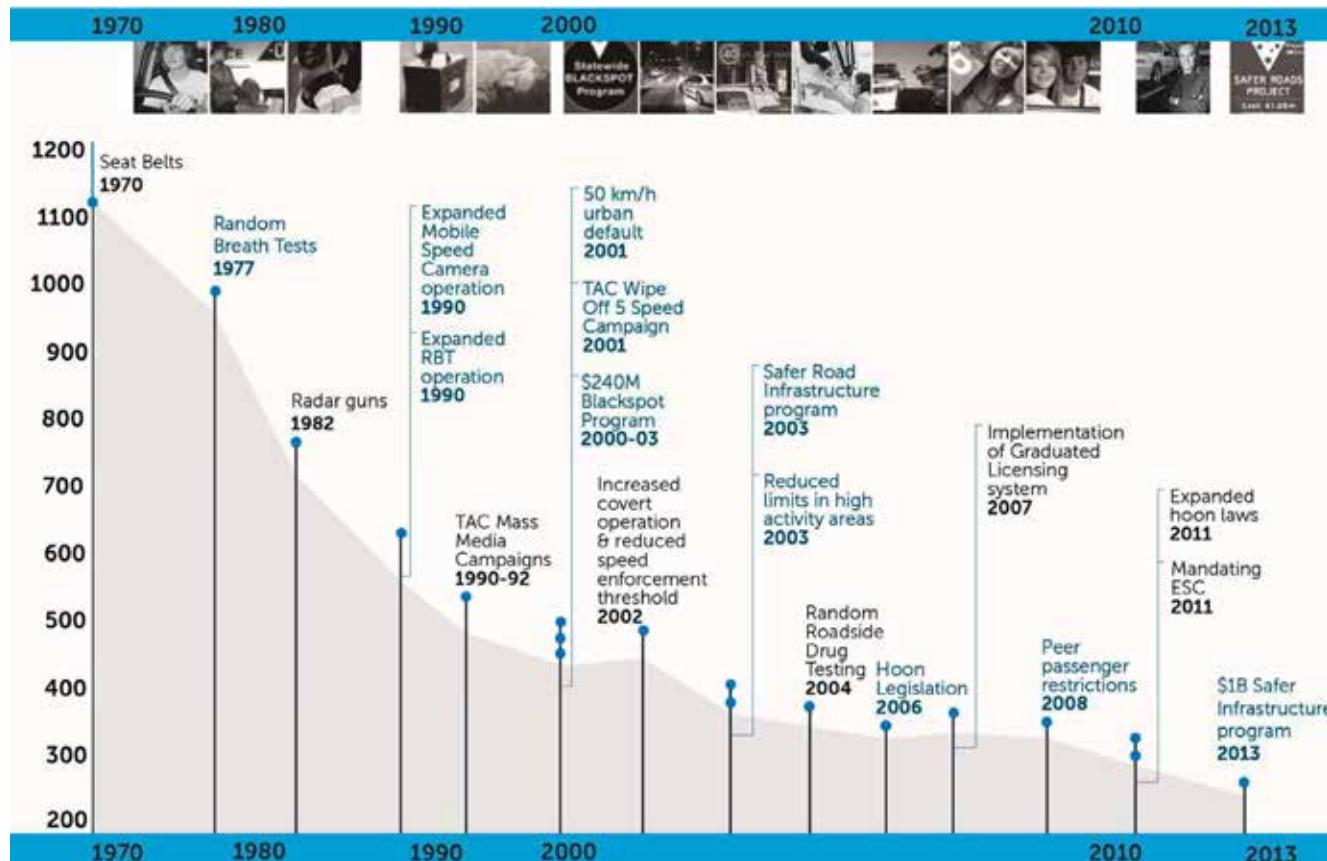
Relevant measures, statistics and data for the Index may include things such as:

- the reporting rates of instances of crime,
- the number of police referrals to family violence services,
- the number of perpetrators convicted,

- the number of working days lost by employees affected,
- the rate of homelessness caused by family violence,
- the number of presentations to the justice system,
- the variation of community attitudes towards acts of violence,
- the number of affected women and children presenting to hospital.

In the same way that the road toll informs us of how we are performing when it comes to road safety, we need a measure of family violence to ascertain where we are now and where we will be in the future.

## Victorian Road Toll and Road Safety Enforcement Initiatives





## EXAMPLES OF CURRENT INDEXES

**Gender Inequality Index (GII)** – The United Nations Development Program's 2010 Human Development Report featured, for the first time, the Gender Inequality Index (GII). The index captures the loss of achievement within a country due to gender inequality. It uses three dimensions to do so: reproductive health, empowerment, and labour market participation.<sup>1</sup>

The GII is an example of how the countries can be measured against each other in order to rank their performance, however, there are other useful examples of indexes that can help to explain the concept of the Family Violence Index.

**Consumer Price Index** – The Consumer Price index (CPI) is commonly used as a measure of the cost of living. According to the Australian Bureau of Statistics, the CPI is like a basket of goods and services 'purchased' each quarter. As prices change from one quarter to the next, so too does the price of the basket.

**Housing Affordability Index** – The Housing Affordability index is used to inform government on how funding of specific programs or initiatives may affect the affordability of housing. It may, for example, lead Government to alter planning laws or adjust taxation in order to stimulate development

**The Family Violence Index has the same potential to better inform Government, policy makers and society as a whole, now and into the future.**

1. [http://hdr.undp.org/en/media/HDR\\_2010\\_EN\\_Complete\\_reprint.pdf](http://hdr.undp.org/en/media/HDR_2010_EN_Complete_reprint.pdf)



## HOW WILL THE CREATION OF A FAMILY VIOLENCE INDEX SIT ALONGSIDE THE ROYAL COMMISSION?

The Victorian Government has commissioned Australia's National Research Organisation for Women's Safety (ANROWS), to undertake the research required to define what measures, statistics and data should be included in the Victorian Family Violence Index.

ANROWS is an independent, not-for-profit, established as an initiative under Australia's National Plan to Reduce Violence against Women and their Children 2010-2022 (the National Plan). It is jointly funded by the Commonwealth and all state and territory governments of Australia

Headed by Emeritus Professor Anne R Edwards AO ANROWS has the ability to assemble the best of academia research to drill down on what should be included within the index, backed by a network of researchers with expertise in family violence.

The government has briefed the Royal Commission and welcomes any recommendations the Commission makes in this area. Commencing this work now will enable the Index to be in place when the Royal Commission releases its final report in February 2016.

If you would like to receive this publication in an alternative format, please telephone the department on 9651 5111 or email [dp&c@dpc.vic.gov.au](mailto:dp&c@dpc.vic.gov.au).

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# APPENDIX B: FAMILY VIOLENCE FUNDING

Victorian Government Submission to the  
Royal Commission into Family Violence

# Appendix B: Family Violence Funding

## Dedicated family violence funding: 2015-16 State Budget

The 2015-16 State Budget responds to the increasing demand for family violence services. This includes targeting the needs of people who are particularly vulnerable to experiencing family violence, such as Aboriginal and culturally and linguistically diverse communities. Many initiatives are funded for one year with the expectation that the 2016-17 budget will respond to the Royal Commission's recommendations. The table of output initiatives, included in Budget Paper No. 3: Service Delivery, is below.

Table 1: Output initiatives – Family Violence

	2014-15	2015-16	2016-17	2017-18	2018-19
Boost to Domestic Violence Victoria	..	0.4	0.4	0.4	0.4
Child protection flexible responses	..	3.9	..	..	..
Community Legal Centre assistance fund	..	1.0	1.0	..	..
Coroners Court Death Review Unit	..	0.3	0.3	0.3	0.3
Counselling services for women and children	..	2.5	..	..	..
Crisis support and transport for women and children	..	2.5	..	..	..
Culturally and Linguistically Diverse (CALD) family violence response	..	1.0	1.0	..	..
Family violence duty lawyers at community legal centres	..	1.2	..	..	..
Family Violence Fund (a)	2.0	14.0	..	..	..
Family Violence legal assistance	..	2.1	..	..	..
Family Violence Royal Commission engagement	..	1.2	..	..	..
Men's behaviour change programs – Corrections Victoria	..	1.0	1.0	..	..
Men's behaviour change programs – Courts	..	0.5	..	..	..
Men's family violence services	..	1.0	..	..	..
Personal safety	..	0.9	..	..	..
Pet welfare (b)	..	0.0	0.0	0.0	0.0
Prevention of violence against women and children	..	2.0	..	..	..
Reducing Aboriginal family violence	..	1.3	..	..	..
Responses for Aboriginal people	..	0.6	..	..	..
Royal Commission into Family Violence (c)	16.0	20.0	..	..	..
Sexual assault services demand	..	0.3	..	..	..
Support for Ballarat Centre Against Sexual Assault (CASA)	..	0.1	0.1	0.1	0.1
Victorian Court safety audit	..	0.1	..	..	..
<b>Total output initiatives (d)</b>	<b>18.0</b>	<b>57.9</b>	<b>3.8</b>	<b>0.8</b>	<b>0.8</b>

Source: Department of Treasury and Finance

The \$16 million Family Violence Fund has been created to deal with urgent or unforeseen demand for services arising from the Royal Commission. The Fund includes \$4 million for services announced at the time of the Royal Commission's establishment, and a further investment of \$6 million for 2015-16. Allocation of the funds will be made over the life of the Royal Commission.

<sup>a</sup> Components of the Family Violence Fund are outlined below. This includes funding previously allocated to commence in 2014 15 and later re-phased to commence in 2015 16.

<sup>b</sup> Funding is represented as \$0.0 due to rounding. \$100 000 over four years is allocated to Pet welfare.

<sup>c</sup> This is the funding provided directly to the Royal Commission with the balance of the \$40 million announced in the 2014 15 Budget Update (\$4 million) provided for initiatives funded through the Family Violence Fund.

<sup>d</sup> Tables may not add due to rounding.

# Appendix B: Family Violence Funding

## 2014-15 Expenditure

It is estimated that the Victorian Government will spend around \$81 million on programs and services addressing family violence in 2014-15. The majority of direct investment by government in family violence is in the non-government organisation response stream, in particular crisis response and post-crisis response.

Figure 6 below estimates the breakdown of government spending in 2014-15, across the categories of prevention, response (early intervention and crisis and post-crisis responses), and perpetrator accountability.

Prevention programs and services include initiatives such as the Respectful Relationships Education in Schools program (\$0.55 million); a targeted community awareness-raising project focused on elder abuse across six ethnic communities (\$0.22 million); and twelve one-off grants supporting local projects to reduce violence against women and their children (\$2 million), including four projects specifically addressing violence in Aboriginal communities.

Early intervention responses include initiatives such as the Victorian Family Violence Risk Assessment and Risk Management Framework training which is designed to assist practitioners working in a wide range of fields to understand and identify risk factors associated with family violence (\$0.82 million); a project aimed at trialling early intervention approaches to homelessness by identifying and targeting families with escalating signs of risk associated with family violence (\$1.04 million); and new funding for hospital emergency departments to develop quality protocols, tools, and data collection to better identify, respond to and intervene early in instances of family violence and sexual assault (\$0.5 million).

Crisis responses include initiatives such as case-managed support to assist clients to address issues impacting their ability to access and maintain long-term safe housing (\$15.07 million); a range of Aboriginal family violence services (\$3.3 million); and support for leadership, service integration and planning for the integrated family violence service system at regional level (\$2.04).

Perpetrator accountability initiatives include services to help men who use violence towards family members to develop non-abusive behaviours and new relationship and parenting skills (\$5.64 million); and specialist services at Victorian Magistrates' Courts, including funding for the Family Violence Court Division, in place at two of the courts (\$1.06 million).

**Figure 6: Estimated Victorian Government spending on programs and services addressing family violence, 2014-15 (\$ million)\***

	2014-15
	estimate at March 2015
<b>Prevention</b>	3.6
<b>Response</b>	
Early intervention response	4.8
Crisis and post-crisis response	61.0
<b>Perpetrator Accountability</b>	11.1
<b>TOTAL</b>	<b>80.6</b>

\* Subtotals may not sum to total due to rounding. Does not include funding for sexual assault programs and services, which total \$35.3 million in 2014-15. Does not include funding for the Royal Commission into Family Violence. Expenditure is categorised using the approach outlined in the Definitions and Assumptions section.

## Appendix B: Family Violence Funding

Note that while the primary objectives of these initiatives have been categorised, many cannot be classified as solely prevention, response or perpetrator accountability; in reality, many initiatives cross two or more categories.

More detail on family violence funding in 2014-15 may be found in the table below. The table is a snapshot (as at March 2015) of Victorian Government-funded family violence services and programs. Government spending on sexual assault programs and services is also included, separately. These total \$35.3 million in 2014-15, bringing the total spending on programs largely aimed at addressing violence against women and their children to around \$116 million.

### Related government spending

It is important to note that the figures in Figure 6 above represent spending on initiatives directly or primarily aimed at addressing family violence. This does not include the significant spending on other services that respond to family violence. For example, the summary does not include spending on Victorian Government programs and services addressing sexual assault, which as set out above amounted to over \$35 million in 2014-15. Research indicates that sexual assaults occur within intimate partner or former intimate partner relationships, so a significant proportion of this spending is also family violence-related.

Further, the repercussions of family violence are also keenly felt in other, significant government service sectors – such as in child protection, out-of-home care and family services supports. As at December 2014, Victoria's statutory child protection services output for 2014-15 is budgeted at \$164 million, while the budget for the out-of-home care response (specialist support and placements for children with relatives, foster parents or in residential care facilities) is \$375 million in 2014-15. Family services (promoting vulnerable children's safety, stability and healthy development before escalation to child protection) amounted to \$93.06 million in 2014-15, while Cradle to Kinder (ante and post natal support for vulnerable mothers and families) and Stronger Families (an integrated prevention and reunification service for families involved with child protection) amounted to \$5.63 million and \$10.78 million, respectively.

These are not accounted for in the table of more direct programs and services in the next section, however some are considered in the examination of the impacts on Victorian Government services in part one of the submission.

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\* The Australian Bureau of Statistics, 2012 Personal Safety Survey, Table 5 indicates that both women and men were more likely to experience sexual violence perpetrated by a known person rather than a stranger. For women the most likely type of known perpetrator of sexual violence was a boyfriend/girlfriend or date. The second most likely type of known perpetrator of sexual violence was a former or current partner.

**Victorian Government funded programs and services addressing family violence\* - March 2015 snapshot**

FV-Specific/ Broader with significant FV component/ Broader with minor FV component/ Sexual assault	Prevention/ Early Intervention/ Crisis Response/ Perpetrator Accountability	Government-funded program or service	Description	Funded providers	Coverage (State-wide or specify areas)	Dep't/ agency	2014-15 funding ONLY (\$m)
Family Violence- Specific initiative	Prevention	Elder Abuse Prevention Online - Professional Education Training	An online training course that has been initiated to assist in building the capacity of the Victorian workforce to identify and respond to elder abuse.	e3 Learning	Statewide	DHHS	0.050
Family Violence- Specific initiative	Prevention	Raising Awareness of Elder Abuse in Culturally and Linguistically Diverse Communities (CALD)	A targeted community awareness raising project that has focused on raising awareness of elder abuse across six ethnic communities.	Ethnic Communities Council of Victoria (ECCV)	Statewide	DHHS	0.220
Broader initiative with significant family violence component	Prevention	Reducing violence against women and their children (RVAWC) grants	Twelve projects across Victoria have been funded to help reduce violence against women and their children. These one-off grants support primary prevention and early intervention focused partnership projects. Four of these projects specifically address violence in Koori communities (Koori Community Safety Grants)	Gippsland Women's Health Service; Women's Health Goulburn North East; Women's Health West; Whitemore Community Health Service; Warrnambool City Council; Women's Health Grampians; Loddon Mallee; Women's Health Grampians; Casey City Council (auspicing Dandenong and Cardinia Councils); Rumbalara Aboriginal Cooperative; Mallee District Aboriginal Services (MDAS); Victorian Aboriginal Health Service (VAHS); Lakes Entrance Aboriginal Health Association (Yowimna Wurnalung Healing Service)	Statewide (regional)	DJR	2.000
Family Violence- Specific initiative	Prevention	Community of Practice (RVAWC)	Facilitated Community of Practice to support RVAWC grants projects to maximise outcomes and shared learning	VicHealth - 2012/13 - 2013/14 (4 workshops)	Statewide - RVAWC funded projects	DJR	0.037
Family Violence- Specific initiative	Prevention	Engaging local government in the prevention of violence against women	Dedicated Municipal Association of Victoria resourcing to support and build local government capacity and action in the prevention of violence against women.	Municipal Association Victoria	Statewide	DJR	0.200
Family Violence- Specific initiative	Prevention	Respectful Relationships Education in Schools (RREIS) - Our WATCH initiative	RREIS will develop community level partnerships between local governments, community based providers and secondary schools to implement respectful relationships programs in schools.	Our WATCH (Formerly the Foundation to Prevent Violence Against Women and Children)	DPC - OfW	0.550	

FV-Specific/ Broader with significant FV component/ Broader with minor FV component/ Sexual assault	Prevention/ Early Intervention/ Crisis Response/ Perpetrator Accountability	Government-funded program or service	Description	Funded providers	Coverage (State-wide or specify areas)	Dept/ agency	2014-15 funding ONLY (\$m)
Family Violence- Specific initiative	Prevention	Prevention of Violence Against Women and Children in Culturally and Linguistically Diverse (CALD) Communities - Our WATCH	This project will develop and trial two models of primary prevention, one with an existing CALD community (the Indian community) and one with a new and emerging CALD community (Iranian community).	Our WATCH is overseeing the CALD project, which is being delivered by Cohealth, and the Jagjit Forum (working with the Indian community); Whittlesea Community Connections in partnership with WHIN and The Salvation Army (working with the Iranian community).	DPC - OFW	0.550	
<b>PREVENTION TOTAL:</b>					3.61		
Family Violence- Specific initiative	Early Intervention Response	Family Violence Risk Assessment and Risk Management Framework (or Common Risk Assessment Framework, 'CRAF')	The CRAF underpins risk assessment and risk management in the Victorian integrated family violence system. It provides general service providers and specialist family violence practitioners with a consistent evidence-based approach to identifying family violence and assessing and managing risk.	Domestic Violence Resource Centre Victoria, Swinburne University of Technology, Domestic Violence Victoria, Regional Integration coordinators auspicing agencies (10), Global Vision Media Pty Ltd	Statewide	DHHS	0.820
Family Violence- Specific initiative	Early Intervention Response		The CRAF comprises six key components: - a shared understanding of risk and family violence across all service providers - a standardised approach to assessing risk - appropriate referral pathways and information sharing - risk management strategies that include ongoing assessment and case management - consistent data collection and analysis to ensure the system is responsive to changing priorities - quality assurance strategies and measures that underpin a philosophy of continuous improvement.				
Family Violence- Specific initiative	Early Intervention Response	Adolescent Family Violence	The service provides a case management model of support for young people within the context of their family. It is underpinned by an assertive outreach and engagement approach.	Peninsula Health, Time For Youth , Child & Family Services Ballarat	Bayside Peninsula, Barwon and Central Highlands	DHHS	0.620

FV-Specific/ Broader with significant FV component/ Broader with minor FV component/ Sexual assault	Prevention/ Early Intervention/ Crisis Response/ Perpetrator Accountability	Government-funded program or service	Description	Funded providers	Coverage (State-wide or specify areas)	Dept/ agency	2014-15 funding ONLY (\$m)
Family Violence- Specific initiative	Early Intervention Response	Women's Information and Referral Exchange	Women's Information and Referral Exchange (WIRE) provides a telephone information, support and referral service for all Victorian women including women experiencing or recovering from family violence. It is a free service supported by trained volunteers.	Women's Information and Referral Exchange	Statewide	DHHS	0.670
Family Violence- Specific initiative	Early Intervention Response	The Identifying and Responding to Family Violence project	This project combines the efforts of four regional Primary Care Partnerships in assisting member agencies to provide a more streamlined and coordinated service system response to women and children experiencing family violence.	Inner North West PCP	North Metro Region, West Metro Health	DHHS	0.870
Family Violence- Specific initiative	Early Intervention Response	Addressing family violence and sexual assault in acute health	New funding is provided for emergency departments to develop quality protocols, tools, and data collection to better identify, respond to and intervene early in instances of family violence and sexual assault. Project brief - Scope: To review, develop and pilot resources focused on a number of hospital sites for promulgation of a good practice model to other services. It would build on other initiatives, including the project strengthening hospital responses to family violence.	Not determined as at March 2015.*	The project working group initially envisaged focusing on a few sites, but providing a model that could be used across service types and regions. The site number and coverage was to be determined through Expressions of Interest, to allow for multi-site health services or consortia to propose a wider reach.	DHHS	0.500
Broader initiative with significant family violence component	Early Intervention Response	Homelessness Innovation Action Projects (Family Violence) - Families at Home	Families at Home is one of seven Homelessness Innovation Action Projects aimed at trialling early intervention approaches to homelessness. This project focuses on the safety of women and children with an emphasis on early intervention to enable more women and children to remain safely at home. It uses a collaborative approach to identify and target families where there are escalating signs of risk associated with family violence.	Kildonan UnitingCare and partner agencies Salvation Army Crossroads and HomeGround	Northern Suburbs, specifically the City of Whittlesea	DHHS	1.040

FV-Specific/ Broader with significant FV component/ Broader with minor FV component/ Sexual assault	Prevention/ Early Intervention/ Crisis Response/ Perpetrator Accountability	Government-funded program or service	Description	Funded providers	Coverage (State-wide or specify areas)	Dept/ agency	2014-15 funding ONLY (\$m)
Family Violence- Specific initiative	Early Intervention Response	Strengthening Hospitals Responses to Family Violence Project - Our WATCH	This project is working with Royal Women's Hospital and Bendigo Health to increase staff competence in relation to preventing, identifying and responding to violence against women.	Our WATCH	Bendigo, Melbourne	DPC - OfW	0.300
<b>EARLY INTERVENTION RESPONSE TOTAL:</b>							<b>4.82</b>
Family Violence- Specific initiative	Crisis Response & Post Crisis Support	Crisis support and accommodation (refuges)	Provides safe, short term accommodation and intensive support for women and children experiencing family violence and in crisis. The support is provided in family violence refuges throughout Victoria.	Mallee Sexual Assault Unit, Annie North, Centre for Non-Violence, Elizabeth Hoffman House Aboriginal Women's Services, Georgina Collective, Berry Street (Northern), Mary Anderson Family Violence Service, Centre Against Violence , Society of St Vincent de Paul - Marian House, Safe Futures Foundation , Wesley Mission Victoria, Women's Liberation Halfway House, Kara House, Gippsland and East Gippsland Aboriginal Co-operative Limited, Quantum Support Services , WAYSS Limited, Emerge Women & Children's Support Network , Good Shepherd Youth and Family Service, VincentCare Victoria, Emma House Domestic Violence Services, Minerva Community Services, Berry Street (Northern), Women's Health West, McAuley Community Services for Women, Safe steps Family Violence Response Centre	Statewide	DHHS	13.420

FV-Specific/ Broader with significant FV component/ Broader with minor FV component/ Sexual assault	Prevention/ Early Intervention/ Crisis Response/ Perpetrator Accountability	Government-funded program or service	Description	Funded providers	Coverage (State-wide or specify areas)	Dept/ agency	2014-15 funding ONLY (\$m)
Family Violence- Specific initiative	Crisis Response & Post Crisis Support	Transition support	<p>Case-managed support that aims to assist clients to address the range of issues impacting on their ability to access and maintain long-term safe housing. An assertive case management framework is used and builds on the client's strengths and aspirations. Case workers also provide direct support which typically includes assistance to meet the goals and outcomes identified in a client's case plan.</p>	<p>Mallee Sexual Assault Unit, Centre for Non-Violence, Annie North, Loddon Mallee Housing Services Limited, Njirnda Aboriginal Corporation, Elizabeth Hoffman House Aboriginal Women's Services, Berry Street (Northern), Georgina Collective, HomeGround Services, The Salvation Army (Victoria) Property Trust – Western, Centre Against Violence, Gateway Community Health, Junction Support Services, Nexus Primary Health, Primary Care Connect, Rural Housing Network Limited, VincentCare Victoria, Eastern Domestic Violence Service, Safe Futures Foundation, Wesley Mission Victoria, Kara House, Women's Liberation Halfway House, Gippsland and East Gippsland Aboriginal Co-operative Limited, Gippsland Lakes Community Health, Community Housing (Vic) Ltd, Quantum Support Services, The Salvation Army (Vic) Property Trust-Gippsland Region, Southern Health, WAYSS Limited, Emerge Women &amp; Children's Support Network, Good Shepherd Youth and Family Service, Hanover Welfare Services, The Salvation Army (Victoria) Property Trust-Southern, Emma House Domestic Violence Services, Grampians Community Health, Gunditjmara Aboriginal Co-operative, The Salvation Army (Victoria) Property Trust Barwon, Bethany Community Support, Colac Area Health, Minerva Community Services, Berry Street (Northern), Child &amp; Family Services Ballarat, WRISC Family Violence Support, McAuley Community Services for Women, Women's Health West, inTouch, Safe steps Family Violence Response Centre</p>	Statewide	DHHS	15.070
Family Violence- Specific initiative	Crisis Response & Post Crisis Support	Telephone information and referral	To provide timely and accurate advice and referral via the telephone on appropriate services. Service undertakes an initial assessment and makes appropriate referrals for people who are homeless, at risk of homelessness as a result of family violence, resulting in one of the following two actions: a brief intervention to resolve the client's immediate crisis and divert them from the homelessness or family violence service system; or entry into the homelessness or family violence service system when diversion is not possible.	Safe steps Family Violence Response Centre	Statewide	DHHS	1.700

FV-Specific/ Broader with significant FV component/ Broader with minor FV component/ Sexual assault	Prevention/ Early Intervention/ Crisis Response/ Perpetrator Accountability	Government-funded program or service	Description	Funded providers	Coverage (State-wide or specify areas)	Dept/ agency	2014-15 funding ONLY (\$m)
Family Violence- Specific initiative	Crisis Response & Post Crisis Support	National Partnership Agreement on Homelessness – family violence initiatives	To provide support that enables clients to address their family violence issues and successfully transition to long-term housing, safety and independence. Includes Safe at Home, Extended After Hours, Men's Case Management, Indigenous family violence support responses and Aboriginal Legal support	Mallee District Aboriginal Services, Mildura Aboriginal Corporation, Mallee Sexual Assault Unit, Centre for Non-Violence, Loddon Mallee Housing Services Limited, The Salvation Army (Victoria) Property Trust, Shekinah Homeless Services, Berry Street Victoria Incorporated, Victorian Aboriginal Community Services Association Limited, Georgina Martina, Centre Against Violence, Mungabareena Aboriginal Corporation, Rumbalara Aboriginal Co-operative Limited, VincentCare Victoria, Safe Futures Foundation, Eastern Domestic Violence Service, Gippsland and East Gippsland Aboriginal Co-operative Limited, Gippsland Lakes Community Health, Quantum Support Services, Latrobe Community Health Service, Quantum Support Services, Victorian Aboriginal Child Care Agency Co-operative Limited, WAYSS Limited, Monash Health, Inner-South Community Health Service Limited, Ngwala Willumbong Co-operative Limited, Good Shepherd Youth and Family Service, Grampians Community Health, Emma House Domestic Violence Services, Bethany Community Support, Minerva Community Services, Child & Family Services Ballarat, WRISC Family Violence Support, Women's Health West, McAuley Community Services for Women, Aboriginal & Torres Strait Islander Corporation Family Violence Prevention & Legal Service (Vic), Safe Steps Family Violence Response Centre	Statewide: Safe at Home, Extended After Hours, Indigenous family violence support responses and Aboriginal Legal support	DHHS	7.500

FV-Specific/ Broader with significant FV component/ Broader with minor FV component/ Sexual assault	Prevention/ Early Intervention/ Crisis Response/ Perpetrator Accountability	Government-funded program or service	Description	Funded providers	Coverage (State-wide or specify areas)	Dept/ agency	2014-15 funding ONLY (\$m)
Family Violence- Specific initiative	Crisis Response & Post Crisis Support	National Partnership Agreement on Homelessness – Family Violence Stage 2	Provides intensive case-management support that enables clients to successfully transition to long-term safe housing and independence. The focus is for women and children from diverse backgrounds, including those with disabilities, those who are Aboriginal or those from CALD backgrounds.	Mallee Sexual Assault Unit , Centre for Non- Violence , Victorian Aboriginal Child Care Agency Co-operative Limited, Berry Street Victoria Incorporated, Rumbalara Aboriginal Co-operative Limited, VincentCare Victoria, EACH, Eastern Domestic Violence Service , Gippsland Lakes Community Health, Quantum Support Services, WAYSS Limited, The Salvation Army (Victoria) Property Trust, Good Shepherd Youth and Family Service, Grampians Community Health, Emma House Domestic Violence Services , Gunditjmara Aboriginal Co-operative Limited, WRISC Family Violence Support , Women's Health West , Women with Disabilities Victoria , inTouch	Statewide	DHHS	2.190
Family Violence- Specific initiative	Crisis Response & Post Crisis Support	Family violence support	Provides timely and appropriate counselling and support services to improve the safety of women and children experiencing or recovering from family violence. Counselling services improve emotional health and wellbeing and provide a sense of empowerment.	Mallee Sexual Assault Unit , Centre for Non- Violence , Berry Street Victoria , Elizabeth Hoffman House Aboriginal Women's Services , Anglicare Victoria , Women's Health in the North, Junction Support Services ,Women's Centre Albury/Wodonga , Gateway Health , Nexus Primary Health, Anglicare Eastern , Australian Childhood Foundation, inTouch , EACH, Eastern Health , Eastern Domestic Violence Service , Migrant Information Centre (Eastern Melbourne) Limited, Ranges Community Health, Relationships Australia (Victoria), Doncaster Community Care and Counselling Centre , Mitcham Community House Incorporated, MonashLink Community Health Service Limited, Whitehorse Community Health Service Limited, UnitingCare Gippsland , Gippsland Lakes Community Health, Bass Coast Community Health Service, Latrobe Community Health Service, West Gippsland Healthcare Group, Connections UnitingCare Southern, Monash Health, Springvale Indo- Chinese Mutual Assistance Association , WAYSS Limited, Windermere Child and Family Services , Good Shepherd Youth and Family Service , Inner South Community Health Service Limited , Southern Family Life Service Association , Brophy Family & Youth Services	Statewide	DHHS	5.840

FV-Specific/ Broader with significant FV component/ Broader with minor FV component/ Sexual assault	Prevention/ Early Intervention/ Crisis Response/ Perpetrator Accountability	Government-funded program or service	Description	Funded providers	Coverage (State-wide or specify areas)	Dept/ agency	2014-15 funding ONLY (\$m)
Family Violence- Specific initiative	Crisis Response & Post Crisis Support	Indigenous Family Violence	Funds prevention and support services to Indigenous women, children, men and Elders throughout Victoria. Indigenous family violence services include: Holistic healing services, Time Out services; Men's Family Violence Group Programs; Indigenous Family Violence Community Initiatives Fund; and Regional Action Group funds.	Mallee Family Care, Murray Valley Aboriginal Co-operative Limited, Aboriginal & Torres Strait Islander Corporation Family Violence Prevention & Legal Service (Vic), Women's Health Loddon Mallee , Njernda Aboriginal Corporation, Aboriginal Community Elders Services, Elizabeth Hoffman House Aboriginal Women's Services, Aborigines Advancement League , Relationships Australia (Victoria) , Victorian Aboriginal Community Services Association Limited , Victorian Aboriginal Health Service Co-operative Limited, Gateway Community Health Service - Family Violence, Mungabareena Aboriginal Corporation, Junction Support Services, Rumbalara Aboriginal Co-operative Limited, Aboriginal & Torres Strait Islander Corporation Family Violence Prevention & Legal Service (Vic), Rights Information and Advocacy Centre , Goulburn Valley Aboriginal Education Consultative , EACH, Women's Liberation Halfway House Collective , Kara House , Lake Tyers Health & Children's Services Association , Gippsland Lakes Community Lakes Corporation, Ramahyuck District Aboriginal Corporation, Victorian Aboriginal Child Care Agency Co-operative Limited (OG), Relationships Australia (Victoria) , Latrobe Community Health Service, Casey City Council, Inner South Community Health Service Limited, Relationships Australia (Victoria) , Goolum-Goolum Aboriginal Co-operative Limited, Winda-Mara Aboriginal Corporation, Aboriginal & Torres Strait Islander Corporation Family Violence Prevention & Legal Service (Vic), Wathaurong Aboriginal Co-Operative Limited, Ballarat and District Aboriginal Co-operative Limited, Victorian Aboriginal Community Services Association Limited, Relationships Australia (Victoria), Victoria University.	Healing services located in Outer Gippsland, Loddon, North East Melbourne and Outer Eastern Melbourne	DHHS	3.300

FV-Specific/ Broader with significant FV component/ Broader with minor FV component/ Sexual assault	Prevention/ Early Intervention/ Crisis Response/ Perpetrator Accountability	Government-funded program or service	Description	Funded providers	Coverage (State-wide or specify areas)	Dept/ agency	2014-15 funding ONLY (\$m)
Family Violence- Specific initiative	Crisis Response & Post Crisis Support	High risk family violence response	Case-management support for women and children at highest risk from family violence. Coordination of multi-agency risk assessment and management panels (RAMPS) to share information and plan around the safety of women and children at high risk of serious injury or death and to increase the accountability of perpetrators.	Mallee Sexual Assault Unit, Berry Street Victoria, Centre Against Violence, Primary Care Connect, Eastern Domestic Violence Service, Gippsland Lakes Community Health, Quantum Support Services, The Salvation Army (Victoria) Property Trust-Southern, WAYSS Limited, Good Shepherd Youth and Family Service, Emma House Domestic Violence Services, Grampians Community Health, Minerva Community Services, Women's Health West	Statewide	DHHS	8.560
Family Violence- Specific initiative	Crisis Response & Post Crisis Support	Seniors Rights Victoria (SRV)	SRV is the key referral point in Victoria for people experiencing elder abuse. It services are free and include a confidential helpline, specialist legal services, short term support and advocacy for individuals and education.	Auspice by Council on the Ageing (COTA) Vic Incorporated, Domestic Violence Victoria	Statewide	DHHS (part- nered with Vic- toria Legal Aid)	0.640
Family Violence- Specific initiative	Crisis Response & Post Crisis Support	Homeless services support (peak organisations)	Funding for peak and statewide service provision that supports homelessness and family violence organisations to provide advice to the department and providers on addressing homelessness and family violence through activities such as: training and community education sessions; forums and consultations; discussion papers and newsletters; and systemic advocacy.	Domestic Violence Resource Centre Victoria Incorporated, Domestic Violence Victoria	Statewide	DHHS	0.720
Family Violence- Specific initiative	Crisis Response & Post Crisis Support	Family Violence Regional Service Integration	Provides leadership, service integration and planning in relation to the integrated family violence service system in the region, including promoting, developing and enhancing integrated approaches to services for women and children affected by family violence, and for men who use family violence against family members.	Mallee Sexual Assault Unit, Centre for Non-Violence, Women's Health in The North, Women's Health Goulburn North-East, Eastern Domestic Violence Service, Gippsland Women's Health Service, Connections Uniting Care, WAYSS Limited, Child & Family Services Ballarat, Grampians Community Health, Bethany Community Support, Women's Health West	Statewide	DHHS	2.040
<b>CRISIS RESPONSE AND POST CRISIS RESPONSE TOTAL:</b>							<b>60.98</b>

FV-Specific/ Broader with significant FV component/ Broader with minor FV component/ Sexual assault	Prevention/ Early Intervention/ Crisis Response/ Perpetrator Accountability	Government-funded program or service	Description	Funded providers	Coverage (State-wide or specify areas)	Dept/ agency	2014-15 funding ONLY (\$m)
Family Violence- Specific initiative	Perpetrator Accountability	Men's Family Violence (including men's behaviour change programs)	Services to assist men who use violence towards family members to develop non- abusive behaviours and new relationships and parenting skills. Services include: intake and assessment, individual or group counselling, telephone counselling and referral. Includes the Statewide Men's Referral Service and Court-directed Men's Behaviour Change Programs	Sunraysia Community Health, Centre for Non- Violence, Kildonan, Sunbury Community Health, Plenty Valley Community Health, Men's Referral Service, Berry Street Victoria Incorporated, Children's Protection Society, Gateway Health, Relationships Australia, Nexus Primary Health, Primary Care Connect, Gateway Health, EACH, Eastern Domestic Violence Services, Eastern Health, Relationships Australia (Victoria), Anglicare Eastern, Monashlink Community Health Service Limited, Gippsland Lakes Community Health, Latrobe Community Health Service, The Salvation Army (Vic) Property Trust-Gippsland Region – Gippsicare, Latrobe Community Health Service, Relationships Australia, Inner South Community Health Service Limited, Peninsula Health Community Health, Southern Family Life Service Association, Broyhill Family & Youth Services, Grampians Community Health, Bethany Children and Family Services Ballarat, Grampians Community Health, Lifeworks Relationship Counselling and Education services, Djerriwarrh Health, Relationships Australia	Statewide	DHHS	5.64
Family Violence- Specific initiative	Perpetrator Accountability	Magistrates' Court - Specialist Family Violence Services	Includes specially assigned Magistrates, Applicant Support Workers and agencies funded to provide support to respondents. A dedicated Family Violence Court Registrar co-ordinates family violence services at the Court.	Magistrates' Court of Victoria	Melbourne, Sunshine, Werribee, Frankston, Moorabbin	Magis- trates' Court of Victoria	0.707
Family Violence- Specific initiative	Perpetrator Accountability	Magistrates' Court – Family Violence Court Divisions	The Magistrates' Court has jurisdiction over, amongst other things, family violence intervention orders. Key features of the Family Violence Court Division (FVCD) are specialist support services located at the court, specially trained Magistrates, a dedicated Family Violence Court Registrar and an Applicant Support Worker and a Respondent Support Worker. FVCDs also have the authority to issue counselling orders mandating attendance at Men's Behaviour Change Programs and hear related family law, child protection and criminal matters.	Magistrates' Court of Victoria	Heidelberg, Ballarat	Magis- trates' Court of Victoria	1.058

FV-Specific/ Broader with significant FV component/ Broader with minor FV component/ Sexual assault	Prevention/ Early Intervention/ Crisis Response/ Perpetrator Accountability	Government-funded program or service	Description	Funded providers	Coverage (State-wide or specify areas)	Dept/ agency	2014-15 funding ONLY (\$m)
Family Violence- Specific initiative	Perpetrator Accountability	Magistrates' Court - Court Intervention Program	Contracts for the provision of Men's Behavioural Change Program at Heidelberg and Ballarat.	Heidelberg, Ballarat	Magis- trates' Court of Victoria	0.782	
Family Violence- Specific initiative	Perpetrator Accountability	Family Violence Counselling Orders Program FVCOP	The Court has worked in collaboration with the Department of Human Services to expand court-directed Men's Behaviour Change Programs (MBCP) to the Frankston and Moorabbin Magistrates' Courts. The expansion allows these Courts to make a counselling order directing eligible men to attend a MBCP, upon the making of a final intervention order. This program aims to enhance the safety of women and children who have experienced family violence by holding perpetrators of family violence accountable for their actions.	Frankston & Moorabbin	Magis- trates' Court of Victoria	0.750	
Family Violence- Specific initiative	Perpetrator Accountability	No to Violence	No to Violence is a men's peak organisation that provides leadership for men's services and contributes to sector development and statewide policy development.	Statewide	DHHS	0.140	
Family Violence- Specific initiative	Perpetrator Accountability	Expansion of specialist response to family violence	Expansion of specialist responses to all headquarter courts, including specialist registrars, applicant and respondent workers.	Statewide (all headquarter courts)	Magis- trates' Court of Victoria	2.100	
<b>PERPETRATOR ACCOUNTABILITY TOTAL:</b>							
<b>TOTAL PREVENTION, EARLY INTERVENTION RESPONSE, CRISIS RESPONSE AND PERPETRATOR ACCOUNTABILITY:</b>							
<b>TOTAL:</b>							
11.18							
80.58							

**NOTES**

Figures are as provided by departments as at March 2015.

The DHHS Addressing Family Violence and Sexual Assault in Acute Health program had not been allocated as at March 2015. Subsequently, \$250k of funding for this program has now been allocated for 2014/15, and the remaining funds will be allocated in 2015/16.

Does not include lapsed programs funded by OfW for which funding was allocated in 2013-14 but implementation delayed til 2014-15.

Does not include Victoria Police Family Violence specialist staff, or Victoria Legal Aid or Koori and CALD support agency funding.

Does not include funding for Magistrates' Court of Victoria's Koori Family Violence Court and Victim Support Program, which is funded internally by the Magistrates' Court of Victoria and does not have specific funding.

Does not include funding for the Forensicare Problem Behaviour Program, jointly funded by DHHS and DJR, which provides treatment for people with problem behaviours associated with offending such as physical violence, sexual offending and stalking (but also arson, problem gambling).

## Victorian Government-Funded Programs And Services Addressing Sexual Assault - March 2015 Snapshot

FV-Specific/ Broader with significant FV component/ Broader with minor FV component/ Sexual assault	Prevention/ Early Intervention/ Crisis Response/ Perpetrator Accountability	Government-funded program or service	Description	Funded providers	Coverage (State-wide or specify areas)	Dept/ agency	2014-15 funding ONLY (\$m)
Sexual Assault	Prevention	Sexually abusive behaviour treatment service	Services work with the child, their family and school, child protection and extended networks to mitigate risks and address sexualised behaviours.	DHHS	4.860	DHHS	20.200
Sexual Assault	Crisis Response	Sexual Assault Support Services	Counselling and support, information and advocacy, specialist assessments for children, crisis care responses, secondary consultation and community education.	Australian Childhood Foundation, Ballarat CASA, Barwon CASA, Upper Murray CASA, Children's Protection Society, Loddon-Campaspe CASA, Mallee Sexual Assault Unit, South Eastern CASA, South West CASA, Gatehouse Centre	Pilot at Monash (consideration being given to starting Phase 2 at Royal Women's while continuing pilot at Monash)	DJR	0.750
Sexual Assault	Crisis Response	Just-in-case forensic medical examinations (establishment and expansion)	Examine feasibility of, and demand for, forensic examinations for sexual assault victims who may subsequently wish to proceed with legal action (within 6 months)	Monash Medical Centre	Bendigo, Dandenong, Geelong, Mildura, Morwell, Seaford	Victoria Police (with DHHS)	4.790
Sexual Assault		Multidisciplinary centres	The multidisciplinary approach and co-location of services aims to improve and integrate the investigation of sexual offences and child abuse, improve support for victims and families, and the capacity of agencies to respond collaboratively.	Victoria Police			

FV-Specific/ Broader with significant FV component/ Broader with minor FV component/ Sexual assault	Prevention/ Early Intervention/ Crisis Response/ Perpetrator Accountability	Government-funded program or service	Description	Funded providers	Coverage (State-wide or specify areas)	Dep't/ agency	2014-15 funding ONLY (\$m)
Sexual Assault	Prevention	Sexually abusive behaviour treatment service	Services work with the child, their family and school, child protection and extended networks to mitigate risks and address sexualised behaviours.		DHHS	4.860	
Sexual Assault	Crisis Response	Multidisciplinary centres	<p>Sexual assault multidisciplinary centres (MDCs) were introduced in 2006 to improve responses to child and adult victim/survivors of sexual assault in an integrated, multidisciplinary context and environment that provides safety, support and access to justice. MDCs co-locate child protection practitioners with specialist police investigators and sexual assault counsellor/advocates, as well as having strong links to forensic medical personnel. In 2014-15 MDCs will be extended to include a community health nurse. The nursing service will reflect a social model of health and wellbeing that complements and integrates with other services, providing care to victim/survivors in the short to medium term, followed by referral to appropriate community services. The nursing service will provide needs identification, care planning, referral to appropriate service providers, education and awareness raising and create local networks of care. The addition of the community health nurses will improve the capacity of the MDC model to support women and children who are victim/survivors of sexual assault.</p> <p>1. Bendigo MDC - Bendigo Community Health Service, 2. Dandenong MDC - Monash Health Community 3. Geelong MDC - Barwon Health 4. Mildura MDC - Sunraysia Community Health Service 5. Morwell MDC - Latrobe Community Health Service 6. Seaford MDC - Monash Health Community. Statewide Coordinator - Monash Health Community.</p>	Bendigo, Dandenong, Geelong, Mildura, Morwell, Seaford	DHHS	4.690	

SEXUAL ASSAULT TOTAL: 35,290  
FAMILY VIOLENCE AND SEXUAL ASSAULT COMBINED TOTAL: 115.87



# APPENDIX C: AUDIT OF FAMILY VIOLENCE

Victorian Government Submission to the  
Royal Commission into Family Violence

## Appendix C: Audit of Family Violence Reviews and Evaluations

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**Appendix C: Audit of Family Violence Reviews and Evaluations**

# Executive Summary

This audit report provides an overview of significant reviews and evaluations of family violence policies and programs in Victoria since 2003. Victorian policies and programs aimed at addressing family violence have undergone a period of significant change over this time. The evolution and development of family violence law, policy and programs in Victoria has been influenced by previous reviews and evaluations, which have examined aspects of Victoria's approach to family violence prevention, response and perpetrator accountability from a range of perspectives over time.

## **Rationale for inclusion of reviews and evaluations**

Prior to 2003, Victoria's family violence policies were very different to the current framework of prevention, response and perpetrator accountability. Accordingly, reviews conducted earlier than 2003 do not greatly assist in detailing the evolution of Victoria's current approach to family violence.

The audit encompasses:

### **1. Systemic reviews of the Victorian family violence system**

Over the past 12 years, the Victorian Government has commissioned a series of reviews of the State's response to family violence. These reviews have significantly influenced the current landscape of Victoria's family violence policies and legislation.

### **2. Reviews of specific elements of the family violence system in Victoria, including accessibility for vulnerable communities**

A range of government and non-government bodies have conducted reviews that provide an insight into the evolution of aspects of Victoria's legal and justice system response to family violence. Other reviews in this category are relevant to the experiences of vulnerable communities including children, people with a disability and culturally and linguistically diverse (CALD) communities interacting with the family violence response system. Reviews examining the child protection system as a whole have been included in light of the link between vulnerable children and their experiences with family violence.

### **3. Broader social policy reviews with links to family violence**

Government bodies have conducted a number of reviews of legislative and policy areas related to family violence, and audits of the government's provision of services to vulnerable people across the State. These reviews provide valuable lessons that may be applicable to the design of family violence-specific services and responses.

## **Methodology**

For each review or evaluation, the following information is provided:

- an overview, which outlines the purpose, context and broad findings of the report;
- a summary of significant recommendations; and
- a summary of the government's response to the report, including key changes by government in response to the recommendations, or relevant current activities, noting that in most cases a formal government response was not prepared. This section also provides information where recommendations have been overtaken by new approaches.

All references to departments in this document use the name of the department at the time of the release of the relevant response or policy.

## Appendix C: Audit of Family Violence Reviews and Evaluations

# Overview and Themes

## Overview of significant Victorian family violence reviews

The Statewide Steering Committee to Reduce Family Violence was established in 2002 and released its report *Reforming the Family Violence System in Victoria* in 2005. This coincided with the development of Victoria Police's *Code of Practice for the Investigation of Family Violence* (2004) (the Code of Practice) and the Victorian Law Reform Commission's (VLRC) *Review of Family Violence Laws* (VLRC Review), tabled in Parliament in March 2006.

These key initiatives led to significant reform to Victoria's family violence legal, operational and policy frameworks. In particular, the VLRC Review recommended:

- the *Crimes (Family Violence) Act 1987* be replaced with a new act that would better define and coherently respond to family violence. In response, the *Family Violence Protection Act 2008* was introduced;
- improvements to court access and safety for victims of family violence, which led to the development of specialist family violence courts and programs in the Magistrates' Court of Victoria; and
- the establishment of a family violence death review committee, which was established in the Coroner's Court and completed its first systemic review in 2012.

Several reviews have been conducted which examine the experience of specific groups within the community who are particularly vulnerable to family violence. The reports focusing on child protection and family violence in Aboriginal communities, in particular the *Victorian Indigenous Family Violence Taskforce – final report* (2003), emphasised the importance of governments working in partnership with Aboriginal people and communities to identify and implement solutions to develop a holistic approach to address the causes and consequences of family violence and abuse.

More broadly, reviews which examine the child protection system as a whole have highlighted the link between vulnerable children and their experiences with family violence. The *Report of the Protecting Victoria's Vulnerable Children Inquiry* (2012) led by the Honourable Philip Cummins and *Connecting Services* (2012) by the Child Safety Commissioner emphasised the need for integrated service delivery systems including common risk assessment and referral processes and an approach of sharing responsibility across sectors.

In addition, the 2010 joint report by the Australian Law Reform Commission and New South Wales Law Reform Commission, *Family Violence – A National Legal Response Framework*, was a comprehensive review of specific family violence laws and legal frameworks across Australia. The Commissions' recommendations provided a strong framework for reform of family violence prevention and support services in all States and Territories, including that the *Family Violence Protection Act 2008* could be used as a starting point on which to model family violence legislative regimes.

## Appendix C: Audit of Family Violence Reviews and Evaluations

# Consistent themes in family violence review recommendations and implementation

The reviews and evaluations outlined have contributed to the evolution of policies and programs for the prevention of, and response (including early intervention) to, family violence in Victoria. Recommendations consistently refer to the need to develop policies and programs that promote:

1. Changing violence-supportive community attitudes and responses;
2. Integration of family violence response systems, including via information-sharing;
3. Specialisation of family violence services, including via improved training;
4. Accessibility of family violence services; and
5. Consistency of responses to family violence, including perpetrator accountability.

## **Changing violence-supportive community attitudes and responses**

Family violence-specific reviews have consistently recommended a stronger focus on primary prevention, including the framing of family violence as an issue of gender equality, and calling for:

- improved wide-spread community education and training to address family violence;
- cultural change via community-wide promotion of non-violence as a fundamental social value;
- campaigns tailored to particular groups within Victoria; and
- engagement with men and boys directly in behaviour change as an important element in preventing and addressing family violence.

The ENOUGH campaign was launched in 2008 to raise community awareness of the *Family Violence Protection Act 2008* and the services available to assist people experiencing family violence. It ran until the end of 2010 through a partnership with Netball Victoria and the Victorian Country Football League. The campaign was a multi-faceted, integrated campaign including advertising, public relations, media relations and stakeholder communication.

The *Building Respectful Relationships: Stepping Out Against Gender-Based Violence* released in 2013 is a significant example of a resource made available in response to recommendations regarding prevention of violent behaviour. These curriculum resources are available for Years 8 and 9 in Victorian secondary schools and are planned around key themes of gender, power, violence and respect, as well as advice around a whole-school approach to violence prevention. In 2014-2015, Our Watch, funded by the Victorian Government and in partnership with Department of Education & Training and Department of Health & Human Services, is leading a Respectful Relationships Education in Schools (RREIS) program in up to 30 Victorian Government secondary schools, to help young people build healthy relationship skills. Our Watch is also supporting school leaders and teachers to implement new curriculum guidance, and to create more equal and respectful school cultures.

## **Integration of family violence response systems, including via information-sharing**

Consistency of data collection and barriers to sharing information between departments and agencies are commonly raised issues in improving the family violence service system. Notable examples of such recommendations are the Victorian Auditor General's recommendation that Victoria Police and the Magistrates' Court improve data-sharing mechanisms, and the ALRC's recommended suite of reforms regarding information sharing between the Commonwealth and States and Territories, as well as between State agencies. The need for better integration is also highlighted by several reviews which emphasise the critical link between child protection, out of home care and family violence, and the need for information management systems to support agencies and ensure that they are held accountable for the services they provide.

## **Specialisation of family violence services**

Many reports concluded that specialisation of services provided by State agencies is crucial to preventing family violence and promoting the ongoing safety of victims of family violence. Notable recommendations of this type

#### Appendix C: Audit of Family Violence Reviews and Evaluations

included calls for the state-wide introduction of Family Violence Courts in the Magistrates' Court (and associated services such as applicant support workers) and specialised family violence teams within Victoria Police, through to specialised training of professionals delivering family violence support and response services and those who may encounter family violence in other professional or voluntary capacities.

Similarly, reports which focused on family violence within particular communities, including Aboriginal or CALD communities and those with a disability, emphasised that these Victorians experienced heightened risks to their ongoing safety where services were not tailored or responsive to the specific needs of those groups.

Many recommendations regarding specialised training have been accepted and implemented by various government bodies. In particular, Victoria Police and the Magistrates' Court have responded by introducing specialised training programs. Work is ongoing to identify gaps across government and implement appropriate educational campaigns, tools and training. Similarly, many recommendations regarding specialisation of services have been partially implemented by government, including via the development of pilot or targeted programs such as specialised Family Violence Courts (Family Violence Court Division and Specialist Family Violence Service) in the Magistrates' Court and the Koori Family Violence Court Support Program (KFVCSP).

#### **Accessibility of family violence services**

Several reports recommended ensuring that family violence support services are universally accessible, particularly by victims or perpetrators from groups considered to be at higher risk of family violence, such as Victorians from CALD communities, women with a disability and Aboriginal Victorians. Recommendations of this type included reforms targeted at improving the safety of victims attending Magistrates' Court hearings, and ensuring that family violence intervention orders and safety notices are presented in an accessible format.

Of relevance to the Victorian Government, the Commonwealth Senate Inquiry into Domestic Violence in Australia recommended in its *Interim Report* released in March 2015 that:

- consistency and certainty of funding is critical to not only the provision of services, but ensuring accessibility for victims; and
- the Commonwealth Government restore funding to legal services, housing and homelessness services and the Department of Social Services grants program, on the basis that consistency and certainty of funding is critical to ensuring access to services.

Work is ongoing to improve the accessibility of services, including via upgrades to services at Magistrates' Courts.

#### **Consistency of responses to family violence, including perpetrator accountability**

A number of reviews highlighted the need for consistency in understanding the types of behaviours that constitute family violence across government and non-government organisations and for consistent approaches to perpetrator accountability, including via legislative reform to improve accountability of offenders and ensure safety for victims of family violence. To address this need for consistency, several reviews have recommended family violence-specific legislative regimes and the development of protocols and codes of conduct for government departments and agencies responsible for responding to family violence.

Broadly, recommendations of this nature have been accepted and implemented by the Victorian Government. For instance, the VLRC Review's recommendations were broadly adopted by government and led to the implementation of the *Family Violence Protection Act 2008* and an update to the Victoria Police *Code of Practice for the Investigation of Family Violence* in 2010.

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## Family violence-related reviews across Australian jurisdictions

A number of family violence-related reviews have been conducted across Australian jurisdictions in recent years. These reviews have examined trends in family violence statistics and systemic issues in how governments prevent and respond to family violence. **Appendix 1** provides a broad outline of significant reviews into family violence and related matters across all Australian jurisdictions.

While many reviews found gaps in response services and support for family violence victims and perpetrators, a consistent theme was the need for improved primary prevention and early intervention response practices across all jurisdictions. This includes promoting respectful relationships and non-violence as a fundamental social value.

Broadly, reviews across Australian jurisdictions have made recommendations that are consistent with the reports discussed in this audit. A key finding across reports from all jurisdictions is the need for better coordination and collaboration between government and non-government support services. This includes improved data gathering and information sharing to inform evaluation and service delivery improvement, as well as ensuring agencies are held accountable for the support they provide. Providing funding certainty and consistency is also critical, as was highlighted in the Senate Inquiry into Domestic Violence's *Interim Report* released in March 2015, which recommended restored funding and the need for ongoing certainty for legal services, housing and homelessness services and research programs such as those run by Australia's National Research Organisation for Women's Safety (ANROWS).

**Appendix C: Audit of Family Violence Reviews and Evaluations**

# Systemic Reviews of Family Violence in Victoria

The following section includes outlines of systemic reviews of the family violence system in Victoria that have significantly influenced the current landscape of Victoria's family violence policies and legislation and include:

- *Victorian Indigenous Family Violence Taskforce Final Report* (2003);
- *Reforming the Family Violence System in Victoria: Report of the Statewide Steering Committee to Reduce Family Violence* (2005);
- *Review of Family Violence Laws* (2006);
- *Family Violence – A National Legal Response* (2010);
- *Victorian Systemic Review of Family Violence Deaths* (2012); and
- *Report of the Protecting Victoria's Vulnerable Children Inquiry* (2012).

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# Victorian Indigenous Family Violence Task Force Final Report

## Victorian Indigenous Family Violence Taskforce (2003)

### Overview

The Victorian Aboriginal Family Violence Task Force was launched in May 2002 by the Minister for Aboriginal Affairs and Minister for Community Services to:

1. engage Aboriginal communities throughout the State in the development of community led strategies for addressing Aboriginal family violence issues; and
2. provide a Final Report to the Victorian Government making recommendations in relation to a culturally appropriate State-wide strategy for addressing family violence.

The Task Force included a range of key Aboriginal leaders with experience and expertise relevant to family violence-related government and community services, who engaged in a series of consultations, roundtable discussions, research and policy development. Data provided to the Task Force by Victoria Police indicated that, at the time of the report, an Aboriginal person in Victoria was eight times more likely to be a victim of family violence than a non-Aboriginal person.

The report highlighted that in an Aboriginal community context, family violence was broader than spousal violence and encompassed a mix of harmful, violent and aggressive behaviours that could occur within families, extended families, kinship networks and communities.

### Recommendations

The Task Force recommended that:

- Mainstream services such as Victoria Police, courts, corrections officers and service providers should receive education and training programs to improve culturally appropriate service delivery;
- Services be better integrated across government, including via the development of a shared framework for responses, integration of data collection, and consolidation of family violence committees across government.
- Information and prevention programs aimed specifically at combating family violence in Aboriginal communities be developed, including via an Aboriginal-focussed marketing strategy;
- Aboriginal-focussed family violence response programs be funded, including the establishment of a dedicated 1800 number service to link culturally appropriate family violence services and investigating the feasibility of an Aboriginal Family Violence Court.
- Aboriginal family violence perpetrator programs be developed, including culturally appropriate counselling, “time out centres” in communities, Case Management Support Services for pre- and post-release prisoners, mental health programs, aggression management programs for young people, improved facilities for family visits to prisons, and rural and remote transitional facilities.
- Research be commissioned into issues affecting Aboriginal family violence, specifically regarding the balance of work and family responsibilities, the connection between drug and alcohol use and family violence, issues confronting youth, same-sex couples, and employees of service providers in relation to family violence; and the current strengths and weaknesses of Aboriginal service providers.

### Government Response and Implementation

The *Victorian Government Response to the Victorian Indigenous Family Violence Task Force Final Report* was published in 2004. In this formal response, the Government committed to a shared approach to support and build on the recommendations by establishing an Aboriginal Family Violence Partnership Forum in April 2005 to enable the government and Aboriginal communities to address issues of Aboriginal family violence together. The Partnership Forum was instrumental in the development, and oversees the implementation of, the *Indigenous*

#### Appendix C: Audit of Family Violence Reviews and Evaluations

*Family Violence 10 Year Plan Strong Culture, Strong Peoples, Strong Families: Towards a safer future for Indigenous families and communities.* The creation of Partnership Forum reduced the number of family violence committees to facilitate effective Aboriginal representation. The Government Response recommended that the Partnership Forum would be responsible for a communications strategy, education and awareness raising, which has been incorporated as objective three of the *10 Year Plan*.

In response to specific recommendations, the Victorian Government established holistic family healing centres, counselling services, Aboriginal Men's Resource Advisory Service, and extended the Aboriginal Family Decision Making Program and a Family Violence division of the Magistrates Court (including, from 2011, the Koori Family Violence Support Program at the Melbourne Magistrates' Court). To underpin the implementation of the community-led strategy, the government funded:

- Aboriginal Family Violence Regional Action Groups, which play a pivotal role in implementing community-led responses to family violence matters in Aboriginal communities;
- the employment of the Aboriginal Family Violence Statewide Coordinator and 11 Regional Coordinators to support the implementation of the strategy and Regional Action Groups; and
- the annual \$650,000 Community Initiatives Fund grants to assist Aboriginal communities to prevent, reduce and respond to family violence.

Victoria Police has responded to the recommendations regarding improving its cultural awareness by progressing the *Koori Family Violence Police Protocols*, which are currently being implemented in Mildura, Darebin and Ballarat and developed in Bairnsdale, Shepparton and Dandenong. These protocols guide culturally appropriate responses and links to key Aboriginal family violence service providers. Victoria Police has nine Aboriginal Community Liaison Officers and approximately 98 Police Aboriginal Liaison Officers (PALOs) and assistant PALOs, spread across 50 Victorian police stations to assist with solving issues concerning Aboriginal people that involve police.

A number of specific recommendations and initiatives focussed on research, prevention and responses to victims of family violence were not directly adopted in the Response, including the creation of "youth kits" and a dedicated 1800 number.

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# Reforming the Family Violence System in Victoria: Report of the Statewide Steering Committee to Reduce Family Violence

## Statewide Steering Committee to Reduce Family Violence (2005)

### Overview

Established in 2002, the Statewide Steering Committee to Reduce Family Violence released its report *Reforming the Family Violence System in Victoria* in 2005. The Committee was asked to consider the fragmented and inconsistent nature of the family violence service system, and identify the key elements of reform required to develop a multi-agency and integrated response to family violence.

Based on models similar to those in the UK, Canada, and US, the key aims driving the development of an integrated model were:

- increased safety for women and children;
- improved accountability for those who use violence; and
- acknowledging and supporting women's right to have control and agency over their lives and future.

Some of the key elements for reform identified within a proposed integrated system were:

- enhancement of the multiple entry pathways to ensure that a person entering the system receives a consistent response regardless of the entry point;
- common risk assessment and referral processes;
- a more streamlined justice response through legislative and practice change;
- improved data collection and information sharing;
- effective data collection and recording on Aboriginal, CALD and women with disabilities; and
- effective and efficient monitoring and evaluation processes/mechanisms.

### Recommendations

Rather than discreet recommendations, the report details the key elements of proposed practice changes required to establish an integrated service delivery system. These proposals are broken down according to service providers including police, Magistrates' Courts, Family Violence Courts, child protection services, family violence services and community services, and outline actions and steps each provider should take to facilitate and implement an integrated system.

### Government Response and Implementation

At the time of the report, some elements of an integrated service system were in place or being developed. These included the Victoria Police Code of Practice, the pilot of a designated Family Violence Court Division and court-directed counselling services for men.

Further reforms resulting from the Committee's report and other reviews, such as the VLRC Review were conducted around the same time, the most notable being the Family Violence Protection Act 2008 and development of the Family Violence Risk Assessment and Risk Management Framework (CRAF).

The Statewide Steering Committee's report also informed *Changing Lives: A new approach to family violence in Victoria* which outlined a new, more cohesive approach to family violence with more integrated police, court and support services. This included better coordination and leadership with stronger governance and oversight through a Family Violence Ministers Group and a Family Violence Statewide Advisory Committee. To support the integration reforms, partnerships of locally-based agencies were formed to deliver responses and ongoing support to family violence victims and strengthen connections with health, housing and family and community services, supported by Department of Human Services. The *Guiding Integrated Family Violence Service Reform 2006-2009* document, developed by the Department of Human Services, supported the work of these regional partnerships. Further information about the government's response and implementation is contained in the Victorian Government Submission to the Royal Commission into Family Violence.

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## Review of Family Violence Laws

### Victorian Law Reform Commission (2006)

#### Overview

The Victorian Law Reform Commission was asked to review family violence laws and consider whether the *Crimes (Family Violence) Act 1987* was the best approach for responding to family violence in Victoria. The final report reviewed the justice system's response to family violence, particularly the intervention order system, and provided detailed recommendations to government.

#### Recommendations

##### Legislative reform

The key recommendations of the VLRC Review were that:

- **The *Crimes (Family Violence) Act 1987* be repealed and replaced by a new Family Violence Act dealing exclusively with family violence.** The Act should reflect its key purpose of ensuring the safety of victims of family violence, and clearly define the behaviour that constitutes family violence, aim to prevent family violence, provide victims with effective and accessible remedies and promote non-violence as a fundamental social value. Under the Act, family violence and family relationships should be defined broadly, and provide that children be considered victims of family violence where they had heard, witnessed or been exposed to family violence, in addition to where they were a direct victim of the violence.
- **Intervention Orders must better protect victims, and the system must respond adequately to crisis situations.** The Intervention Order system should prioritise victims remaining in their own homes, and contact arrangements for children should be clearly outlined in the order. Courts should prioritise hearings for breaches of intervention orders, and victims must be able to access intervention orders after hours.
- **The Magistrates' Court and Victoria Police should develop specialist responses to family violence.** Examples of key recommendations included the introduction of a specialist list within the Magistrates' Court and training for magistrates, court staff and police. Further, the report recommended Victoria Police establish a specialist family violence prosecution unit to deal with intervention order applications, prosecutions of breach of intervention orders and criminal charges arising in situations of family violence.
- **The Magistrates' Court should be safe and accessible.** Key recommendations included clear processes for intervention order applications including plain-English forms, translation and interpretation services and improved physical safety within the courts including, secure waiting areas, separate entrances, private inquiries desk, appropriate facilities for children and alternative methods for giving evidence in court.
- **Particular focus be dedicated to vulnerable people and communities.** This included courts providing targeted information, further training for relevant staff and funding for specialist services targeted at Aboriginal and culturally and linguistically diverse communities and disabled people.
- **Education and training programs should be developed to change attitudes about family violence.** In addition to targeted education and training for professionals working with those affected by family violence, such as Magistrates and court registrars, the VLRC recommended the introduction of a state-wide education program on respect in relationships in Victorian secondary schools. Further, the VLRC recommended a community education strategy about the intervention order system be developed, with particular focus on migrant communities.

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The VLRC supported the introduction of the Victoria Police *Code of Practice for the Investigation of Family Violence*. However, it was recommended that an external review of the Code's impact be conducted along with additional efforts from police to provide comprehensive and regular training on the dynamics of family violence, particularly from a victim's perspective.

#### **Government Response and Implementation**

The government did not formally respond to the VLRC report, however the report's primary recommendation, to introduce a new Family Violence Act was accepted and implemented through the commencement of the *Family Violence Protection Act 2008* in December 2008. Key responses included:

- **The *Family Violence Protection Act 2008* (the Act) created a new legislative regime with the purpose of promoting the safety of victims of family violence, preventing family violence, and promoting the accountability of perpetrators.**
  - The Act adopted a broad definition of violence that explicitly includes non-physical forms of family violence, causing or threatening the torture or injury of an animal, sexual forms of family violence, threats to commit family violence and both economic and emotional abuse as well as causing a child to see or hear or otherwise be exposed to such behaviour, and a broad definition of a family member.
  - The Act created family violence-specific intervention orders (Part 4, sections 42-125), including interim orders, and implements the scheme broadly in accordance with all of the VLRC recommendations, except for recommendations regarding a notice system for respondents and for awarding costs against a police applicant.
  - An exclusion order regime was enacted, and promoted via a requirement that a court must consider an exclusion order when making an intervention order.
  - The Act adopted the recommendations relating to children protected by intervention orders as well as those regarding applications for intervention orders against children. This included a number of protections to ensure the safety of the applicant and the wellbeing of the young person.
- **Specialist responses to family violence were developed with key institutions.** The government funded the creation and development of Family Violence Court Divisions in the Magistrates' Court, including funding for men's behaviour change programs, and provided funding to Community Legal Centres for dedicated family violence community lawyer positions. Victoria Police established the Civil Advocates Unit (CAU) in January 2011 to provide specialist support for the prosecution of family violence proceedings. CAU lawyers represent Victoria Police in intervention order applications, and provide advisory services to frontline police, particularly specialist family violence units, in how best to present cases in Court. The CAU currently services nine Magistrates' Courts, the Neighbourhood Justice Centre and the Melbourne Children's Court.
- **Safety and accessibility upgrades have taken place at the Magistrates' Court.** Publications regarding intervention orders being made available from the Magistrates' Court in a range of community languages, accessible format and Aboriginal friendly versions. Funding has been provided to prevent victims being cross examined by unrepresented defendants in family violence matters.
- **Professional development for key institutions.** Victoria Police undergo training and professional development in line with the Code of Practice for the Investigation of Family Violence. The Judicial College of Victoria developed a family violence DVD training package for Magistrates and Judicial officers.
- **Ongoing review of elements of the family violence system.** The final VLRC recommendation, that the State Coroner and Statewide Steering Committee to Reduce Family Violence should investigate and make recommendations to government regarding the creation of a family violence death review committee in Victoria was accepted and implemented. In 2012 the State Coroner conducted the *Victorian Systemic Review of Family Violence Deaths* (outlined at page 21). In 2013, Victoria Police

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worked with the SAFER Team at Melbourne University under an ARC Linkage Grant to conduct a review of the Code of Practice (outlined at page 33).

- **Community education:**

- In 2008, the ENOUGH campaign was developed by collaboration between the then departments of Justice, Human Services and Planning and Community Development, Victoria Police, family violence peak organisations and other stakeholders. The campaign was aimed primarily at women and sought to raise awareness of the *Family Violence Protection Act 2008*, the services available to assist people experiencing family violence, increase reporting of family violence, reinforce the unacceptability of family violence and improve the way family violence is reported in the media. The campaign was a multi-faceted and integrated and included advertising, public relations, media relations, social media and stakeholder communications. It was published in several different languages and rolled-out across Victoria via regional road shows and partnerships with Netball Victoria and the Victorian Country Football League.
- In response to the recommendation regarding a statewide education program in Victorian secondary schools, the Department of Education & Training engaged VicHealth to review respectful relationships education in Victorian secondary school. The resulting report, *Respectful Relationships Education: Violence prevention and respectful relationships education in Victorian secondary schools*, was published in 2009 and provides guidance on good practice criteria required to achieve violence prevention. Department of Education & Training then engaged CASA House and Deakin University to develop and trial a range of the teaching and learning materials which address the key issues related to violence prevention and gender-based violence. The resulting program, *Building Respectful Relationships: Stepping Out Against Gender-Based Violence*, takes into account the key findings around effective violence-prevention strategies in schools proposed in the above report. It makes curriculum resources available for Years 8 and 9, planned around key themes of gender, power, violence and respect as well as advice around a whole-school approach to violence prevention.

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# Family Violence – A National Legal Response

## Australian Law Reform Commission (2010)

### Overview

The Australian Law Reform Commission and NSW Law Reform Commission conducted a systemic inquiry into the improvements that could be made to relevant legal frameworks to protect the safety of women and their children across Australia. The Commissions' work followed a series of reviews and reforms to the Federal family law system between 2006 and 2012, and was limited to the interaction and application of State, Territory and Commonwealth family violence legal frameworks.

The Commissions' reported that a key element of the challenge of the inquiry was the fragmentation of the legal system between and within jurisdictions, particularly in matters involving children. It was found that the boundaries between jurisdictions were unclear, and that this opacity had led to a fragmentation of practice in different jurisdictions which caused problems for victims forced to interact with multiple courts.

The final report contained 187 recommendations, broadly falling within a framework of four key principles for reform:

- **Seamlessness:** legal frameworks should be as seamless as possible for those who engage with them;
- **Accessibility:** legal and other responses to family violence should be accessible;
- **Fairness:** legal responses to family violence should be fair and just, holding those who use family violence accountable for their actions and providing protection to victims; and
- **Effectiveness:** effective interventions and support in circumstances of family violence should be facilitated.

### Recommendations

The Commissions recommended that:

- **A common interpretive framework should be implemented across all Australian jurisdictions.** This requires establishing a shared understanding of what constitutes family violence across relevant legislative schemes via a consistent definition of family violence within and between jurisdictions. Specifically, that family violence includes but is not limited to physical, sexual, economic, emotional or psychological abuse, stalking, kidnapping, damage to property, abuse of an animal, and exposing a child to the effects of family violence.
- **Australian jurisdictions dealing with family violence should be consistent.** Broadly, this requires an expansion of the jurisdiction of courts dealing with family violence to maximise the chance that families can access all the legal protections they need from any court they approach. Key recommendations include:
  - State criminal legislation should ensure that family violence protection orders are considered and may be applied for or varied when granting bail, following a pleading, during a trial or when sentencing, and that victims are notified of decisions to grant or refuse bail, and any conditions of release;
  - State civil legislation governing protection orders should ensure that victims cannot be cross examined by perpetrators, and that exclusion orders, rehabilitation and counselling conditions are used where possible when making protection orders.
  - Children's courts should have clear jurisdiction under family violence legislation to hear and determine applications for family violence protection orders where an affected party is under 18 years.

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- **The quality and use of evidence should be improved across jurisdictions**—Evidence should be captured in a way that reduces the need for repetition, by ensuring that application forms collect detailed information, including about orders made in other jurisdictions.
- **Family violence courts, police and services should be specialised**—Expertise should be fostered specialised family violence courts with minimum core features including specialised prosecutors, decision-makers, and support staff. A national family violence bench book should be produced.
- **Information should be shared within and between jurisdictions, and responses should be integrated**—Courts, departments and agencies should develop information-sharing protocols and memoranda of understanding, which are supported by a common set of policies and objectives, mechanisms for inter-agency collaboration (such as interoperable databases) and victim support processes and, where necessary, privacy legislation should be amended to permit this. A national register of relevant court orders and other information should be established.

### **Government Response and Implementation**

#### *National implementation*

In April 2013, the Standing Council on Law and Justice (SCLJ) agreed to the *National response to recommendations from the ALRC/NSWLRC Report into family violence that jointly affect the Commonwealth, States and Territories* which responded to 24 recommendations which jointly affected all jurisdictions and were not being separately dealt with through the National Justice Chief Executives Officers' (NJCEO) project which looked at collaboration between family law and child protection systems.

The national response grouped recommendations by the following themes:

- **Improve education and training:** the Commonwealth, State and Territory Attorneys-General agreed in principle to recommendations suggesting improved training and education for all professionals who encounter family violence in the legal sector. In Victoria in 2011 the Victorian Director of Public Prosecutions launched the *Director's Policy for Family Violence* providing instructions for public prosecution solicitors and counsel on best practice in preparing and prosecuting family violence matters.
- **Establish common principles for developing responses to family violence:** the Commonwealth, State and Territory Attorneys-General agreed that common principles and objectives should underpin the development of any integrated responses to family violence. The *National Plan to Reduce Violence Against Women and their Children 2010-2022* identifies common principles and objectives across jurisdictions and requires integrated governance arrangements that engage government, non-government and the private sectors.
- **Resolve inconsistencies between family violence orders and orders of the family courts:** State and Territory courts have the ability to vary, revive or suspend parenting orders when making family violence orders and the Commonwealth, State and Territory Attorneys-General agreed that improving information flow through the court system, is a key way to resolve inconsistencies.
- **Improve data collection:** The Commonwealth, State and Territory Attorneys-General noted the recommendations on data collection.

In 2015, reducing violence against women was listed as a priority of COAG and on 17 April 2015 it was agreed COAG would 'take urgent collective action to address the level of violence against women.' COAG agreed that by the end of 2015:

- a national domestic violence order (DVO) scheme will be agreed, where DVOs will be automatically recognised and enforceable in any state or territory in Australia;
- progress will be reported on a national information system that will enable courts and police in different states and territories to share information on active DVOs (NSW, Queensland and Tasmania will trial the system);

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- COAG will consider national standards to ensure perpetrators of violence against women are held to account at the same standard across Australia (for implementation in 2016); and
- COAG will consider strategies to tackle the increased use of technology to facilitate abuse against women, and to ensure women have adequate legal protections against this form of abuse.

A national campaign to reduce violence against women and their children and increased funding for response services has also been supported by all jurisdictions.

While these recent commitments from COAG address a number of recommendations from the Commissions and provide a platform for national coordination, these initiatives were not necessarily implemented in response to the Commissions' report and several of the projects either pre-date or post-date it, such as the National DVO Scheme and the national DVO information sharing system. It should be noted that in many areas Victoria has taken a leading approach and had previously implemented several of the initiatives recommended by the Commissions' in response to the 2006 VLRC *Review of Family Violence Laws*.

#### *Other Victorian initiatives*

- **Common interpretive framework:** Prior to the commencement of the ALRC review, Victoria implemented the *Family Violence Protection Act 2008* which provides a broad definition of family violence explicitly includes non-physical forms of family violence, and a broad definition of a family member. See above for further detail on the *Family Violence Act 2008* on page 13.
- **Consistency between jurisdictions:** Victoria has in place a number of practices that aim to improve the capacity for families to access the required legal protections from any court:
  - The Family Division of the Children's Court has jurisdiction over applications relating to the protection and care of children and young persons at risk and applications for intervention orders that involve children. This was implemented via the *Family Violence Protection Act 2008* in response to the VLRC Review.
  - The *Family Violence Protection Act 2008* and the *Criminal Procedure Act 2009* require that the court order that legal representation be provided to self-represented litigants to prevent them from directly cross-examining a protected witness. Corrections Victoria delivers Men's Behaviour Change Programs (MBCP) targeting low risk offenders in the community who have either received a condition on targeting low risk offenders in the community who have either received a condition on their Community Corrections Order mandating MBCP completion or a relevant treatment and rehabilitation condition. Corrections Victoria also delivers a Family Violence Program targeting moderate to high-risk family violence related offences.
  - Section 10 of the *Victims Charter Act 2006* provides that prosecuting agencies, on request by a victim, are to ensure the victim is informed of the outcome of any bail applications and, if bail is granted, any special conditions imposed to protect the victim or their family members. Additionally, where an intervention order application is commenced by the application and warrant process, section 52 of the *Family Violence Protection Act 2008* provides that the affected family member must be advised of the outcome of a bail application, and, if bail is granted, any conditions imposed that are intended to protect the affected family member. The affected family member must be given a copy of the bail undertaking.
- **Quality and use of evidence:** Victoria has implemented a range of initiatives that are designed to improve evidence gathering:
  - The application for an intervention order lists the type of behaviours that constitute family violence (in the context of asking the applicant about the respondent's behaviour) and all applications must be sworn or affirmed.
  - Under the *Family Violence Protection Act 2008*, respondents are prohibited from personally cross-examining affected family members, proceedings may be closed to the public, alternative arrangements may be made for the giving of evidence (for example, the use of screens, support persons and CCTV), and public reporting about proceedings and orders is restricted.
- **Specialisation of family violence courts, policing and services:** Victoria has undertaken work to implement a range of specialised services:

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- Victorian Government departments and agencies have implemented specialised pilot programs and localised specialised services. For instance, the Family Violence Courts include the Family Violence Court Division which is an on-going program in Ballarat and Heidelberg while Specialist Family Violence Services operate on an on-going basis at four locations (Moorabbin, Frankston, Melbourne and Sunshine). The Koori Family Violence Court Support Program operates at the Melbourne Magistrates' Court.
- Funding has recently been made available for the expansion of specialist family violence services to provide a full suite of specialist staff at 13 headquarter Magistrates' Courts. The Magistrates' Court has also implemented specialist training for magistrates and court registrars working in family violence divisions in addition to providing access to Applicant and Respondent Support Workers.
- In 2015 Victoria Police established the Family Violence Command to lead police policy and response to family violence. Victoria Police also has Family Violence Liaison Officers at all 24-hour police stations and the Civil Advocates Unit, established in 2011, to provide specialist support for the prosecution of family violence proceedings. These specialist police responses are underpinned by the *Code of Practice for the Investigation of Family Violence* which provides advice to officers responding to family violence incidents, including how to address the needs to vulnerable people.
- Work is ongoing to identify gaps across government and implement appropriate educational campaigns, tools and training.
- **Information sharing:**
  - Victoria Police and the Department of Health & Human Services work closely to monitor service demand and have developed the *Family Violence Referral Pathways Protocol* which sets out criteria for making referrals to specialist services. Similarly Victoria Police and the Magistrates' Court of Victoria have worked collaboratively to develop an electronic interface between the Court's case management system and police database to enable both organisations to have timely and accurate information on intervention orders.
  - In 2011 the initial Risk Assessment Management Panels (RAMP) were established to coordinate a multi-agency approach to share information that informs risk assessment and coordinate safety planning for women at high risk from family violence. Further, a series of networks and committees have been established with assistance from Family Violence Regional Integration Coordinators to facilitate information sharing.

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## **Victorian Systemic Review of Family Violence Deaths**

### **Coroner's Court (2012)**

#### **Overview**

The Victorian Systemic Review of Family Violence Deaths commenced in 2009, and assesses common themes and recommendations arising from family-violence related deaths referred to the Victorian Coroner. The Report analysed deaths occurring between 2000 and 2010, and identified four common elements in many family violence deaths, being:

- barriers to disclosing family violence, including fear about escalating the situation or failure to conceptualise a partner's behaviour as constituting family violence;
- problems with community understanding and recognition of family violence leading to the failure of third parties to intervene about known family violence;
- contact with health services prior to fatal incidents in which family violence symptoms were not disclosed or identified, or not adequately managed; and
- contact with the justice system prior to fatal incidents, which may lack consistency or reliability.

#### **Recommendations**

The Report identifies three primary focus areas for prevention, namely:

- responsiveness of services to members of vulnerable groups (such as CALD communities, drug and alcohol difficulties, disability or mental illness);
- the identification and response to family violence within health services; and
- community understanding of the nature and dynamics of family violence, and how to safely provide assistance and support to victims.

The Report annexes 13 recommendations drawn from various Coroner's reports during the period studied, including to:

- review and improve the readability of intervention order forms and orders;
- ensure that Victoria Police officers have regular training, access to clear information regarding their roles and responsibilities (including requirements for timely communication of outcomes of intervention order applications to affected family members), and access to relevant databases to locate information in a timely manner;
- improve integration of responses of Department of Health & Human Services and Victoria Police in child protection matters;
- improve community awareness of child sex abuse via school education programs;
- extend the Magistrates' Court applicant support worker program to all Magistrates' Court locations, and improve the quality and consistency of that program.

#### **Government Response and Implementation**

Each of the relevant Departments responded to individual recommendations made by the Coroner at the time of the individual inquiries, and those responses are included in the final published report.

- Victoria Police and the Magistrates' Court of Victoria have completed a review of the written format of intervention orders and made readability improvements. Additional, more significant improvements may be possible in conjunction with an upgrade to IT systems for both courts and police.
- Victoria Police has implemented an Enhanced Service Delivery Model for responding to family violence, which includes updated family violence training.
- Victoria Police has provided contact details of Department of Health & Human Services Child Protection services to all Victoria Police Stations, which are reviewed by Department of Health & Human Services

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and Victoria Police bi-annually. Victoria Police and Department of Human Services endorsed revised protocols regarding their relevant roles and responsibilities in 2012.

- The LEDR Mk2 Project has improved frontline police's reporting and referral processes.

A range of actions have been undertaken or are currently underway, led by the Department of Education and Training in response to the Coroner's recommendations. These include the introduction a mandatory reporting eLearning module in 2012, a review of the efficacy of this module in 2013 and further review scheduled for later in 2015, and the development and release of the *Building Respectful Relationships: Stepping Out Against Gender-Based Violence*.

In addition, Department of Education & Training has made the Daniel Morcombe resource and support material available to all Victorian government and non-government schools and is reviewing its procedures for responding to allegations of all forms of abuse, in response to the Betrayal of Trust Report.

Since 2012, Department of Health & Human Services has worked to improve the integration of responses by the Department of Health & Human Services and Victoria Police to child protection matters, in 2012 the Office of Professional Practice (within the former Department of Human Services) published the specialist practice resource, *Children and their families*. Within this resource there is specific advice regarding assessing non-accidental injury and bruising. This resource contains information about procedural requirements, practice standards and advice. It complements any specific advice published in the *Child Protection Practice Manual* for Department of Health & Human Services child protection practitioners. In June 2014, the Office of Professional Practice also published, *Working with families where an adult is violent*. The Sexual Offences and Child Abuse Investigation Team and Victorian Forensic Paediatric Medical Service present at Child Protection training courses, *Beginning Practice in Child Protection* and *Working with children and families affect by sexual abuse*. The forensic examination and determination of bruising/non-accidental injury is the role of the clinicians from the Victorian Forensic Paediatric Medical Service, whilst the Victoria Police Sexual Offences and Child Abuse Investigation Team units conduct the criminal investigation of such matters.

The Department of Justice & Regulation did not accept the Coroner's recommendation regarding extending the applicant support worker program to all Magistrates' Courts in 2012. However, the government has now committed \$12m in funding over 4 years to provide a full suite of specialist staff at the 13 Headquarter Magistrates' Courts, including both applicant and respondent support workers.

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# Report of the Protecting Victoria's Vulnerable Children Inquiry – Cummins Review

**The Hon. Philip Cummins, Professor Emeritus Dorothy Scott OAM & Mr Bill Scales AO (2012)**

## Overview

The *Protecting Victoria's Vulnerable Children Inquiry* (the Inquiry) conducted a broad review into Victoria's child protection system and the government's overall response to child abuse and neglect. Key findings from the report of the Inquiry included:

- *Need to understand the nature and incidence of child vulnerability across Victoria* - government needs to understand the underlying drivers of increasing numbers of child protection reports and the reasons these children continue to require statutory intervention to address their safety and wellbeing. Risk factors include parent, caregiver or family characteristics of: a history of family violence; alcohol and other substance abuse; mental health problems; intellectual disability; parental history of abuse; situational stress.
- *Need for an area focus* – there are significant variations in the geographical patterns of report to child protection reflecting a range of socio-economic, demographic and location-specific factors. Reports to child protection are generally higher in regional areas compared to metropolitan Melbourne. Gippsland and Loddon Mallee regions had the highest rates of reports and substantiations. There is a need to significantly increase efforts in certain locations to address needs of vulnerable children.
- *Significant improvement is required to improve outcomes for Aboriginal children and their families* Aboriginal children and young people are significantly over-represented in Victoria's statutory child protection system and change is required to improve outcomes for Aboriginal children and their families.
- *Statutory child protection services cannot themselves redress chronic issues associated with child abuse and neglect* – universal prevention and response, including early intervention, programs covering all children, are particularly important for vulnerable children. A focus on improving and resourcing programs such as antenatal and maternal health services, early childhood education and community-based supported playgroups. There is also a need to better coordinate early intervention services so that they come together as a comprehensive system of early interventions.
- *Government agencies are responsible for working together effectively* – information management systems supporting programs and services for vulnerable children are separate and disparate. There is a need to improve data quality and hold agencies accountable for the support they provide.
- *There is a need to improve the efficiency and effectiveness of child protection services* – the growth in child protection reports has not been matched by an increase in investigations, substantiations or court orders, which had generally declined. There is an urgent need to reform how reports of possible harm to children are handled and once a child has been brought into the system and to improve the effectiveness of services to improve outcomes for vulnerable children.
- *Barriers to providing stable out-of-home care must be removed* – children should be placed in appropriate care quickly and legal provisions which hinder adoption and permanent care arrangements need to be removed. Better support services and structures need to be put in place for young people leaving out-of-home care (whether they are returning home or moving into independent living).
- *Improve the role of the Children's Court* – the current system relies too heavily on court-based solutions and is unnecessarily complex.
- *Strengthen the regulation and oversight of Victoria's system for protecting vulnerable children* – the State's approach to regulating community service organisations does not identify, address and prevent short-comings in the quality of out-of-home care services. There is not sufficient systematic monitoring

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or review of child protection services and there is a need to strengthen regulation and oversight of Victoria's system for protecting vulnerable children.

### **Recommendations**

The Inquiry made 90 recommendations to the previous government to deliver system and policy changes across the spectrum of services to support improved wellbeing outcomes for children and young people including measures to reduce the incidence and negative impact of child abuse and neglect in Victoria.

The Inquiry recommended that government examine how to better consider the safety and wellbeing of children in the context of broader social wellbeing strategies relating to alcohol and drugs, mental health care and disability. This included simplifying planning processes and improving collaboration and pathways between statutory child protection services and other services, particularly family violence and disability services.

Four recommendations of the Inquiry specifically refer to family violence:

- Recommendation 8 - Develop a consistent statewide approach for antenatal psychosocial assessment so that problems, including family violence, can be more effectively addressed.
- Recommendation 21 - Simplify and improving child protection case planning processes and improving collaboration pathways between services, particularly family violence and disability services.
- Recommendation 32 - Develop more detailed monitoring for the Victorian Indigenous Affairs Framework that provides reports on outcomes relating to key areas of disadvantage such as education attainment or family violence in specific localities with high risk factors for abuse and neglect.
- Recommendation 49 – Extend section 146 of the *Family Violence Protection Act 2008* to permit the Children's Court to exercise jurisdiction when a child who is the subject of a child protection application is a child protection application is a child of 'the affected family member' or 'protected person' in relation to intervention order applications. This was also a recommendation of the Victoria Law Reform Commission in the *Review of Family Violence Laws* (2006).

A number of recommendations do not refer to family violence explicitly however they deal with matters relevant to family violence. These include:

- Recommendation 15 – Enhance capacity to identify and respond to vulnerable children and young people by supporting universal early childhood services, schools and health services and specialist adult services to identify and respond to risk factors.
- Recommendation 17 – Develop broader catchment-based networks of services for vulnerable children and families.
- Recommendation 20 – Develop differentiated pathways as part of the statutory child protection response with some increased case management by community service organisations.

### **Government Response and Implementation**

The previous Victorian Government did not accept or reject any of the 90 recommendations.

In relation to the recommendations that relate specifically to family violence, work has been undertaken including:

- The participation of Victoria in the development of the *National Evidence-Based Antenatal Care Guidelines* which are designed to support Australian maternity services to provide high-quality, evidence based antenatal care to pregnant women.
- The *Family Violence Risk Assessment and Risk Management Framework*, also known as the Common Risk Assessment Framework (CRAF) manual, has been designed to assist practitioners working in a wide range of fields to understand and identify risk factors associated with family violence.

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- The policy intent to take an area based approach to address vulnerability and to create more coherent service networks has been pursued through the establishment of the Children and Youth Area Partnerships initiative in eight launch sites across Victoria.
- Trials are being undertaken to support differential pathways for cases involving family violence.
- Family Risk Assessment and Management Panels have been established across the State. These provide coordinated multi-agency approaches to share information that informs risk assessment and coordinated safety planning for women at high risk from family violence. This includes information sharing about dangerous perpetrators to increase the accountability of men who use violence.
- The *Victorian Aboriginal Affairs Framework 2013-18 – Building for the future: A plan for ‘Closing the Gap’ in Victoria by 2031*, includes a performance management framework.

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# Reviews examining elements of the Victorian family violence system

These reviews examine specific elements of the family violence system in Victoria, or make recommendations relevant to part of the system or particular groups, primarily vulnerable communities. Several government and non-government bodies have conducted reviews that provide an insight into the evolution of aspects of Victoria's legal and justice system response to family violence over time. Other reviews have provided an understanding of the experiences of family violence by vulnerable communities including children, people with a disability and culturally and linguistically diverse communities.

The reviews included in this category include:

- *Defences to Homicide – Final Report* (2004)
- *Family Violence Police Holding Powers* (2005)
- *Strengthening Victoria's Response to Elder Abuse* (2005)
- *Breaching Intervention Orders* (2008)
- *Sentencing Practices for Breach of Family Violence Intervention Orders* (2009)
- *Implementing Victoria Police's Code of Practice for the Investigation of Family Violence* (2009)
- *Own motion investigation in the Department of Human Services Child Protection Program* (2009)
- *Family Violence Safety Notice Evaluation* (2010)
- *Violence against people with cognitive impairments* (2010)
- *The Family Violence Risk Assessment and Risk Management Framework Evaluation Report of the Statewide Training Program* (2010)
- *Evaluation of Court Integrated Services Program* (2010)
- VicHealth Evaluations of Family Violence Primary Prevention Programs (2011)
- *Connecting Services: Learning from child death inquiries when co-existing parental characteristics of family violence, substance misuse and mental illness place children at risk* (2012)
- *Evaluation of the Koori Family Violence Court Support Program Pilot* (2012)
- *Family Violence Intervention Orders and Safety Notices: Sentencing for Contravention* (2013)
- *Defensive homicide: proposals for legislative reform – consultation paper* (2013)
- *Voices Against Violence* (2014)

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## Defences to Homicide – Final Report

### Victorian Law Reform Commission (2004)

#### Overview

The VLRC was tasked with examining homicide laws and considering reforms to defences or partial excuses existing at that time including self-defence, provocation and diminished responsibility.

Relevant to family violence reform, the report recommended that provocation be abolished as a partial defence to homicide with new laws of evidence to be introduced where there is a history of prior violence between the accused and the deceased.

The report made a number of recommendations designed to ensure the law better responds to people who kill in the context of family violence and to allow the broader background to an accused's actions to be considered. For example, this included clarifying that self-defence could be carried out where the threat of serious harm is inevitable, rather than immediate and where a person uses more force than is used against him or her.

#### Recommendations

Key recommendations of the report included:

- abolition of the partial defence of provocation;
- codification of self-defence;
- reintroduction of the partial defence of excessive self-defence in Victoria;
- introduction of a provision to clarify that where self-defence or duress is raised in criminal proceedings for murder or manslaughter and a history of family violence has been alleged, evidence on the following may be relevant:
  - the history of the relationship between the person and the family member, including violence by the family member towards the person or any other person;
  - the cumulative effect, including psychological effect, on that person of that violence; and
  - the social, cultural and economic factors that impact on that person.
- development of professional legal education regarding family violence; and
- establishment of a statistical database by the Sentencing Advisory Council to monitor sentencing trends in homicide cases, including where the homicide occurred in the context of family violence.

#### Government Response and Implementation

In response to the report, the Victorian Government passed the *Crimes (Homicide) Act 2005*, which made substantial amendments to the *Crimes Act 1958*, including:

- the abolition of the partial defence of provocation;
- the codification of self-defence in relation to homicide offences;
- the introduction of the offence of defensive homicide (to recognise excessive self-defence). Note that it has now been abolished following recommendations in the Department of Justice & Regulation's Consultation Paper on *Defensive Homicide: Proposals for Legislative Reform*. The Consultation Paper (outlined on page 51) proposed the abolition of defensive homicide because it was 'inherently complex' (and difficult for judges and juries to understand and apply), it did not provide a clear benefit to women who kill in response to family violence and it inappropriately excused killing by some men;
- introduction of provisions regarding relevant evidence of family violence where self-defence or duress is raised in criminal proceedings for murder or manslaughter and a history of family violence has been alleged.

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In response to requests from the Courts and also various VLRC reports, the Judicial College of Victoria has delivered a number of programs to judicial officers to provide them with the educational training and tools to effectively address family violence in the courtroom. This year the Victorian Magistrates' Court, in collaboration with the College, commenced a specialised, two-day family violence training program for all Magistrates (not just those sitting in specialist lists or divisions). However, ongoing and regular training to reinforce and extend Magistrates' skills in this area would require additional resources.

The Sentencing Advisory Council, in collaboration with the Australian Institute of Criminology (AIC) and the Department of Justice & Regulation developed a unique database containing information on the characteristics of homicide incidents, offenders, victims and sentencing outcomes that occurred in Victoria between 30 June 1990 and 30 June 2005 and that were sentenced in the criminal courts between 30 June 1999 and 30 June 2006. The outcomes of this analysis were released in the Homicide in Victoria: Offenders, Victims and Sentencing statistical report.

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## Family Violence Police Holding Powers

### Victorian Law Reform Commission (VLRC) (2005)

#### Overview

This Interim Report was published during the VLRC's comprehensive review of family violence laws in Victoria (final report at p.13). The VLRC was directed:

*"To, within the context of the problem of family violence, consider the merits of the proposal to provide members of Victoria Police with power to detain and remove persons pending the making of an application for an interim intervention order."*

The VLRC found that a holding power would benefit police response to crisis situations involving family violence.

#### Recommendations

The report recommended that:

- A holding power be introduced for police in family violence situations to enable them to obtain and serve an intervention order and protect the victim; and
- The *Crimes (Family Violence) Act 1987* should be amended to permit police officers to exercise a holding power where a person fails to comply with a police officer's direction, and to detain the person until:
  - a summons, intervention order or warrant applied for by police is granted and served or executed upon the person; and
  - further measures to protect the family member(s) are carried out; or
  - the summons, warrant or intervention order is refused.

Complementary changes to Victoria Police's Code of Practice for the Investigation of Family Violence were also recommended.

#### Government Response and Implementation

The *Crimes (Family Violence) (Holding Powers) Act 2006* addressed the recommendation regarding the introduction of a police holding power in family violence situations by inserting such powers in the *Crimes (Family Violence) Act 1987*.

Subsequently, the Family Violence Protection Act 2008 repealed the *Crimes (Family Violence) Act* and the police holding powers were transferred to that Act.

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# Strengthening Victoria's Response to Elder Abuse

## Prevention Project Advisory Council (2005)

### Overview

In 2005, the Minister responsible for Senior Victorians established the Elder Abuse Prevention Project to consult and report on prevention and response arrangements to elder abuse in Victoria.

The report found that while elder abuse did occur in institutionalised care, it was far more likely to happen in community settings, typically by someone with whom the older person has a relationship of trust, such as family members including spouses, adult children or grandchildren as well as friends or carers.

Financial abuse was found to be a significant issue. However protectionist approaches, such as mandatory reporting or adult protection services were not supported as the report found that responses to cases of elder abuse needed to be based on the individual decision making capabilities of the person in question. Targeted resources and education, training and support for families and carers as well as service delivery professionals was required to improve capacity to identify and respond to requests for assistance in cases of elder abuse.

### Recommendations

The report's recommendations aimed to strengthen the response to the abuse of elderly Victorians and provide support to ensure their independence, dignity and safety were maintained.

The report recommended that:

- the elderly should have the right to determine their own course of action and have access to services and assistance which allowed them to regain independence and control;
- community education programs be developed to raise awareness about the risks of abuse, including an information and education service to provide telephone assistance and direct referral support to those experiencing elder abuse;
- departmental resources are updated to support community agencies to develop protocols and training;
- assistance be provided to local agencies networks to support and develop collaboration, cooperation and interagency protocols; and
- a whole of government approach responding to elder abuse be implemented with improved engagement beyond the health sector to include agencies such as Victoria Police, financial services, legal and advocacy programs and religious organisations.

The recommendations were directed to the then Department for Victorian Communities. The Department of Health & Human Services now has responsibility for policies and programs regarding senior Victorians.

### Government Response and Implementation

The government accepted all of the recommendations in the report *Strengthening Victoria's Response to Elder Abuse – Report of the Elder Abuse Prevention Project* and released *Supporting the Safety and Dignity of Senior Victorians: Victorian Government Response to the Report of the Elder Abuse Prevention Project*.

The Elder Abuse Prevention Advisory Group was established to provide governance for the *Elder Abuse Prevention Strategy* consisting of community agencies and peak bodies with an interest in elder abuse. An *Elder Abuse Prevention Communications Strategy* was developed with key messages to help change values and behaviours contributing to the abuse of older people.

A range of community education programs and resources were developed to raise awareness of and prevent, elder abuse including:

- elder abuse prevention awareness sessions delivered to over 2,300 participants, including groups from CALD communities;

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- factsheets, posters, pocket guides and cards;
- a statewide information and education service;
- practice guidelines – ‘With Respect to Age’; and
- professional education and training involving over 7,000 participants statewide.

Funding was also provided to Primary Care Partnerships to employ project officers to raise awareness of elder abuse and the role of Seniors Rights Victoria among local agencies in their respective catchment areas. Each project officer also developed localised tool kits to sit alongside the practice guide ‘With Respect to Age’ to assist organisations to identify and respond to incidents of elder abuse. Tool kits and referral guides have been tailored to meet specific community needs for Primary Care Prevention Partnership Networks, local government and Aboriginal cooperatives.

Elder abuse is also now incorporated into the *Family Violence Protection Act 2008* through the definition of family members, particularly the inclusion of carer relationships. Advice on detecting elder abuse is also included in the Victoria Police *Code of Practice for the Investigation of Family Violence*.

The new *Powers of Attorney Act 2014* will commence operation on 1 September 2015. This Act consolidates and modernises the law relating to powers of attorney, which are legal documents under which a person appoints another person to make decisions on their behalf. Such arrangements are often prepared to come into effect when a person becomes unable to make their own decisions because of illness, accident or disability (an enduring power of attorney). The Act provides for increased safeguards against abuse of these legal arrangements.

In particular, the Act:

- provides clear guidance on when a person has or does not have decision making capacity
- provides for more stringent requirements for the making and revoking of an enduring power of attorney
- sets out duties of enduring attorneys, including to act honestly and in good faith, and to exercise reasonable skill and care
- regulates conflicts of interest and gifts of property
- gives the Victorian Civil and Administrative Tribunal powers to order compensation for loss caused by an enduring attorney
- creates indictable offences for dishonestly obtaining or using an enduring power of attorney to gain financial advantage or to cause loss.

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## Breaching Intervention Orders

### Sentencing Advisory Council (2008)

#### Overview

The 2006 Victorian Law Reform Commission report on family violence laws recommended that the Sentencing Advisory Council review the sentencing of defendants and penalties imposed for breach of family violence intervention orders.

In 2008, the Council was asked to consider:

- the appropriate maximum penalties for the three offences of breach of a stalking intervention order, breach of a family violence intervention order and breach of a family violence safety notice; and
- sentencing practices following the commencement of the new *Family Violence Protection Act 2008* (Vic). This report focused on these practices (review outlined on page 13).

This review was conducted prior to the introduction of the *Family Violence Protection Act 2008* and reported on the appropriate statutory maximum penalties for the offences of breaching a family violence intervention order; a stalking intervention order; and a family violence safety notice.

#### Recommendations

The Council made three recommendations to government:

- each of the three offences (breach of family violence intervention order; breach of stalking intervention order; and breach of a police-issued family violence safety notice) should have the same maximum penalty of two years' imprisonment;
- there should not be a separate offence with a higher maximum penalty for a second or subsequent offence of breach; and
- there should not be a separate aggravated offence with a higher maximum penalty.

#### Government Response and Implementation

The *Crimes (Family Violence) Act 1987* contained a summary offence for breach of an intervention order (both family violence and stalking related orders). The maximum penalty that applied for this offence depended on an offender's criminal history. That is, for a first breach offence the applicable maximum penalty was two years imprisonment and/or a fine of 240 penalty units, and for a subsequent offence the applicable maximum penalty was five years imprisonment.

In 2008 the Crimes (Family Violence) Act was replaced with the *Family Violence Protection Act 2008*. The Family Violence Protection Act contains a summary offence for contravention of a family violence safety notice, and a summary offence for contravention of a family violence intervention order. The maximum penalty for these summary offences is two year's imprisonment and/or a fine of 240 penalty units.

The *Stalking Intervention Orders Act 2008*, contained a summary offence for contravention of an intervention order. The maximum penalty for this summary offence was two years imprisonment and/or a fine of 240 penalty units. The Stalking Intervention Orders Act has since been replaced with the *Personal Safety Intervention Orders Act 2010*. The penalty for the summary contravention offence has not changed.

In April 2013, new indictable offences for contravention of a family violence safety notice or family violence intervention order (persistent contravention of a notice or order, and contravention of a notice or order intending to cause harm or fear for safety) were enacted. The maximum penalty for these indictable offences is five year's imprisonment and/or a fine of 600 penalty units.

## Appendix C: Audit of Family Violence Reviews and Evaluations

# Sentencing Practices for Breach of Family Violence Intervention Orders

**Sentencing Advisory Council (2009)**

## Overview

This review stemmed from the 2008 request by the Attorney-General that the Council consider sentencing practices for breaches of family violence issues, in particular:

- the appropriate maximum penalties for the three offences of breach of a stalking intervention order, breach of a family violence intervention order and breach of a family violence safety notice; and
- sentencing practices following the commencement of the new *Family Violence Protection Act 2008* (Vic). This report focused on these practices.

The review found that while stakeholders considered breach of family violence intervention orders to be a serious criminal offence, there was a predominance of lower-end orders (mainly fines and adjourned undertakings) for breach offences. Similarly, offenders who received a higher-end sanction, such as imprisonment or a community-based order for a first breach offence, received a fine for their second offence.

Despite their widespread use, relevant stakeholders considered fines and adjourned undertakings to be inappropriate and inadequate sentences for a breach of an intervention order as they do not address the offending behaviour. The Council's consultations also suggested that inconsistencies in sentencing for this offence was an issue.

## Recommendations

The Council made three recommendations:

- (Recommendation 1.1) consider funding the development and delivery of a statewide men's behavioural change program, specifically designed for offenders found guilty of offences committed in the context of family violence;
- (Recommendation 1.2) until Recommendation 1.1 is implemented, courts should ensure that they monitor the compliance of offenders who have been ordered to attend men's behavioural change programs as part of an adjourned undertaking; and
- (Recommendation 2) Victoria Police to establish a process requiring police informants investigating a breach of an intervention order to consider whether an application should be made to extend the existing order or apply for a new order. This could be included in the Victoria Police *Code of Practice for the Investigation of Family Violence*.

## Government Response and Implementation

Corrections Victoria delivers a MBCP targeting low risk offenders in the community who have either received a condition on their Community Corrections Order mandating Men's Behaviour Change Program completion or a relevant treatment and rehabilitation condition.

Corrections Victoria also delivers a Family Violence Program targeting moderate to high-risk offenders who are serving community corrections orders or custodial sentences for domestic and family violence related offences.

The *Code of Practice for the Investigation of Family Violence* now incorporates advice to police to ensure that intervention orders provide adequate protection when a contravention is reported. Police will regularly apply for variations to intervention orders to ensure that they are adapted to best provide protection for the victim.

## Appendix C: Audit of Family Violence Reviews and Evaluations

# Implementing Victoria Police's Code of Practice for the Investigation of Family Violence

**Victorian Auditor General (2009)**

## Overview

The Code of Practice for the Investigation of Family Violence (the Code) specifies mandatory police responses to reports of family violence and outlines guidelines for managing family violence incidents. This includes focusing on safeguarding victims, appropriate service referrals, carrying out investigations and prosecutions and breaking the cycle of family violence.

Since the Code was introduced there had been a marked increase in police response activity, including a 14.5 per cent increase in the number of family violence incidents attended between 2003-04 and 2007-08.

However, the audit found that police data did not show how effective the implementation of the Code has been, particularly in terms of appropriate service referrals, successful prosecutions and improving outcomes for victims. Overall, the Victorian Auditor-General's Office (VAGO) reported that there was a need to improve performance measurement systems to generate data to inform policy in this area.

## Recommendations

VAGO made 13 recommendations to Victoria Police regarding the implementation of the Code focused on establishing improvement frameworks, baseline measures and effectiveness targets to enable Victoria Police to better evaluate the effectiveness of the Code's implementation.

This included recommendations to:

- establish spot checks across police regions to determine compliance with the Code;
- set up and monitor benchmarks to measure the costs and time taken to manage operational and administrative functions associated with the investigation of family violence (both of these recommendations focused on the completion of the Family Violence Risk Assessment Management Report, the L17 form);
- measure and report the rate at which police-initiated applications for intervention orders were granted by the courts;
- add questions to the survey of family violence victims to judge whether police actions and intervention orders had secured their safety;
- work with the courts to share data and establish formal protocols with service agencies to monitor referrals and track access to services;
- establish baseline measures and targets that align with family violence objectives and strategies aimed at breaking the cycle of family violence; and
- develop a continuous improvement framework for the Family Violence Unit to identify and encourage good practice in police responses and management of family violence.

## Government Response and Implementation

In response to the report, Victoria Police accepted two of its recommendations and a further eight were accepted in principle. Three recommendations were not accepted.

In response to the audit report and through its on-going development of family violence response, Victoria Police has:

- Accepted in principle and partially implemented processes to determine compliance with the Code. Victoria Police has Family Violence Liaison Officers at 24 hour stations to monitor the submission and completion of L17 reports (these were also in place at the time of the VAGO report) and recent

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improvements in operational processes within Victoria Police, particularly the LEDR Mk2 project, have aimed to improve supervisory oversight of operational processes. Victoria Police is also currently reviewing family violence risk assessment and management processes more generally and intends to improve supervision of operational processes.

- Processes in place to monitor the success rate of police applications for intervention orders through the Magistrates' Court following implementation of the *Family Violence Protection Act 2008*. Victoria Police did not accept the recommendations regarding benchmarks for monitoring administration costs associated with the investigation of family violence, measuring police-initiated applications for intervention orders or questioning family violence victims about whether intervention orders secured their safety. Victoria Police raised concerns that in a response context, consideration of costs and time spent would potentially undermine the efficacy of the police response and create conflicting interests for frontline members.
- Completed the development of an electronic interface between Victoria Police and the Magistrates' Court of Victoria to improve the flow of intervention order related data between the two organisations. This has improved data sharing and access for Victoria Police. There continues to be challenges for both courts and Victoria Police to systematically identify and track family violence related criminal proceedings through the justice system. However, collaborative work to develop an electronic interface between the Court's case management system and the police database to enable intervention order information to be electronically sent between the two organisations has improved the transmission of intervention order related data between the Courts and police and has led to improvements in the timely recording of intervention order related court outcomes on LEAP. Victoria Police and the Magistrates' Court are considering the effectiveness of the interoperability improvements made in 2014-15 and continue to assess systemic solutions in future IT upgrades.
- Maintained a strong relationship with the Department of Health & Human Services to monitor service demand and regularly considers outcomes at a systemic level. The Victoria Police and Department of Health & Human Services' *Family Violence Referral Pathways Protocol* sets out criteria for making referrals to specialist services. Development of capacity (including technology) to track referrals through the service system will require further multi-agency cooperation and infrastructure funding. On a local level, arrangements between Department of Health & Human Services funded services and Family Violence Advisors operate through the *Family Violence Referral Pathways Protocol*.
- Accepted and has implemented baseline measures and targets that align with family violence objectives. In 2009, Victoria Police released its *Living Free From Violence – Violence Against Women and Children Strategy*. The Strategy identified a range of targets and measures aimed at increasing the number of reports and actions taken by Victoria Police, to provide support to victims of family violence and hold perpetrators of family violence to account. These baseline measures and subsequent reporting have been included in internal monitoring since the commencement of the Strategy in 2009. Victoria Police has surpassed the targets and measures included in the Strategy.

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## Own motion investigation into the Department of Human Services Child Protection Program

### Ombudsman (2009)

#### Overview

Following complaints to the Office of the Ombudsman and findings in previous investigations, the Ombudsman initiated an own motion investigation into the Department of Human Services child protection services program. The report considered how the department responds to reports of abuse and cumulative harm, unallocated cases and the threshold for acting upon reports. The Ombudsman also examined the department's information technology capabilities and legal processes.

Several of the department's practices raised issues and the Ombudsman found that the system was struggling to meet its operational responsibilities.

The Ombudsman found there was a strong correlation between domestic violence as a risk factor demonstrated by parents and the number of children placed in care, stating, 'there is a significant overlap between the child protection jurisdiction and mental health, disability, drug and alcohol and domestic violence sectors.' The Ombudsman reported that this emphasised the importance of a collaborative approach across service delivery areas and the scope for public and community agencies to share responsibility for the protection of children.

#### Recommendations

The Ombudsman's report made 42 recommendations, with one key recommendation relating directly to the department's handling of child protection cases involving family violence, recommending that the department 'conduct a review of the department's handling of reports concerning domestic violence issues.'

More broadly, the Ombudsman recommended that the department establish arrangements to ensure the ongoing independent scrutiny of its decision-making in relation to reports and review the current standards in relation to response times. The report also recommended that the department review opportunities for other public sector agencies to take more responsibility to assist the department in providing care for vulnerable children and that staff receive improved training in a number of areas.

#### Government Response and Implementation

In its response to the Ombudsman's report, the Department of Human Services accepted all of the Ombudsman's recommendations, including that relating to the handling of reports concerning domestic violence issues.

Recognising the need to strengthen the child protection response to family violence reports the Department of Human Services completed a range of activities including:

- reviewing and updating family violence response practice advice;
- publishing case studies documenting good practice between services and child protection in response to family violence;
- developing a resource guide *Assessing children and young people experiencing family violence: a practice guide for family violence practitioners*;
- publishing the specialist practice guides *Families with multiple and complex needs* (on mental health, alcohol and drug and family violence) and *Working with families where an adult is violent*.

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A review of the department's handling of family violence reports was completed by the Specialist Intervention Team (SIT) which identified areas requiring further attention including the need to strengthen consultation information gathering and consideration of cumulative harm. A training module has been developed to strengthen these practices.

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## Family Violence Safety Notice Evaluation

### Victoria Police (2010)

#### Overview

Family Violence Safety Notices (FVSN) were introduced under the *Family Violence Protection Act 2008* to enhance the safety of family violence victims by providing immediate protection for victims and their children for 72 hours from the time of issue, acting as an application to the Magistrates' Court of Victoria for a Family Violence Intervention Order and as a summons for a respondent to attend Court. Police may apply for the safety order to protect affected family members before an application can be heard in court and conditions may be the same as those under an intervention order.

The Act introduced the same penalties for contravention of a FVSN as those for an intervention order to provide a strong deterrent to respondents and ensure the safety of affected family members.

The evaluation examined the effectiveness of the FVSN pilot and found that overall FVSNs have improved after hours response to family violence by Victoria Police.

#### Findings

While the evaluation found that FVSNs had contributed to improving the safety of victims of family violence after hours, further improvements were required to ensure safety for a greater number of affected family members. Similarly, while there was a low rate of convictions for contravention of FVSNs, the evaluation found this may indicate that contraventions are not being dealt with adequately.

Key findings of the evaluation suggested further action was required to:

- improve the adequacy and consistency of police risk assessment and management strategies when responding to family violence situations;
- improve police data entry practices, particularly in regard to actions the respondent may take prior to the court hearing (within the 72 hour period);
- investigate the extent to which FVSN held perpetrators accountable for their behaviour;
- enhance referral practices for both victims and perpetrators;
- strengthen after hours support services to provide affected family members with the required information and support to remain safely in their home and to prepare for court hearings;
- improve responses to family violence situations involving victims and/or perpetrators from Aboriginal or CALD backgrounds; and
- enhance responses to affected family members with disabilities and consider whether FVSN are appropriate in these circumstances.

#### Implementation

Victoria Police improved data entry practices with the introduction of the LEDR Mk2 system in 2013 which provided direct data entry of risk assessment and risk management information directly into the Victoria Police LEAP system.

This system also enhanced referral systems for both victims and perpetrators by establishing electronic referrals immediately when using the LEDR Mk2 system and removed the delay in faxing of referrals, which in turn sped up the ability of victims and perpetrators to access support within the timeframes of a FVSN prior to a court hearing.

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Victoria Police is working with Aboriginal communities on the development of the *Koori Family Violence Police Protocols* to assist with responding to family violence in these communities.

Since the time of this evaluation, FVSN have been subject to a number of legislative reforms which have entrenched the FVSN as a key tool for police to use to provide immediate protection for victims of family violence. After being made a permanent part of the family violence intervention order system in 2011, the operation of family violence safety notices has been subsequently extended. In early 2013, the maximum period of operation of FVSNs was extended from 72 hours to 120 hours. In late 2014, this period was extended again to five working days. At the same time, police were empowered to issue FVSNs at any time of the day, on any day of the week; rather than only being able to issue notices outside of court hours.

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## Violence against people with cognitive impairments

### Office of the Public Advocate (2010)

#### Overview

Office of the Public Advocate (OPA) represents people with cognitive impairments, and conducts a range of advocacy and research programs in addition to its guardianship functions. This report presented information about the experiences of people with a cognitive impairment that experience violence, including their interactions with service providers before, during and after violence.

The report's key findings included that:

- there was a lack of coordination between service providers interacting with victims of violence, particularly between service providers in the disability sector and the family violence sector. This included different understandings of what constitutes violence, and the nature of disability; and
- where violence was not responded to in an appropriate manner, further violence is likely to be perpetrated against the victim. Where appropriate action was taken, clients benefited significantly.

#### Recommendations

OPA made 11 recommendations designed to increase understanding and visibility of violence against people with cognitive impairments, and improve the response of the violence service system, including:

- funding for improved accessibility of family violence services for people with a cognitive disability, including universally accessible accommodation;
- incorporation of assessment tools regarding family violence and sexual assault into Department of Human Services disability services;
- training and professional development for family violence support workers;
- training for Victoria Police officers to improve their understanding of issues faced by people with disabilities when navigating the justice system;
- that court-ordered behaviour change programs be available through all Magistrates' Courts, and that perpetrators other than intimate partners be eligible for the programs.

#### Government Response and Implementation

There was no formal government response to the OPA report.

- The Disability and Family Violence Crisis Response Initiative commenced in December 2011, providing immediate access to funds to meet disability support needs of women and children experiencing a family violence crisis, enabling them to remain safe in their homes or to access family violence crisis accommodation. Short-term funds can be provided for up to 12 weeks to a maximum of \$9,000 per person while the women and her family violence worker develop a longer term plan. The initiative also has significant benefits for strengthening collaboration across the disability and family violence sectors.
- Refuge properties have been upgraded to allow for better access to women and children with physical disabilities. At various locations, this may include installation of ramps or wheelchair accessible bathrooms. Refuge facilities that have been purpose built in the past 5-10 years incorporate rooms with universal or full disability access.
- The Family Violence Risk Assessment and Risk Management Framework (known as CRAF), provides a framework for consistent, effective and integrated approach to identifying family violence and assessing and managing risk. Statewide training in the framework has been available to a broad range of professionals, including disability service staff. It identifies factors that may indicate increased vulnerability to family violence or increased risk and provides approaches to identifying and developing strategies to address barriers and to support access to services.

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- The Domestic Violence Resource Centre Victoria is funded by the Department of Health & Human Services to deliver family violence training for professionals. Most of the training programs focus on responses provided to women and children with specific needs or considerations, including those with disabilities.
- Women with Disabilities Victoria received \$400,000 funding to deliver a Gender and Disability Workforce Development Program as part of the Action Plan for the Disability Family Violence Response Initiative. The program is running in a number of Victorian locations including the Barwon area as the National Disability Insurance Scheme launch site.
- Victoria Police members receive a range of specialist training via the Sexual Offences and Child Abuse Investigation Teams (SOCIT), including in the use of video and recorded evidence and use of independent third parties in matters involving victims with a disability.
- Victoria Police recruits are trained regarding the heightened risk of violence faced by persons with a disability. Training is also available to members of the Sexual Offences and Child Abuse Investigation teams (SOCIT) on taking visual and audio recorded evidence (VARE) interviews. The government has not implemented recommendations regarding court ordered behaviour programs. It would be a significant policy change and would require extensive research to gauge effectiveness and consultation with stakeholders. While additional men's behaviour change programs have been funded at Frankston and Moorabbin further expansion statewide would have significant resource implications.

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# The Family Violence Risk Assessment and Risk Management Framework Evaluation Report of the Statewide Training Program

**Department of Health and Human Services (DHS) / Office for Women (2010)**

## **Overview**

The report provides an evaluation of the training program that was developed to implement the Family Violence Risk Assessment and Risk Management Framework in Victoria. The training program was delivered to 2491 participants across the State in 116 training sessions over a twelve month period that concluded in August 2009.

The report records successes and challenges of the training program, and recommendations to further support the effective implementation of family violence risk assessment and risk management into the Victorian integrated family violence system.

The *Victorian Family Violence Risk Assessment and Risk Management Framework* (known as CRAF) was developed to better identify and respond to family violence. It is primarily designed to support women and children who are victims of family violence, with broad consideration given to other forms of family violence, and is a critical component of the government's integrated approach to responding to family violence.

The Framework comprises six components to effectively identify (risk assessment) and respond (risk management) to victims of family violence:

1. a shared understanding of risk and family violence across all service providers
2. a standardised approach to assessing risk
3. appropriate referral pathways and information sharing
4. risk management strategies that include ongoing assessment and case management
5. consistent data collection and analysis to ensure the system is able to respond to changing priorities, and
6. quality assurance strategies and measures that underpin a philosophy of continuous improvement.

## **Findings**

Key findings of the evaluation included:

- The training achieved extensive coverage of workers in targeted sectors, reaching maternal and child health nurses, court registrars, ChildFIRST, child protection, family services, housing and homelessness services, disability services, counselling and mediation services, men's behavioural change programs and, in some regions, family violence specific Aboriginal services.
- The training was rated as high or very high on criteria of quality, relevance and usefulness by between 80 per cent and 90 per cent of participants. Participants consistently recorded improvement in skills and knowledge. Several months after the training:
  - 67 per cent reported changes to practice that had occurred at a system or organisational level;
  - 55 per cent of participants reported having used CRAF since their training;
  - 68 per cent were incorporating risk assessment into their work;
  - 84 per cent were doing safety plans;
  - 74 per cent were referring clients to other services; and
  - 47 per cent were sharing information and making referrals to other services.

## **Recommendations**

The evaluation made the following recommendations on the basis of its evaluation:

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- further training is required for key sectors involved in the integrated family violence reforms, prioritising development of workers in Clinical Health Services; Mental Health; Drug and Alcohol, Education, and Counselling and Mediation sectors;
- review and refine CRAF and workforce developing training package to more effectively target and respond to diverse communities such as clients with a disability, from culturally and linguistically diverse (CALD) communities and Aboriginal clients;
- ensure sustainability of CRAF knowledge and skills and ensure alignment with other sector assessments via follow-up training and development; and
- ensure future training delivery recognises the key learnings from the training delivery strategy and processes (i.e. cross sectoral implementation and effective regional coordination), and to focus on strengthening risk management.

#### **Government Response and Implementation**

In addition to integrating recommendations in its core business, the following specific actions have been commenced in response to the evaluation:

- CRAF training content has been revised and updated to include more diversity information and two additional CRAF training programs have been delivered.
- Learning and development materials have been piloted for the Vocational Education and Training sector, in-service trainers and for some tertiary courses. Training has also been delivered to General Practitioners in partnership with GP Victoria and workers in cultural and linguistically diverse (CALD) and Aboriginal communities.
- A suite of e-learning modules are being developed and the first, family violence core knowledge, is now available via The Lookout family violence practitioner website and implemented through a training program.
- To support consistency of practice, relevant CRAF elements have been incorporated into a range of government and non-government initiatives including, the *Department of Health & Human Services Coordination Tool Template* and drug and alcohol tools and training.
- The Framework has informed the development of, and been used in, *Strengthening Hospital's Responses to Family Violence*, the Strengthening Risk Management Pilot projects and will inform the *Strengthening Risk Management Guidelines* more broadly.

CRAF elements have been incorporated into the Victoria Police L17 form and further work is planned to expand e-learning modules, including the development of Aboriginal specific material.

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## Evaluation of Court Integrated Services Program (CISP)

### Department of Justice & Regulation (2010)

#### Overview

The Court Integrated Services Program (CISP) links defendants to support services such as drug and alcohol treatment, crisis accommodation, disability services and mental health services at the pre-trial or bail stage. The program operates at three Victorian Magistrates' Courts (Melbourne, Sunshine and Morwell).

CISP services have been extended to persons appearing in relation to family violence matters. The CISP provides Magistrates with information on the treatment resources available and assists in determining the most appropriate form of intervention where it has been identified that a therapeutic response is appropriate for the offender.

This evaluation considered the implementation and operation of the program and found that the CISP:

- had achieved or exceeded its targets for the engagement and retention of clients;
- was able to match the intensity of intervention to the risk and needs of clients; and
- achieved a high rate of referral of clients to treatment and support services.

#### Recommendations

The evaluation made nine recommendations regarding the implementation and on-going review of the CISP. This included:

- the need to establish a review of court support programs to assist in developing a broader model across all Victorian Magistrates' Courts;
- legislative amendments to allow defendants charged with indictable offences to be subject to judicial monitoring through the CISP; and
- staff need further support through a Policy and Procedures Manual and clearer guidance on eligibility and suitability criteria.

#### Government Response and Implementation

Seven of the evaluation's nine recommendations were accepted in full and implemented and two were partially accepted. The Magistrates' Court of Victoria is currently investigating its model of service delivery for all court programs, including CISP.

This work is part of the implementation of the Magistrates' Court of Victoria's *Strategic Plan 2014-17*, the current focus is on where services involve case management of clients and is expected to be completed this calendar year.

The CISP Policy and Procedures Manual was completed in 2009 and is subject to regular review and updates through an internal working group, with the most recent update occurring in April 2015. In response to the evaluation, the Manual was updated to outline the eligibility criteria for the program. CISP staff receive induction training and skills training is regularly conducted for case managers. The CISP does currently accept referrals from accused charged with serious indictable offences in the Magistrates' Court and assists accused on appeal bail or in the committal stream. A trial of the CISP service in the County Court is being explored. At this stage, resourcing and operational processes are being considered by the Magistrates' Court and County Court.

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# The Respect, Responsibility and Equality program

## VicHealth (2012)

### Overview

From 2006, VicHealth partnered with the Victorian Government to develop a framework to guide whole-of-government policy and activity relating to violence against women. This resulted in *Preventing Violence Before it Occurs: A Framework and Background Paper to guide the Primary Prevention of Violence Against Women in Victoria*, published in 2007. In response to the Framework, grants to 29 family violence primary prevention pilot programs were provided and in 2008, further funding was provided to five of these projects to 'scale up' the initiatives for three years. The final phase of the project was additional specific purpose funding to the scaled-up projects to develop transferrable tools, resources and 'how-to' guides. These five initiatives were funded by VicHealth as they were examples of promising practice in the key settings identified in the Framework.

The 'scaled-up' projects, which aimed to address violence against women in the community, were:

- *Partners in Prevention* (with Domestic Violence Resource Centre Victoria) – a statewide network for community sector professionals working with young people with resources including a website, network meetings, email bulletins, an annual forum and consultations and referrals which all provided advice and assistance for members to plan, implement and evaluate activities that promoted respectful relationships between young men and women.
- *Baby Makes Three* (with Whitehorse Community Health Service) – engaged new parents attending maternal and child health services with a focus on building equal and respectful relationships during the transition to parenthood.
- *Northern Interfaith Respectful Relationships* (with Darebin City Council) – worked with faith leaders on primary prevention activities such as using scriptures and teachings to promote respectful relationships between women and men.
- *Respect and Equity* (with Maribynong City Council) – engaged local government and the community with activities including internal capacity building strategies, such as cultural change within an organisation, and external partnerships, including work with local sports clubs.
- *Working Together against Violence* (with Women's Health Victoria) – engaged a major corporate workplace (Linfox) to 'stand up' against violence against women with activities including awareness raising sessions, customised tools/resources and policy development within the organisation.

These projects and their subsequent evaluations represent a sample of the many family violence programs run by agencies or community service organisations with funding from the Victorian Government. These VicHealth programs were key initiatives stemming from the government's prevention framework and following their evaluation, have evolved and expanded since the initial implementation of the pilot programs.

### Evaluation Outcomes

VicHealth has taken a lead role in the evaluation of family violence primary prevention programs.

The evaluations of all five VicHealth prevention programs outlined above found they were well received and demonstrated opportunities to engage the community more broadly in the prevention of violence against women. For instance, a key finding replicated across several of the evaluations was the opportunity for expansion of the programs to broader statewide or 'opt-out' models of service provision. Further, the five projects improved understandings of the underlying causes of violence against women, increased support for gender equality and improved the confidence of organisations implementing primary prevention activities and worked at both the organisational/community and societal levels. The report found that while there was noticeable change achieved directly by the five projects, sustained impacts at the organisational/community level were more difficult to observe.

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More broadly, in 2014, commissioned by the Victorian Government, VicHealth prepared *A short guide for evaluating Victorian primary prevention projects*. This guide is scheduled for public release in late 2015 and is designed to support primary prevention practitioners to undertake internal evaluations of their programs and initiatives.

#### **New initiatives informed by the VicHealth prevention programs**

While the particular programs outlined above are no longer funded through VicHealth, new initiatives informed by the evaluations and success of these pilot programs have been implemented by government, highlighting the value of on-going and rigorous evaluation practices.

Examples of such programs include:

- *Partners in Prevention* (PiP) – continues as a statewide network bringing together practitioners working in the area of preventing family violence and is funded by the Victorian Government and managed by the Department of Premier and Cabinet.
- *Baby Makes 3* – funded by the Department of Justice & Regulation *Reducing Violence against Women and their Children* grants is being delivered across two sites; Eastern Metro through Carrington Health and Barwon South West through Warrnambool City Council (known as Baby Makes 3+). Both projects focus on supporting men and women during the transition to parenthood by encouraging equal and respectful relationships. Carrington Health Service is actively engaging with culturally and linguistically diverse communities and at risk groups in seven local government areas in Eastern Metropolitan. The 'Baby Makes 3+' project includes targeted partnership, workforce and skills development across the region and regional setting. The project evaluation methodology includes an in-depth analysis to assess the cost benefit social return on investment for both projects.
- *Challenge Family Violence project* – also a Department of Justice & Regulation funded Reducing Violence against Women and their Children grant, this project, while not a replica or extension of the *Northern Interfaith Respectful Relationships* (Darebin City Council), includes working in faith communities (amongst other settings) (City of Casey, in partnership with the Cities of Greater Dandenong and Cardinia). This is primarily done through enlisting experienced preventing violence against women (PVAW) ambassadors to build the capacity of prominent male leaders across the sub-region to jointly campaign and challenge family violence and sexist attitudes in a range of community settings. Leaders represent sporting clubs, faith communities, business and school settings.
- *Loddon Mallee Takes a Stand* – (based on the *Working Together against Violence*) a DJR funded Reducing Violence against Women and their Children grant, is being delivered at a regional level by Women's Health Loddon Mallee. A further project targeting work places at a sub-regional level, *Act@Work* (Women's Health Grampians) is a program of specific PVAW activities in regional and rural workplaces that develops and strengthens organisational capacity to promote gender equality and non-violent norms.

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# Connecting Services: Learning from child death inquiries when co-existing parental characteristics of family violence, substance misuse and mental illness place children at risk

**Child Safety Commissioner (2012)**

## Overview

The report presents an analysis of 41 child death inquiries from 2004-11, in which the risk factors of family violence, substance misuse and mental illness were all present. The report drew on literature reviews, survey findings, focus groups and specific cases to identify opportunities for service improvement where family violence, parental substance misuse and parental mental illness co-exist and have been reported to Child Protection services.

While the report advocates that risk factors cannot be viewed in isolation from one another, with particular regard to family violence, it found that the impact of the children's exposure to family violence was frequently minimised by both parents. Children experienced feelings of fear and a sense of powerlessness which were further compounded by their exposure to police intervention, separation from their mother during hospitalisation and uncertainty about their family's future.

The report found that effectively intervening with families with three parental risk factors requires a whole of government response, integrated service delivery across multiple sectors and an approach of sharing responsibility for vulnerable children.

The report states that concerted effort should be focused on the development of a multi-service system response to vulnerable children and their families, which requires a major change in thinking about current service provision models. The report acknowledges the challenge being in the day-to-day implementation of a proposed collaborative model.

## Recommendations

The report presents a suite of key findings from the research undertaken and the implications of these on service practices. The analysis indicates:

- intervention to support and protect children requires a multi-service system response to match the multi-layered problems they experience;
- the implementation of the cross-sectoral work between adult and child services requires more active attention;
- effectively intervening with families with three parental risk factors requires a whole of government response, integrated service delivery across multiple sectors and an approach of sharing responsibility for vulnerable children; and
- effective collaboration needs to underpin work with highly vulnerable families and children and proposes a framework to guide thinking about developing an integrated service response.

## Government Response and Implementation

A range of initiatives are underway to support multi-agency system responses and collaborative practice including:

- Children and Youth Area Partnerships that will bring together senior representatives from Victorian Government departments, Victoria Police, local government, the community sector (such as Child and Family Services Alliances) and business and cultural leaders, to improve outcomes for vulnerable children, young people and families.

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- The *Reducing the Alcohol and Drug Toll: Victoria's Plan 2013-17* promotes an increased focus on family-centred practice was included as part of the previous government's alcohol and drug treatment services reform.
- The *National Evidence-Based Antenatal Care Guidelines (National Antenatal Care Guidelines)*, which are designed to support Australian maternity services to provide high-quality, evidence-based antenatal care to healthy pregnant women.
- A best practice health services framework for vulnerable children, *Health Care that Counts*, to guide hospitals and other health services regarding monitoring their performance in identifying and responding to vulnerable children.
- The Department of Health & Human Services is supporting adult services to develop family sensitive practices that can identify and respond to the needs of the child. Training is being rolled out to alcohol and other drug (AOD) treatment services. The development and delivery of specialist practice guide for *Assessing Children and Young People Experiencing Family Violence* to complement the CRAF manual. This practice guide aims to improve capability of family violence services to assess the need of children. Its launch was supported by sector training.

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# Evaluation of the Koori Family Violence Court Support Program Pilot

**Department of Justice & Regulation (2012)**

## Overview

The Koori Family Violence Court Support Program Pilot (the Program) provides specific support officers in the Magistrates' Court to assist Koori clients navigate through family violence-related court systems and processes. The foundation of the Program included building judicial leadership, community engagement, referral pathways and the development of the cultural inclusion framework. The program employs a Koori Men's and Koori Women's Support Worker who provide support to Aboriginal people applying for or responding to a Family Violence Intervention Order or Family Violence Safety Notice. The support workers also provide information about the court process, make appropriate referrals to legal and family violence support services and conduct risk assessments.

The Program was an initiative from the *Strong Culture, Strong Peoples, Strong Families – 10 Year Plan* and aimed to enhance the court's knowledge of understanding of issues associated with family violence in Aboriginal communities, link Aboriginal clients with service providers and increase confidence with the court and justice system more broadly for Aboriginal communities.

The evaluation found that a key strength of the program was its holistic approach, including the cultural competency component, which resulted in a large increase in the number of Koori clients identified in the court. The fact the program had both a male and female support worker was also crucial to its success as it allowed for the program to effectively deal with sensitive cultural issues around gender.

Clients of the program reported that it had improved their court experience. The role of the individual support workers was crucial in this, and the evaluation notes that the small number of clients during the period evaluated allowed support workers to build a strong rapport and trusting relationship with clients.

The program was implemented in January 2011 and was evaluated following 12 months of operation.

## Recommendations

The evaluation made four recommendations regarding:

1. continuing the program model which includes professional development for support workers and cultural awareness training for court staff;
2. strengthening relationships and referral pathways with mainstream services;
3. a more strategic focus for the program to address changes envisaged for support workers; and
4. improving monitoring data collection processes.

## Government Response and Implementation

Three of the evaluation's recommendations were accepted and one recommendation was partially accepted.

The Koori Family Violence Victim Support Program (KFVVSP) continues to provide support to women and men in family violence proceedings and has been expanded to support Koori clients attending Koori Victims of Crime Assistance Tribunal Hearings (VOCAT).

KFVVSP staff provide:

- support to Koori clients attending Melbourne and other metropolitan courts (subject to capacity);

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- secondary consultations to court staff in relation to Koori clients attending regional courts; and
- cultural awareness training for court staff within FV staff professional development forums and 'on the job'.

KFVVSP staff have completed Family Violence CRAF and No To Violence (working with violent men) and Domestic Violence Resource Centre (DVRC) Case Notes Training and also access professional supervision. Work is currently underway to develop a targeted community engagement plan focused on strengthening program referrals and integration with other Magistrates' Court of Victoria (MCV) Koori Initiatives.

Changes were made to the KFVVSP database to capture data on referrals to and from the program to Koori/mainstream and other MCV initiatives including Koori Victims of Crime Assistance Tribunal (VOCAT). Changes have also been made to the court's case management system 'Courtlink' to identify non-police initiated Aboriginal clients in Family Violence Intervention Order proceedings. Program data is reported to the Aboriginal Justice Forum, and Aboriginal Family Violence Partnership Forum. Magistrates' Court of Victoria is also working with Victoria Police to improve the interface between police and court systems, with respect to transfer of data in relation to Aboriginality.

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# Family Violence Intervention Orders and Safety Notices: Sentencing for Contravention

## Sentencing Advisory Council (2013)

### Overview

This report provides an evaluation of changes in sentencing outcomes for contravention of family violence intervention orders and safety notices. The Sentencing Advisory Council examined sentencing outcomes during two separate two-year periods: 2004/05 – 2006/07, and 2009/10 – 2011/12, and noted the significant changes in underlying trends associated with applications for intervention orders notices between 2004/05 and 2011/12:

- an 82.2 per cent increase in the number of intervention orders made by the Magistrates' Court; and
- a change in the most common initiators of intervention orders: in 2004/05, 41 per cent of intervention orders were initiated by police, compared with 67 per cent by 2011/12.

The Council identified the following changes in sentencing practices over the period studied:

- **Contravention of orders:** Fines, adjourned undertakings and community orders remained the most common sentences for intervention order contravention, but the distribution across those sentences changed significantly: use of fines declined by almost one third to being imposed in 26 per cent of cases, while community orders increased 9 per cent to being used in 19 per cent of cases, and adjourned undertakings rose to being imposed in 23.4 per cent of cases (an increase of 27 per cent).
- **Repeat contravention of orders:** The balance between the imposition of a custodial sentence, as opposed to a fine, shifted dramatically: use of fines halved, and custodial sentences increased to being used in 22 per cent of cases. This meant that custodial sentences became the most common sentence for repeat offenders (by a small margin). This was not reflected in other sentencing practices in the Magistrates' Court, and was specific to family violence intervention order sentencing.

The Council evaluated these changes in sentencing practices as primarily caused by:

- The Victorian Government's introduction of the *Family Violence Act 2008*;
- Changes to the practice and procedure of Victoria Police, particularly the revised *Code of Practice for the Investigation of Family Violence* published in 2010, including increased specialization of the police response, and improved compliance by police with the Code of Practice; and
- Increasing specialization of decision-making in family violence matters in the Magistrates' Court, including understanding of the seriousness of recidivism in family violence matters.

The Council noted that it had concluded in its 2009 report set out in this audit at page 32, that fines were generally unable to fulfil purposes of community protection and rehabilitation in relation to FVIO contravention.

The Council concluded at 5.56: "During consultations for this report, many participants remarked that the most recent sentencing data were 'encouraging' and 'positive'. This represents a significant transformation. Only four years ago, similar stakeholders were concerned about the prevalence of fines for FVIO contravention, including repeat contravention. While family violence remains an ongoing challenge for the criminal justice system, recent sentencing for FVIO contravention attests to the progress being made in this difficult area of practice."

The Council's report did not provide recommendations to government.

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# Defensive homicide: proposals for legislative reform – consultation paper

**Department of Justice & Regulation (2013)**

## Overview

At the date of publication of this consultation paper in 2013, the offence of defensive homicide had been in operation in Victoria for over seven years, and 28 people had been convicted of defensive homicide. The consultation paper discussed criticisms of the law, which suggested that defensive homicide allowed some offenders to ‘get away with murder’.

The data from the 28 convictions for defensive homicide indicates that:

- the overwhelming majority of offenders were men (25 out of 28)
- the overwhelming majority of victims were men (26 out of 27)
- all three female offenders killed a man (3 out of 3)
- a minority of offenders had a family relationship with the victim (7 out of 28)
- a majority of the intimate partner killings were by women (3 out of 4)
- the majority of offenders pleaded guilty (19 out of 28), and
- the majority of female offenders pleaded guilty (2 out of 3).

The report concluded that there was no clear benefit to maintaining the offence of defensive homicide as part of the legal framework that responds to family violence. In particular, the report concluded that defensive homicide did not provide a clear benefit to women who had killed in circumstances of family violence, as had been intended, while defensive homicide inappropriately excused killing by some men.

The report concluded that defensive homicide be abolished.

## Recommendations

The Department of Justice & Regulation recommended that:

- defensive homicide be abolished;
- a partial defence of “excessive self-defence” should not be introduced;
- the existing defence to homicide of self defence be amended by:
  - abolishing the common law test for self defence and replacing it with a statutory test in the *Crimes Act 1958*, which applies equally to fatal and non-fatal offences; and
  - extending provisions regarding evidence of the social context of family violence to apply to all claims of self defence.

## Government Response and Implementation

The report is a consultation paper prepared by government, and accordingly there is no official government response.

The government implemented the proposals via the introduction of the *Crimes Amendment (Abolition of Defensive Homicide) Act 2014*. That Act includes provisions which:

- abolished the offence of defensive homicide;
- introduced a statutory test for self defence that applies consistently to fatal and non-fatal offences; and
- extended social context evidence laws to all claims of self defence, including regarding evidence of the history of the relationship between victim and perpetrator including family violence, the cumulative effect of family violence, the potential consequences of separation from the abuser, and the psychological, social and economic effects of family violence.

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## Voices Against Violence

### Women With Disabilities Victoria, Office of the Public Advocate and Domestic Violence Resource Centre Victoria (2014)

#### Overview

The 2014 research comprised of seven reports which investigated the experiences of women in Victoria with disabilities of any kind (including physical, sensory and cognitive impairments and mental ill-health) who had experienced violence. The research included a focus on:

- the impacts of violence against women with disabilities;
- the help-seeking behaviour of women with disabilities who have experienced violence; and
- the legal context and social services responses to women with disabilities who have experienced violence.

The research found that women with disabilities experience high levels of family and sexual violence throughout their lives, from many (mainly male) perpetrators and in a variety of settings, and that:

- Women with disabilities experience the same kinds of violence experienced by other women but also 'disability-based violence' (such as withholding of assistance or aids and equipment). These types of violence intersect and increase risk for women with disabilities;
- Stereotypes of 'disability' contribute to the reasons why women with disabilities are targeted for violence and form significant barriers that prevent them from accessing help, including because women may not identify that what they are experiencing is violence, may be fearful of seeking help, and may be socially isolated. Aboriginal women with a disability experience particular barriers to safety.

The research concluded that the family violence service system was difficult to navigate for women with a disability and that responses were often poor and inappropriate, and highlighted that women with disabilities:

- do not have adequate access to safe, appropriate and affordable housing; and
- had mixed experiences of police responding to their reports of violence.

The report concluded that family and friends were often key supports for women with a disability experiencing violence, and that when services and organisations tailored their responses to the specific needs of women with disabilities who have experienced violence it led to better outcomes for women.

#### Recommendations

Key recommendations of the report included:

- Increased specialisation of services for women with a disability experiencing family violence by:
  - ensuring representation of women with a disability in policy development;
  - creating special procedures in the Magistrates' Court for women with a disability giving evidence, providing specialist disability liaison officers at the Court, and the expansion of the Family Violence Division and the Family Violence Applicant Support workers program to all Magistrates' Courts; and
  - the development of specialised responses to women with a disability who report violence, such as mechanisms to allow those women to remain in their homes.
- The development and roll-out of specialised education and training in a variety of forums, including via:
  - the inclusion of training regarding violence against women with a disability in CRAF training programs and specialist training for Victoria Police officers;
  - the creation of resources regarding family violence in Easy English, and face-to-face education programs provided to women with a disability;
  - the development of best practice principles and training for courts exercising jurisdiction under the *Family Violence Protection Act 2008*; and
  - review and amendment of the Department of Health & Human Services Standards to ensure an effective access and service response to women with a disability experiencing family violence.
- Collection of data specific to women with a disability experiencing family violence via integrated data management processes.
- Legislative change to the *Family Violence Protection Act 2008* including:

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- preventing a police officer from issuing a family violence safety notice if the respondent or protected person is unable to understand the notice, unless a support person is present;
- inclusion of guiding principles recognising the particularly damaging impact of violence against women with disabilities; and
- specialised procedures for women with a disability to give evidence.
- Legislative change to the *Evidence Act 2008* to enable witnesses with disabilities to be provided with extra assistance at Court.

**Government Response and Implementation**

There has not been a formal government response to the report.

Current or recent initiatives relevant to the recommendations in this report include:

- Refuge properties have been upgraded to allow for better access to women and children with physical disabilities. This may include installation of ramps or wheelchair accessible bathrooms. Refuge facilities that have been purpose built in the past 5-10 years incorporate rooms with universal or full disability access.
- CRAF training has continued to be funded and rolled out to a range of sectors to access introductory CRAF training. The full suite of CRAF training will be available through the eCRAF by the end of 2015;
- Women with Disabilities Victoria received \$400,000 in funding to deliver a Gender and Disability Workforce Development Program as part of the *Action Plan for the Disability Family Violence Response Initiative*. The program is running in a number of Victorian locations including the Barwon area as the National Disability Insurance Scheme (NDIS) launch site; and
- The availability of Flexible Family Violence Support Packages from mid-2015 will provide a flexible source of funding to meet the needs to women with a disability who experience family violence but are not in scope for disability supports under the *Disability Act 2006*.
- Victoria Police is currently reviewing its approach to providing services to people with a disability, and its specialist training.

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# Reviews examining broader social policies

Reviews in this section examine the government's broader social policy portfolio, focusing on policies and programs that affect family violence or the family violence service system in Victoria, providing an insight into the links between social policies and family violence. This includes reviews which look at the experiences of vulnerable people accessing services across government, and they provide valuable lessons that may be applicable to the design of family violence-specific services and responses.

These reviews include:

- *Sexual Assault Reform Strategy: final evaluation report* (2011)
- *Effectiveness of Justice Strategies in Preventing and Reducing Alcohol Related Harm* (2012)
- *Beyond Doubt: The experiences of people with disabilities reporting crime in Victoria* (2013)
- *Review of the Parole System in Victoria* (2013)
- *Addressing Homelessness: Partnerships and Plans* (2013)
- *Access to Services for Migrants, Refugees and Asylum Seekers* (2014)
- *Accessibility of Mainstream Services for Aboriginal Victorians* (2014)

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# Sexual Assault Reform Strategy: final evaluation report

## Department of Justice & Regulation (2011)

### Overview

The Sexual Assault Reform Strategy (SARS) was implemented in 2006 in response to the Victorian Law Reform Commission's Sexual Offences Final Report in 2004. The objectives of the Strategy are:

- strengthened and improved criminal justice system response to sexual assault cases;
- improved support for and responsiveness to the needs of sexual assault victims; and
- prevention of and early intervention responses to sexual assault.

Key programs and initiatives implemented by the Strategy are:

- Sexual Offence Lists in the Magistrates' and County Courts;
- a Child Witness Service;
- specialist prosecutors for sexual offences in higher courts;
- Sexual Offences and Child Abuse Investigation Teams and Multidisciplinary Centres to support individuals that have experienced sexual assault; and
- intensive support programs for children under 10 that demonstrate sexually concerning behaviour.

This evaluation was intended to guide the future development of the Strategy and found that there had been a significant cultural change due to the Strategy and that for many (although not all) victims of sexual assault, their experience of the criminal justice system had been greatly improved.

### Recommendations

Broadly, the evaluation recommended that government maintain and build upon the SARS. The evaluation recommended that further research be conducted to engage with children and young people who have experienced sexual assault and that the Children's Court Sexual Offences List be properly funded to enable its effective operation. Several recommendations were directed towards improving court processes and the administration of the Sexual Offences List and Witness Assistance Services and provisions to extend the Child Witness Service. Training for judicial officers on confidential communication and responding to the needs of people with a cognitive impairment or disability was also recommended.

It was also recommended that Victoria Police provide a more integrated approach to responding to sexual assault and family violence so that people who have been sexually assaulted in a family violence context receive an initial response that addresses their immediate safety and both the offending and the associated trauma. Similarly, it was recommended that action be taken to integrate responses to sexual assault and family violence at the practice level where sexual assault is a feature of family violence.

### Government Response and Implementation

The Sexual Assault Reform Strategy (SARS) Final Evaluation Report contained 33 recommendations to further progress the reforms of SARS.

The government did not formally respond to the report, however continued work by the Department of Justice & Regulation on the justice responses to the report is guided by advice from the Sexual Assault Advisory Committee (SAAC).

To address the recommendation regarding integration of responses to sexual assault and family violence, a working group of the SAAC has been established with the key objectives to:

- improve early identification, information and communication;
- increase community, service system and justice system awareness of sexual assault within the family dynamic; and
- strengthen parallel support pathways for sexual assault and family violence victims.

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# Effectiveness of Justice Strategies in Preventing and Reducing Alcohol Related Harm

## **Victorian Auditor General (2012)**

### **Overview**

This 2012 audit by the Victorian Auditor General assessed the effectiveness of the government's initiatives and actions relating to controls on the sale of alcohol and reducing the impact of alcohol-related harm.

The audit assessed the effectiveness of the Department of Justice & Regulation, Victoria Police and the Victorian Commission for Gambling and Liquor Regulation's initiatives and actions in:

- enforcing controls on the sale and marketing of alcohol; and
- preventing and reducing the impact of short-term alcohol-related harm on the community.

The audit looked at justice strategies to reduce alcohol-related harm broadly, however, Victoria Police data indicates that the number of victims reporting alcohol-related family violence has more than doubled since 2000-01. The report also noted that research indicates there is a strong link between the density of packaged liquor outlets and rates of family violence, and that 'policies that restrict the growth of the alcohol industry are likely to restrict increases in alcohol-related harm'.

### **Recommendations**

The Victorian Auditor General's report made 10 recommendations to government. It found that there was a need for a more coherent whole-of-government policy position on alcohol consumption and the liquor and hospitality industry. The recommendations include providing a clearer accountability for alcohol policy implementation, piloting the collection of wholesale alcohol sales data to enable alcohol consumption to be estimated and overhauling the planning permit and liquor licence application process to address community and health concerns. VAGO also recommended that Victoria Police develop stronger central leadership for alcohol enforcement policy and activities and improve the quality of data collected on alcohol-related crime.

### **Government Response and Implementation**

Each relevant Department provided an official response to the Report, which is included in the published report.

The then Department of Health accepted the two recommendations directed to it, namely that it should lead the development of a coherent whole-of-government policy position on alcohol consumption, clear lines of accountability for alcohol-related policy implementation, and a consolidated database to facilitate the analysis of harm; and that it should improve its data collection and apply lessons learned from the implementation of alcohol policy at that time.

Since the publication of the Auditor-General's report, the Victorian Commission for Gambling & Liquor Regulation (VCGLR) and the Department of Justice & Regulation have produced materials to assist local councils to lodge objections to liquor licence applications which will be published on the VCGLR website in May 2015.

The *Gambling and Liquor Legislation Further Amendment Act 2014*, passed by Parliament in September 2014, amended the *Liquor Control Reform Act 1998* to require Victorian alcohol wholesalers to report information on their wholesale alcohol sales to government, with an exemption for some small businesses to ensure that they are not subject to an unreasonable regulatory burden. This information will enable government to estimate the volume and type of alcohol consumed by Victorians at the State and municipal level. This will improve its ability to develop policies aimed at reducing alcohol-related harm, including alcohol-related family violence.

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# Beyond Doubt: The experiences of people with disabilities reporting crime in Victoria

**Victorian Equal Opportunity and Human Rights Commission (2013)**

## Overview

Under section 157 of the *Equal Opportunity Act*, the Victorian Equal Opportunity and Human Rights Commission (VEOHR) undertook research into the experience of people with disabilities reporting crime, and the significant and complex barriers when seeking justice as victims of crime.

Among the issues uncovered through its research, of particular concern to the Commission were issues around equality in policing as:

- people with disabilities may be more likely to experience violent and sexual crime than other people;
- barriers to reporting crime can prevent victims from accessing other stages of the criminal justice system; and
- crimes against victims with disabilities are less likely to be successfully prosecuted.

The report found that people with disabilities face significant and complex barriers when reporting crime to police for a range of reasons that includes access to information and appropriate resources, ability to communicate the details of the crime, and a fear of not being believed or lacking in credibility due to negative attitudes, particularly those held by police, towards people with disability.

The research also indicated issues regarding accessibility to courts, with appropriate facilities to meet the access requirements of witnesses with a range of sensory, physical and intellectual disabilities.

## Recommendations

The report made sixteen recommendations to agencies across government, many of them targeted toward addressing police culture and processes, and enabling Victoria Police to better meet the needs of people with disabilities reporting crime. The recommendations also addressed the need for a coordinated response across Victoria's justice, human services and health systems to ensure that people with disabilities who have experienced crime feel confidence in a comprehensive, consistent and equitable response by service systems.

Key recommendations included:

- Victoria Police should develop a Code of Practice for responding to victims and witnesses with disabilities, and amend the Victoria Police Manual to put the Code's standards into operation.
- Modelled on the existing Victoria Police Family Violence Advisor roles, Victoria Police should develop a complementary network of Disability Advisors to build partnerships and share knowledge.
- Development of a comprehensive and ongoing education, training and workforce strategy, to equip police to deliver equitable services to Victorians with disabilities, with a focus on capacity to identify and understand disability, and make adjustments in their policing practice.
- Development of a range of communication tools and aids to enable people with auditory and sensory disabilities to better access information, and support when reporting crime, and appearing in court.
- Update the Independent Third Person 'ready reckoner' to improve the identification of people who have disabilities and uptake of Independent Third Persons for victims of crime, with compulsory online learning and testing.
- Examine options for amending the *Criminal Procedure Act 2009* (Vic) to: a) provide for special hearings for indictable offences involving an assault, injury or threat of injury b) extend special hearings to people with communication disabilities c) consult with relevant stakeholders including judicial members and the legal profession on options for reform.
- Strengthening of existing safeguards in service settings for people with disabilities, with the development of practice guidelines for reporting crime, implementation of minimum standards for conducting service investigations, and ongoing training for service providers on preventing, responding to and reporting violence, abuse and family violence.

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- Promote prevention, rights awareness and improved response by continuing to support peer-led education, advocacy and self-advocacy by people with disabilities.
- Development of a more comprehensive registration scheme for those delivering services to adults with disabilities, with perpetrators of crimes against a client of a disability, mental health and other service for people with disabilities to be prohibited from working or volunteering in such services through implementation of such a register.

#### **Government Response and Implementation**

- Development of Cultural and Community Awareness Guidelines to provide best practice principles and guidance all police officers and the organisation in general for engaging with priority communities, including people with disabilities. Reviews of all relevant policies within the Victoria Police Manual and the *Code of Practice for the Investigation of Sexual Assault* are underway and a review of the *Code of Practice for the Investigation of Family Violence* is planned to ensure alignment with the Guidelines and with expected standards of practice. An assessment of the need for a specific Code for Practice for responding to victims and witness with disabilities will be undertaken once these primary Victoria Police practice and procedure documents are updated and in operation.
- Scoping work underway on the potential function, responsibilities, and implementation of Disability Advisors/Liaison Officers.
- Development of a Cultural, Community and Diversity Education Strategy to provide a comprehensive training and ongoing learning strategy for all Victoria Police employees. The strategy aims to address discriminatory behaviour and language through its focus on developing cultural capability. A review of course content marked for latter half of 2015.
- Identification of key documents and information to be made available in Easy English and provided in Auslan, and to be delivered by July 2015. Further work to be undertaken to assess the needs and requirements of Communication Access accreditation.
- The ‘Responding to a person who may have a cognitive impairment’, Ready Reckoner, has been updated through collaboration between Victoria Police and OPA and is in the process of being approved for publication. Approval is being progressed through both Victoria Police and the OPA and the finalised Ready Reckoner is planned for distribution by mid 2015. The training of members in regard to use of Independent Third Persons (ITPs) will be reviewed as part of the overall review of police training.

The recommendation that justice agencies establish a centralised booking system Augmentative and Alternative Communication has not been implemented. Feasibility of such a system across various IT platforms will need to be further assessed. Through its recently endorsed Accessibility Action Plan, Victoria Police will be exploring and considering options for increasing the communications accessibility of its services.

- The Department of Health & Human Services has been working closely with Victoria Police to review and enhance existing governance structures and mechanisms to support collaboration between the two agencies and improve the client experience. The Collaborative Responses Steering Committee has been established to provide oversight of policy and strategic initiatives as they relate to the shared jurisdiction of both the department and Victoria Police. Four sub-committees will draw on the Victorian Equal Opportunity and Human Rights Commission recommendations and advice from other external organisations' recommendations to develop a work plan for joint action.
- The Victorian Government provides approximately \$2.5 million annually to 24 advocacy and self-advocacy organisations that play a key part in promoting and upholding the rights of people with a disability, their families and carers.
- The Disability Worker Exclusion Scheme is specifically targeted at strengthening the Department of Health & Human Services' current safeguards for pre-employment safety screening of disability residential services' workers. The Scheme requires that prospective workers be checked against the disability worker exclusion list before working in a disability residential service. The Scheme aims to exclude from employment disability workers who have been identified as posing a risk to the safety and wellbeing of clients and is being implemented through a staged approach.
- Further work is required to ensure that adequate safeguards are in place for the transition to the NDIS full scheme.

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## Review of the Parole System in Victoria

### Ian Callinan AC (2013)

#### Overview

Former High Court Judge, Mr Ian Callinan was appointed in 2013 by the then Minister for Corrections and Minister for Crime Prevention to conduct a review of the Victorian parole system. The terms of reference stated that the review was to:

- examine the Board's current operations, its construct and membership, having regard to best practice and an examination of parole systems operating in other Australasian jurisdictions;
- cover the legislative framework, composition of the Board and the role of victims in the parole process; and
- provide options for increased transparency in Board decision making in Victoria.

The review found there to be several challenges within the parole system including the fact that there is a high expectation of granting parole, the Adult Parole Board was under-resourced and was hampered by the antiquity of the Board's filing systems and access to information. The report also found it had proved too easy for serious violence and sexual offenders to obtain and to remain on parole. Further, turnover of staff supervising parolees was high, improved training for parole officers was required and many experienced offenders were deemed capable of manipulating the system. In addition, victims reported their views are not given appropriate consideration and they often learnt of Parole Board decisions after the media and the prisoner.

While the report does not specifically consider family violence-related crimes, it considers the response to prisoners who present the greatest risk of harm to the community, which could potentially include perpetrators of family violence-related offending.

#### Recommendations

The Callinan Review recommended 23 measures to government to improve the operation of the Parole Board and system. Broadly, this included improved administrative practices for the Parole Board, such as the implementation of a comprehensive electronic database and case management system, as well as improved leadership on the Board and stronger administrative oversight.

The recommendations also strongly focused on the need to ensure parole was considered a privilege rather than a right. The report recommended the creation of a special category of prisoners, referred to in the report as 'Potentially Dangerous Parolees', for which a higher threshold should apply before parole is granted. This was to include a decision making process whereby a panel must agree unanimously on the granting of parole, before the decision is considered by a review panel of which the Chair of the Adult Parole Board is a member. In addition, the Parole Board should take as paramount, the safety and protection of the community in making its decision.

The report also recommended enhanced requirements that any offender complete appropriate prison programs and demonstrate satisfactory behaviour while in prison, and the need for improved resourcing and training of parole officers.

While the report recommended that the Board remain exempt from the rules of natural justice and the *Charter of Human Rights and Responsibilities Act 2006*, it also recommended enhanced transparency including public availability of relevant manuals. It also recommended that timely notice be given to enable victims to make submissions and such arrangement as they wish to make if parole were to be granted and that victims should be informed no fewer than fourteen days before the release of an offender of parole.

#### Government Response and Implementation

- The then Coalition Government announced an \$84.1 million investment in the parole system in March 2014. This investment, and a raft of legislative change, enabled the implementation of a broad range of

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reforms to the parole system in Victoria. The Adult Parole Board has had its operations budget doubled. The Board's membership has increased from 23 to 40, and is now led by a full-time Chairperson.

- This reform provided for the implementation of twenty-two of the twenty-three recommendations made by the Callinan Review. The final outstanding recommendation, an electronic case workflow system at the Adult Parole Board, will be completed in December 2015.
- It is now much tougher to obtain parole in the first place – serious violent offenders and sex offenders must complete required treatment programs and demonstrate satisfactory behaviour in prison. Breaching parole is now a criminal offence.
- Other changes implemented in response to the report include:
  - The introduction of a new risk assessment tool in Community Correctional Services and Prisons
  - An expanded pre-release and reintegration service
  - An expansion of offending behaviour programs in prisons
  - A new stream of trained parole officers dedicated to supervising offenders on parole
  - Parolees who have their parole cancelled will have to serve half their unexpired parole period before being reconsidered for parole.
- Further reforms to improve the parole system, which are not directly related to the implementation of the report include:
  - Special parole conditions allowing electronic monitoring
  - Police arrest and detention powers for when a breach of parole is identified
  - Legislative changes to improve information sharing between Police, Corrections and the Adult Parole Board.

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# Addressing Homelessness: Partnerships and Plans

## **Victorian Auditor General (VAGO) (2013)**

### **Overview**

The audit by the Victorian Auditor General's Office assessed Victorian initiatives to address homelessness with the National Partnership Agreement on Homelessness (NPAH). The intent of the NPAH, which commenced in 2008, was to contribute to achieving sustainable housing and social inclusion for those who are homeless or at risk of homelessness. The Victorian Homelessness Action Plan 2011–2015 (VHAP) is a State policy which aligns with NPAH and supports new approaches to homelessness.

The audit examined whether Victoria's implementation of the NPAH and VHAP is effective in addressing homelessness. VAGO assessed whether:

- Victorian initiatives within the NPAH–Victorian Implementation Plan (NPAH–VIP) prevent or reduce homelessness;
- sound governance supports Victoria's implementation of NPAH;
- departments included in NPAH–VIP comply with NPAH requirements; and
- VHAP is on track to achieve its objectives.

While the audit did not focus on homelessness caused by family violence, the report found that in 2011, the primary reason Victorians sought assistance from homelessness support services was due to domestic and family violence. While Victoria had largely met targets for services levels set out in the National Partnership Agreement on Homelessness (NPAH), gaps in evaluation meant it was not possible to determine which initiatives were more effective than others.

### **Recommendations**

The audit made five recommendations which focused on the need for the responsible department (now the Department of Health & Human Services) to evaluate initiatives under the plans to determine their effectiveness and improve systems to track revenue and expenditure. More broadly, the audit recommended that central agencies implement certainty in roles and responsibilities for national partnership agreements and the monitoring of their implementation.

### **Government Response and Implementation**

The Departments of Human Services, Justice and Health and the Departments of Treasury and Finance and Premier and Cabinet each provided a separate response to the report in January 2013.

All of the audit's recommendations were accepted, with the exception of the recommendation relating to the responsibility of central agencies to co-ordinate, monitor and review all NPAs, which was partially accepted.

The Department of Health & Human Services have completed the implementation of systems and processes which included a full evaluation report on the NPAH–VIP initiatives.

Department of Health & Human Services has established the Performance, Regulation and Reporting Branch to provide efficient systems to track revenue and expenditure as needed to meet external reporting requirements and the Department has continued to meet these under the NPAH. Data collection processes have been implemented to monitor agency performance, including activities funded as part of the National Partnership Agreement on Homelessness (NPAH). Random audits which test data integrity are being included as part of this process.

Department of Treasury & Finance noted and supported in principle the Auditor-General's findings regarding the importance of performance monitoring guidance material explicitly and accurately reflecting funding agreement responsibilities. Department of Treasury & Finance disagreed, however, that capacity to track the flow of specific

**Appendix C: Audit of Family Violence Reviews and Evaluations**

funding streams was a necessary or effective part of accountability, and emphasised that responsibility for budget management was devolved to departments in the context of Victoria's output based budget management system and the principles of effective fiscal federalism outlined in the 2008 *Intergovernmental Agreement on Federal Financial Relations*.

Department of Premier and Cabinet responded by accepting both of the relevant recommendations, and advising that it was in the process of updating relevant guidance material, and recognised opportunities to improve governance arrangements. Department of Premier and Cabinet has further advised that:

- Principles and guidelines have been developed to assist departments when conducting NP negotiations.
- Departments now report on NPs through new processes and forums and central agencies monitor high risk agreements and review and advise on negotiations of NPs as required.

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## Access to Services for Migrants, Refugees and Asylum Seekers

### **Victorian Auditor General (VAGO) (2014)**

#### **Overview**

The purpose of the 2014 audit was to examine and assess the accessibility of government services for migrants, refugees and asylum seekers. The audit considered whether:

- government departments understand the needs of migrants, refugees and asylum seekers;
- departments have appropriate strategies and actions in place to support access to services;
- departments can demonstrate that services are accessible to migrants, refugees and asylum seekers; and
- whole-of-government structures and processes are leading to informed and coordinated service planning and delivery.

The audit also looked at whether migrants, refugees and asylum seekers were able to access mainstream services, including mainstream family violence services.

While the audit acknowledged that Victorian Government departments must work within the context of Commonwealth policies on immigration and asylum seekers, further work was required to provide a ‘consistent, coordinated and efficient approach to service planning and provision’.

#### **Recommendations**

The report made six recommendations designed to address gaps in monitoring, reporting and accountability.

The recommendations focused on:

- improved reporting processes in regards to cultural diversity plans and progress implementing training, improved data collection and the effectiveness of service delivery;
- the need to clearly define roles and responsibilities and implement stronger governance for multicultural affairs across government; and
- the need to explicitly recognise in strategic planning frameworks the particular needs of migrants, refugees and asylum seekers.

#### **Government Response and Implementation**

The audit’s recommendations were all accepted by relevant Departments.

In their response, secretaries of audited departments committed to develop and report annually to the Office of Multicultural Affairs and Citizenship (OMAC) and the Victorian Multicultural Commission on cultural diversity plans to complement existing strategies and policies supporting CALD communities. Progress against departmental Cultural Diversity Plans is captured across government by Office of Multicultural Affairs (OMAC) as part of the annual Victorian Government Report in Multicultural Affairs process. This report fulfils a requirement of the *Multicultural Victoria Act 2011*, which mandates government departments to report annually to the Minister for Multicultural Affairs and to Parliament on their achievements in multicultural affairs over the previous financial year.

The 2013-14 Report is due to be tabled in Parliament in June 2015. In response to the VAGO audit, the report structure has been revised to include greater emphasis on the objectives and status of Cultural Diversity Plans for all departments, cultural competence training and the use of data and program evaluation to enhance service access. Additionally, work is underway to more clearly define roles and responsibilities for the multicultural portfolio, with possible governance structures actively under consideration by the Victorian Government.

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## Accessibility of Mainstream Services for Aboriginal Victorians

**Victorian Auditor General (VAGO) (2014)**

### Overview

This 2014 audit examined the access to services for Aboriginal Victorians provided or funded by government departments. It assessed whether departments can demonstrate how improved access has contributed, and is expected to contribute, to improved outcomes. The audit focused on whole-of-government and departmental policies, programs, strategies and outcomes, covering early childhood, health and human services and excluding child protection and youth justice.

The report found that lack of complete and reliable data meant that it was difficult to measure the outcomes from the various plans, strategies and programs aimed at improving access to services for Aboriginal people. The report also found that a lack of effective collaboration and coordination in planning and service delivery between departments and service providers creates difficulty for Aboriginal people accessing services.

The Report found that key barriers for Aboriginal Victorians in accessing services included a lack of culturally safe services, low awareness of services that are available, lack of services in required areas, lack of transport to service delivery points, affordability, transience and shame or embarrassment.

### Recommendations

The report made eight recommendations which focused on the need to improve coordination, data collection and recording processes, and to finalise Aboriginal inclusion action plans. The report strongly emphasised the need to improve measurement and evaluation of plans and programs and recommends engaging a broader range of Aboriginal people in developing, implementing, monitoring and evaluating these. It was also recommended that the Department of Premier and Cabinet (DPC) and the Secretaries' Leadership Group on Aboriginal Affairs provide more active leadership and direction to ensure departmental programs and strategies comply with the *Victorian Aboriginal Affairs Framework 2013-18*.

### Government Response and Implementation

All recommendations were accepted by Secretaries of departments involved with the audit and implementation is underway.

Regular reporting by all departments has been established by the Secretaries' Leadership Group on Aboriginal Affairs to address progress with priorities in the *Victorian Aboriginal Affairs Framework 2013-2018*, including access to services, data issues and cross-departmental collaboration. Work is on-going across departments to review data sets, identify improvements and provide for improved data sharing across departments and with service providers.

Departments have finalised their Aboriginal inclusion action plans and work is underway to review engagement processes with Aboriginal Victorians, with a view to improving their effectiveness.

**Appendix C: Audit of Family Violence Reviews and Evaluations**

## Appendix 1: Inquiries and reviews into family violence by jurisdiction

### New South Wales

<b>Title</b>	<b>Year</b>	<b>Purpose</b>	<b>Key Findings</b>
<i>Inquiry into Domestic Violence Trends and Issues in NSW (NSW Legislative Council Standing Committee on Social Issues)</i>	2012	This report looked at family violence trends and issues in NSW in the context of previous inquiries.	<ul style="list-style-type: none"> <li>• The report found that the government's response to family violence was fragmented, complex and inconsistent; that victims faced different service standards and complex service pathways, and that the system focused overly on criminal justice interventions at the expense of victim support.</li> <li>• In particular, the report identified service shortages across a number of areas that compromised the safety of victim safety. The report also found that organisations did not assess risk in a consistent manner and that there was no system to prioritise victims at serious threat.</li> <li>• In order to improve the experience and outcomes for victims of domestic violence, reduce the incidence and devastation to families caused by domestic violence and hold perpetrators accountable, the inquiry recommended a significant reform of the government's response to family violence, the development of an integrated domestic violence intervention system, ongoing and responsive collaboration between the government and non-government sector, and legislative amendments to improve information sharing between agencies.</li> </ul>

*Responding to  
Domestic and Family  
Violence*

2011

The review examined the NSW Government's response to family violence.

- The report was critical of the family violence response, particularly that there was no system for agencies to work together across the state in response to family violence, there was no common approach to identify risk and there was a lack of leadership to drive change to the system.
- The report suggested that, as a result of such factors, while police and courts enforced laws, the amount of family violence reporting remained stable and most violence was not reported to police.
- The report recognised the need for a comprehensive and long term commitment to address and prevent domestic violence with a more responsive and coordinated system that encouraged people to seek help and provided them with support when they did so, involving both government agencies and non-government organisations.
- The NSW Government supported all of the report's recommendations in principle.

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## Appendix C: Audit of Family Violence Reviews and Evaluations

## Queensland

Title	Year	Purpose	Key Findings
<i>Special Taskforce on Domestic and Family Violence in Queensland</i>	2015	The Taskforce examined Queensland's domestic and family violence support systems.	<ul style="list-style-type: none"> <li>The report examined the domestic and family violence landscape in Queensland, from which three fundamental themes emerged, that being the cultural attitudes within the community; the role of services and the importance of an integrated response; and the functions of the legal and justice systems.</li> <li>The report made 140 recommendations with the key recommendation of the Taskforce being that Queensland implement a comprehensive and coordinated Domestic and Family Violence Prevention Strategy, and that an independent audit and advocacy body be established to drive implementation of the recommendations and the Strategy.</li> <li>The review recognised that cultural and attitudinal change is essential, and recommended that a communication strategy be developed, and mutually reinforced by government, business, sporting and community organisations, in order to promote a culture of non-violence and respect for women.</li> <li>The Taskforce considered that the best practice approach is through integrated service responses to domestic and family violence, which builds on the current strengths of the response system. An audit of existing services to identify service gaps was proposed, as was the establishment of three pilot areas for an integrated response system.</li> <li>The review identified incidences of failure in the workings of the law and justice system and recommended that government reform the system so that it supports survivors, achieves fair and protective outcomes for victims and makes perpetrators of violence accountable.</li> </ul>
<i>Taking Responsibility: A Roadmap for Queensland Child Protection</i> <i>(Carmody Inquiry)</i>	2013	The Commission reviewed the entire Queensland child protection system and developed a roadmap for the system for the next decade.	<ul style="list-style-type: none"> <li>The review found that domestic violence was a key risk factor associated with child abuse and neglect.</li> <li>Priority should be given to diverting families from the child protection system, supporting young people who have left care until the age of 21, and reducing the over-representation of Aboriginal and Torres Strait Islander children in the child protection system.</li> <li>The report made 121 recommendations (116 accepted by government; five accepted in principle) including, an increased role for the non-government sector, amending legislation, particularly regarding the role of children and families in court, forming a new Family and Child Commission and increasing the use of boarding schools for children in care.</li> </ul>

**Appendix C: Audit of Family Violence Reviews and Evaluations**

<i>Report of the Domestic and Family Violence Death Review Panel</i>	2010	The Panel was established to examine options to strengthen coronial processes in relation to family violence and identify systemic gaps and barriers to preventing future deaths from family violence.	<ul style="list-style-type: none"><li>● The report proposed a model for an ongoing death review process for family violence deaths in conjunction with the Queensland Domestic and Family Violence Homicide Prevention Unit, an expert advisory panel and a register of experts. A holistic review of family violence-related deaths should enable the identification of necessary systemic changes to prevent such deaths in the future.</li><li>● The Panel also recommended procedures to improve the quality of information available to the Coroner and better enable the Coroner to identify family violence issues. Improve information and data sharing and better education for key stakeholders on family violence.</li></ul>
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**Appendix C: Audit of Family Violence Reviews and Evaluations****Northern Territory**

<b>Title</b>	<b>Year</b>	<b>Purpose</b>	<b>Key Findings</b>
<i>Inquiry into the Child Protection System in the Northern Territory</i>	2010	Review the child protection system and make recommendations to substantially strengthen and improve the system in the Northern Territory.	<ul style="list-style-type: none"> <li>Risk factors that bring children into the child protection system, including family violence, are compounded by a broader context of disadvantage such as unemployment, community violence, victimisation and lack of social capital.</li> <li>The Inquiry found that organisational reform to the child protection system is required with a focus on collaboration and investment in statutory child protection and out-of-home care services. There needs to be active involvement of Aboriginal people in all aspects of service development and delivery according to self-determination and empowerment principles. Further, a high priority should be given to services that can address a range of needs in order to avoid fragmentation.</li> </ul>
<i>Inquiry into the Protection of Aboriginal Children from Sexual Abuse (Little Children are Sacred)</i>	2007	To research and report on allegations of sexual abuse of Aboriginal children and provide recommendations for child protection.	<ul style="list-style-type: none"> <li>The Inquiry's key finding was that sexual abuse of Aboriginal children was occurring because of the breakdown of Aboriginal culture and society.</li> <li>Child sexual abuse was found to be serious, widespread and often unreported and the combined effects of poor health, alcohol and drug abuse, unemployment, gambling, pornography, poor education and housing and a general loss of identity and control had contributed to family violence and sexual abuse.</li> <li>Existing programs need to work better with improved coordination and communication; programs must have sufficient funds to be a long-term commitment; education of younger generations is critical as is improved information and education on where to seek support and how to report sexual abuse.</li> </ul>

**South Australia**

<b>Title</b>	<b>Year</b>	<b>Purpose</b>	<b>Key Findings</b>
<i>Child Protection Systems Royal Commission</i>	2015	To conduct a systemic review of the State's child protection system.	<ul style="list-style-type: none"> <li>The Royal Commission is due to report in November 2015</li> </ul>

## Appendix C: Audit of Family Violence Reviews and Evaluations

## Western Australia

Title	Year	Purpose	Key Findings
<i>Enhancing Family and Domestic Violence Laws – Final Report (LRCWA)</i>	2014	The report considered benefits of separate family violence legislation, restraining orders and provisions for such legislation.	<ul style="list-style-type: none"> <li>The Commission recommended the implementation of a new Family and Domestic Violence Protection Order Act, however found that separating the criminal law aspects of family violence from general criminal law to be undesirable.</li> <li>The Commission did support separating legislation concerning family violence restraining orders from restraining orders in other contexts given the need for specific understanding of the origins, nature and dynamics of such violence.</li> <li>The Commission found that categorising economic or emotional abuse as within the definition of family violence was less effective than identifying the character of the offending behaviour (ie. behaviour that intimidates, coerces or controls and which a victim reasonably apprehends would adversely affect their safety).</li> </ul>
<i>Inquiry into the Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities</i>	2002	The Inquiry examined the activities of State Government agencies in addressing complaints and the reporting of sexual abuse in Aboriginal communities.	<ul style="list-style-type: none"> <li>The review was prompted by the death of a 15 year old girl in an Aboriginal community. The Coroner's report included allegations of physical and sexual abuse in the community and led to the inquiry regarding the handling by government agencies and mandatory reporting of child abuse and sexually transmitted diseases.</li> <li>The key finding was that the Western Australian service system was not equipped to deal with increasing rates of family violence and child abuse and that systemic change which focused on the local needs of Aboriginal communities was required.</li> </ul>
<i>Child Abuse and Family Violence in Aboriginal Communities – exploring child sexual abuse in Western Australia</i>	2002	The report outlines a literature review and commentary on family violence and child abuse associated with Aboriginal peoples.	<ul style="list-style-type: none"> <li>The causes of family violence in Aboriginal communities are often viewed in response to past traumas, including the removal of Aboriginal children from their families and a history of oppression, along with present problems stemming from economic, social and health disadvantage.</li> <li>Measures to address family violence in Aboriginal communities has been ad hoc, uncoordinated, short term and not evaluated for effectiveness.</li> <li>The report recommended the introduction of mandatory reporting of child abuse in Western Australia. (This is now a requirement in WA)</li> </ul>

## Appendix C: Audit of Family Violence Reviews and Evaluations

## Commonwealth

Title	Year	Purpose	Key Findings
<i>Senate Inquiry – Domestic Violence in Australia</i>	2015	To examine the prevalence and impact of family violence in Australia, particularly as it affects women living with a disability and women from Aboriginal and Torres Strait Islander communities	<ul style="list-style-type: none"> <li>The Inquiry is due to report on 18 June 2015. An interim report with nine recommendations was released on 19 March 2015.</li> <li>The recommendations focused on the need to restore funding and create certainty for legal services, housing and homelessness services and the Department of Social Services grants program and research organisations such as ANROWS. The interim report also recommended that the Commonwealth Government support increased coordination and communication in legal systems across jurisdictions as well as expediting the coordination of intervention orders across jurisdictions.</li> </ul>
<i>Bridging the Data Gaps for Family, Domestic and Sexual violence, Australia (ABS)</i>	2013	To provide a broad picture of the nature and extent of family and sexual violence in Australia and support the production of nationally comparable statistics.	<ul style="list-style-type: none"> <li>A cost effective way for organisations to improve the current family and sexual violence evidence base is through the enhancement of existing sources.</li> <li>In order to improve data collection and collation, consistent measurable elements are required as is a consistent definition of the behavioural acts, relations and situations that are considered and captured. The report also discusses the need to recognise and capture the various environments in which data is collected, including through a number of entry points to support services.</li> </ul>
<i>Family Violence – A National Legal Response Final Report</i>	2010	The Australian Law Reform Commission and NSW Law Reform Commission undertook a comprehensive review of specified family violence laws and legal frameworks.	<ul style="list-style-type: none"> <li>The final report contained 187 recommendations focused on improving legal frameworks and improving practice, with the overarching principle being the development of a seamless response system.</li> <li>This included changes to legal frameworks to ensure: a better and shared understanding of the meaning, nature and dynamics of family violence; improved quality and use of evidence; improved education and training on domestic violence; the development of more integrated responses; improved information sharing between government and non-government; and better coordination overall so that the practice in responding to family violence would be less fragmented.</li> <li>The Victorian Government provided a submission to this review and its recommendations are regarded as providing a strong framework for reform of family violence prevention and support services.</li> </ul>



# APPENDIX D: OVERVIEW OF MAJOR POLICIES

Victorian Government Submission to the  
Royal Commission into Family Violence

# Appendix D: Overview of major policies for family violence

## Historical development of the family violence system in Victoria

Prior to the 1970s, emergency assistance for people experiencing family violence was provided by charities. In the 1970s, a new sector emerged from the women's movement to provide crisis support and assistance to women escaping violent relationships. The women's refuge movement and the broader women's movement worked to bring family violence out of the private sphere and into the public sphere, at the same time as promoting a gendered analysis of this form of violence.

The first Victorian women's refuge, Halfway House, was established in Melbourne in 1974 and initially operated without government funding. Commonwealth Government funding for women's refuges was introduced in 1975 and combined Commonwealth and State funding was provided from 1977. By 1979, 16 funded refuges were established in Victoria.<sup>1</sup>

In 1981, a Domestic Violence Committee was convened by the Victorian Department of Premier and Cabinet to investigate the issue. A discussion paper by its Legal Remedies Sub-Committee presented a number of options for policy and legislative reform. The department's paper, *Criminal Assault in the Home: Social and Legal Responses to Domestic Violence, Discussion Paper* (1985) canvassed the introduction of a new civil remedy of intervention orders. The subsequent *Crimes (Family Violence) Act 1987* established Victoria's first family violence intervention order system (which was later replaced and broadened by the *Family Violence Protection Act 2008*).

## The evolution of Victorian family violence policies since 2000

In Victoria, the government response to family violence advanced significantly in the 2000s, guided by a series of whole-of-Victorian Government and national policies, often accompanied by funding injections. Some of the key family violence policies and strategies since the early 2000s are outlined in the following section.

Broader, complementary policy frameworks are not canvassed below but have provided the backdrop to many of these family violence policies. These include the crime prevention strategy Safer Streets and Homes (2002), the plan to address disadvantage A Fairer Victoria (2005), the Sexual Assault Reform Strategy (2006), the Women's Policy Framework 2008-2011, and Victoria's Vulnerable Children – Our Shared Responsibility Strategy 2013-2022 (2013).

Recent years have also seen the development of comprehensive frameworks at department, agency and operational levels, such as Victoria Police's Upholding the Right 2009-2014 (2009), and the Risk Assessment and Risk Management Framework (2007), both of which are referred to later in this paper as key features of the Victorian response.

All references to departments in this document use the name of the department at the time of the release of the relevant response or policy.

### Women's Safety Strategy 2002-2007 (2002)

The Women's Safety Strategy was the first comprehensive strategy on violence against women developed since the 1981 reform. This five-year whole-of-Victorian-Government strategy brought 11 Ministers and their departments together to work within a single policy framework to reduce both the level and fear of violence against women.

The strategy comprised a policy framework setting the principles and policy directions; an action plan listing specific initiatives; a companion publication presenting personal stories; and a brochure outlining the strategy's initiatives and related services.

A Statewide Steering Committee to Reduce Family Violence (later reformed into the Statewide Family

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<sup>1</sup> Taken from Theobald J, 2014, 'Women's Refuges and the State in Victoria, Australia: a campaign for secrecy of address' in Women's History Review, 23(1): 60-81 and Archive No.100 Women's Liberation Halfway House, Victorian Women's Liberation and Lesbian Feminist Archives 2009.

## Appendix D: Overview of major policies for family violence

Violence Advisory Committee) was established to advise on the development of an integrated and multi-agency response to family violence, which had proven effective in other jurisdictions. Committee members included representatives from police, government departments, courts, family violence services, peak bodies and legal services.

The Committee produced the report, Reforming the Family Violence System in Victoria (2005), which proposed the realignment of existing government and non-government resources into a more integrated model. This included: standardised practices, such as the use of a common risk assessment tool for identifying family violence; memoranda of understanding to document mutual obligations and relationships; improved data collection and information sharing; and the establishment of Regional Family Violence Committees.

The report also identified: weaknesses in the existing system, including too great a reliance on social services (rather than police and courts) to address family violence; too great a burden on the victim to report and lay charges; the fragmented responses of different services providers; the difficulty of accessing the legal system, especially by some cultural groups; complex legal structures; and the inability to meet current service demand.

### *Changing Lives: A new approach to family violence in Victoria (2005)*

Informed by the Statewide Steering Committee's 2005 report, *Changing Lives: A new approach to family violence in Victoria* introduced a new, more cohesive approach to family violence with more integrated police, court and support services.

The strategy emphasised better coordination and leadership, and was overseen by a Family Violence Ministers Group comprising ministers from five key portfolios, supported by an Interdepartmental Committee. A Family Violence Statewide Advisory Committee was also established, bringing together members of Regional Family Violence Committees, service providers, police, courts and legal services.

A \$35.1 million investment over four years was aimed at improving safety and increasing perpetrator accountability through system reform and integration. Funding was allocated to initiatives such as the intensive case management, more support programs, expanded housing options, the development of a risk assessment and risk management framework, men's voluntary behaviour change programs, workforce development and early intervention for adolescent males.

To support the integration reforms, the Department of Human Services (DHS) re-tendered a number of family violence services. Partnerships of locally-based agencies were formed to deliver responses and ongoing support to family violence incidents and provide more robust connections with health, housing and family and community services. Redesigned family violence services commenced from July 2006.

The DHS document *Guiding Integrated Family Violence Service Reform 2006-2009 (2006)* aimed to guide and support the work of the regional partnerships as they adopted the new approach and as local changes to services were planned, developed and implemented. It set out key reform priorities for all DHS funded partnerships of services across the state, and communication and engagement mechanisms at a statewide and regional level.

In 2007, a further \$14.5 million was committed for new legislation, implementation of the risk assessment and risk management framework, continuation of courts programs and a specialist network of family violence lawyers.

**Strong Culture, Strong Peoples, Strong Families: Towards a safer future for Indigenous families and communities 10 year plan 2008-2018 (2008)**

The Indigenous Family Violence 10 Year Plan was the result of collaborative effort and commitment by the Aboriginal community and the State Government.

It provided for a partnership approach to address Aboriginal family violence in the short, medium and long term. The 10 Year Plan outlined a vision, objectives and actions to guide, inform and direct the Aboriginal community and the government to reduce Aboriginal family violence.

The 10 Year Plan was built on the principle that the response to family violence in Aboriginal communities could not be separated from efforts to address racism, dispossession and intergenerational trauma and set out strategies to prevent and respond to family violence that incorporate Aboriginal history, values and experience. The 10 Year Plan supported the Indigenous Family Violence Primary Prevention Framework and the Victorian Aboriginal Affairs Framework 2013-2018.

Key achievements since the introduction of the 10 Year Plan include:

- a long-term, sustained level of community engagement, activity, action and participation across regional networks to reduce and prevent Aboriginal family violence;
- the Indigenous Family Violence Regional Action Group networks and Community Infrastructure Fund grants projects having enabled communities to talk about family violence and identify ways to reduce and prevent violence;
- heightened awareness of Aboriginal family violence within communities, which is perceived as a critical foundation for change; and
- the Indigenous Family Violence Partnership Forum remaining a key structure for Government and community to make decisions about approaches that will address violence in Aboriginal communities.

A mid-term evaluation of progress with the 10 Year Plan is nearing completion. This work was commissioned by the Office of Aboriginal Affairs Victoria in late 2014, with the support of relevant departments and Aboriginal partners.

The evaluation is considering: whether governance structures are robust and effective; departmental implementation effort and evidence of achievements; strategies to strengthen partnerships with the Aboriginal community and across departments; and performance measures that can be adopted at a state-wide and regional level.

The final draft findings and recommendations will be considered at the Indigenous Family Violence Partnership Forum to be held mid-June 2015.

**A Right to Respect: Victoria's Plan to Prevent Violence against Women 2010-2020 (2010)**

The government commissioned VicHealth to examine the causes of and factors contributing to violence against women. In *Preventing Violence Before It Occurs – A Framework and Background Paper to Guide the Primary Prevention of Violence against Women in Victoria* (2009), VicHealth identified unequal power relations between women and men; adherence to rigid gender stereotypes; and broader cultures of violence as key drivers.

The subsequent policy framework, *A Right to Respect*, was the first systematic, cross-sectoral primary prevention policy in Victoria, identifying strategies and initiatives to address the underlying causes of violence against women and promote gender equality and respectful relationships.

The government allocated \$14.1 million for the first, four-year phase of action under the plan, including funding for local councils to coordinate community projects, extending the Respectful Relationships Education in Schools program, and supporting initiatives such as media awards for reporting on violence against women.

# Appendix D: Overview of major policies for family violence

## A Right to Safety and Justice: Strategic Framework to Guide Continuing Family Violence Reform in Victoria 2010-2020 (2010)

*A Right to Respect* was supported by a companion policy, *A Right to Safety and Justice*. Building on the system-wide reforms that commenced in 2005, A Right to Safety and Justice committed to further strengthening integration.

*A Right to Safety and Justice* emphasised the need to balance specialisation in areas such as courts, police and the service sector, with the incorporation of the key principles of safety, accountability and the right to live free of violence, into the everyday practice of mainstream service providers.

It also committed to strengthening risk management across the integrated family violence system. A further \$2.7 million over three years was allocated to the extension of the successful Victorian Family Violence Risk Assessment and Risk Management Framework (CRAF).

## National Plan to Reduce Violence Against Women and Their Children 2010-2022 (2011)

In 2008, the Australian Government established an 11-member National Council to Reduce Violence against Women and their Children, to provide advice on the development of an evidence-based national plan. The National Council's *Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009–2021* (2009) emphasised the importance of political will, sustained prevention efforts and the need for governments to work together.

In response, Commonwealth, State and Territory governments, in consultation with the community sector, developed the *National Plan to Reduce Violence Against Women and Their Children 2010-2022* (2011) which was endorsed by the Council of Australian Governments (COAG).

The National Plan aimed to achieve a significant, sustained reduction in violence by 2022. Focusing on family violence and sexual assault as the most prevalent forms of gendered violence in Australia, the plan provided an overarching mechanism to improve government efforts nationally. The 12-year plan was supported by a series of four, three-year Action Plans, which identify actions, responsibilities and timeframes.

Achievements of the *First Action Plan: Building a Strong Foundation 2010-13* (2012) included the establishment of the national research agency, Australia's National Research Organisation for Women's Safety (ANROWS), the national prevention agency, Our Watch, and the telephone and online counselling service 1800RESPECT.

The *Second Action Plan: Moving Ahead 2013-2016* (2014) was launched in June 2014 and set out five national priorities: driving whole-of-community action to prevent violence; understanding diverse experiences of violence; supporting innovative services and integrated systems; improving perpetrator interventions; and continuing to build the evidence base.

National priorities for the two remaining Action Plans (Promising Results 2016-2019 and Turning the Corner 2019-22) will be identified in 2016 and 2019 respectively.

## Victoria's Action Plan to Respond to Violence Against Women and Children: Everyone has a responsibility to act 2012-2015 (2012)

In endorsing the National Plan, each jurisdiction committed to develop and publish a jurisdictional implementation plan every three years. Victoria's *Action Plan* set out a range of initiatives to address violence against women and children in three streams: prevention, early intervention and response.

Prevention activities aimed to change attitudes and behaviours and promote respectful non-violent relationships, and to engage organisations and communities to promote gender equity and stop violence. Early intervention activities aimed to identify and target individuals and groups who

## Appendix D: Overview of major policies for family violence

exhibited early signs of violent behaviour or of being subjected to violence. Response activities focus on an integrated system, to protect and empower women and children to rebuild their lives, and to make perpetrators accountable and prevent re-offending.

The plan included a range of prevention, early intervention and response measures, including expanded family violence and sexual assault counselling services, alongside broader reforms to legal, police and court processes and better connected services.

The investment supporting Victoria's Action Plan included an additional \$16 million over four years, comprising \$9.25 million for family violence counselling and case management, \$3.75 million for sexual assault counselling, \$3 million for men's behaviour changes programs, and to pilot new schemes for teenagers who are violent in their homes and offenders in prison or on community based orders. In 2013, a further \$3.8 million over four years was committed for behaviour change programs for men and adolescents.

### *Ending Violence Against Women and Children (2014)*

The most recent whole-of-Victorian-Government strategy was released in October 2014. *Ending Violence Against Women and Children* included a \$150 million over five years package of initiatives in three streams: prevention, safety and accountability. Funded initiatives included a Statewide behaviour change campaign, expanded specialist service responses including support workers, legal assistance and individualised packages, and piloting of an improved information sharing approach. Funding was also provided to establish a system-wide performance framework.

# Appendix D: Overview of major policies for family violence

## Milestones Of Violence Against Women Reform In Victoria

### Chronology

#### **2001**

- Victoria Police announces a review of all matters relating to violence against women.
- In recognition of the impact of family violence on Aboriginal communities, the Victorian Aboriginal Family Violence Taskforce is formed.
- *Taking Responsibility: A framework for developing best practice in programs for men who use violence toward family members* is released.

#### **2002**

- The Victorian Government's Women's Safety Strategy 2002 – 2007 is launched, outlining the policy framework to guide government in the area of violence against women.
- Three State-wide Steering Committees are established: Family Violence, Sexual Assault and Violence Against Women in the Workplace. The Family Violence Committee includes representatives of government departments, Victoria Police, the courts, legal services, family violence services sector and men's referral services.
- Victoria Police Violence Against Women Strategy is released.
- The first report of the Victorian Family Violence Database is released providing family violence data for a two-year period from 1999-2000 to 2000-2001.
- The Attorney-General asks the Victorian Law Reform Commission to consider the Crimes (Family Violence) Act 1987 and identify changes necessary to ensure the legislation provides the best available response to the problem of family violence in Victoria.
- Victorian State Budget includes \$7.6 million for the development and implementation of the Indigenous Family Violence Strategy. This includes funding for Indigenous Family Violence Regional Action Groups, Support Workers and a community initiative fund for local community awareness raising projects.

#### **2003**

- Indigenous Family Violence Regional Action Groups are established across Victoria with Indigenous Family Violence Support Workers.
- The Victorian Indigenous Family Violence Taskforce Final Report is released.

#### **2004**

- Victoria Police introduces a new Code of Practice for the Investigation of Family Violence. The Code of Practice aims to improve the safety and support of victims and accountability of perpetrators.
- The Victorian Government Response to the Indigenous Family Violence Taskforce Final Report is released.
- VicHealth releases The Health Costs of Violence - Measuring the burden of disease of intimate partner violence. This shows that intimate partner violence is the highest contributor to the disease burden in Victorian women aged 15-44 years.
- The Victorian Law Reform Commission releases the Sexual Offences: Law and Procedure Final Report 2004. This report includes recommendations for changes to police practices, court procedures and rules of evidence to improve the experience for complainants,
- The Victorian Government allocates \$4.1 million to implement key recommendations of the Indigenous Family Violence Task Force Report, including funding for three holistic healing services, an Indigenous Men's Resource and Advisory Service and counselling scholarships.

# Appendix D: Overview of major policies for family violence

## **2005**

- The Statewide Steering Committee to Reduce Family Violence's report Reforming the Family Violence System in Victoria is released.
- The lead Minister for family violence, the Minister for Women's Affairs, releases *Changing lives: a new approach to family violence in Victoria*, informed by the Steering Committee's work.
- The Government announces a \$35.1 million family violence reform package. Strengthened and integrated police, court and support services are the key to Victoria's new approach to family violence. The reforms lead to the development of 20 partnerships and around 70 organisations working together to address family violence. Key elements of the package include:
  - immediate 24 hour assistance and referral support for victims
  - a common approach to assessing risk for women and children
  - more emergency housing options, with more support and protection to help women stay in their own homes and communities
  - more intensive levels of support to the most vulnerable women and children, targeting repeat violence
  - increasing counselling and support programs for women and children
  - strengthening the police response – building on the new Code of Practice
  - increasing access to and improving responses from the courts
  - increasing men's behaviour change programs
  - providing early intervention programs for adolescent males
  - new Healing and Time Out Services for Aboriginal communities
- The Indigenous Family Violence Partnership Forum is established. It includes both Aboriginal community and government members chaired by the then Parliamentary Secretary for Women's Affairs.
- The first Family Violence Court Division for Victoria commences operation at the Magistrates' Court venues of Ballarat and Heidelberg. The Family Violence Court Intervention Program is established in the Family Violence Court Division which is provided with the power to direct men to attend a men's behaviour change program to address their violent behaviour.
- The second report from the Victorian Family Violence Database is released providing trend data on family violence drawn from police, courts and family violence services for a five-year period from 1999 to 2004.
- The Government announces new holding powers for police as recommended by the Victorian Law Reform Commission in its interim report *Family Violence Police Holding Powers*.
- Changes to homicide laws are introduced under the Crimes Act to abolish provocation as a defence to murder and create a new offence of 'defensive homicide'.
- The Specialist Family Violence Service commences at the Melbourne Magistrates' Court to simplify women and children's' access to the justice system and enhance their safety.

## **2006**

- Three-year funding agreements signed with 20 Family Violence Regional Partnerships.
- Regional Integrated Family Violence Committees are established to oversee the reform process and drive service integration at a local level.
- The Victorian Law Reform Commission releases its Review of Family Violence Laws Report outlining 153 recommendations regarding procedural, administrative and legislative changes to the justice system. A major recommendation of the Commission is to introduce a new Act to deal exclusively with family violence.

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- The Specialist Family Violence Service commences at the Frankston, Sunshine and Werribee Magistrates' Court completing the rollout of this initiative to date.
- The Men's Behaviour Change Group Work: Minimum Standards and Quality Practice by No To Violence is released.
- New guidelines are released to help general practitioners better respond to family violence.
- VicHealth releases Two Steps Forward, One Step Back: community attitudes to violence against women outlining progress and challenges in creating safe and healthy environments for Victorian women.
- Domestic Violence Victoria releases a Code of Practice for Specialist Family Violence Services for Women and Children.
- Development of a Formal Protocol between the Department of Human Services and Victoria Police in relation to family violence referral pathways.
- Consultation with over 500 family violence providers across police, courts and service sectors as part of the development and piloting of the Family Violence Risk Assessment and Risk Management Framework.
- The Victims' Charter is introduced and sets out principles which criminal justice agencies must follow in their dealings with victims of crime.
- A new Crimes (Sexual Offences) Act 2006 for Victoria is passed.
- The Government allocates \$34.2 million over four years to reform sexual assault responses in the criminal justice system. Key elements of the package include:
  - providing an integrated response to victims of sexual assault including police, counselling and forensic examinations through two multidisciplinary centres in Frankston and Mildura
  - establishing the Child Witness Service to assist children and young people who are required to give evidence in court
  - providing Specialist Sexual Offences Lists in the Magistrates' and County Courts
  - establishing a Forensic Nursing Network
  - introducing a Specialist Sexual Offences Unit within the Office of Public Prosecutions in Melbourne
  - providing additional treatment places for 15-17 year olds engaging or displaying sexually abusive behaviours
  - enhancing counselling for victims of sexual assault, expanding crisis care units and establishing a workforce development project for sexual assault counsellor/advocates
  - providing treatment programs for children aged under 10 who exhibit problem sexual behaviours
  - new intensive post-release outreach program and community housing for high risk sex offenders.

## **2007**

- Victorian State Budget commits a further \$14.5million funding for:
  - a new Family Violence Act for Victoria
  - implementation of the Risk Assessment and Risk Management Framework through the Safer Families Training Program
  - continuation of the Family Violence Court Division and the Family Violence Court Intervention Program for a further two years
  - funding for a network of specialist family violence lawyers across Victoria to support people applying for intervention orders

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- The Government's Family Violence Risk Assessment and Risk Management Framework is launched.
- The Male Adolescent At Risk Project begins operating in the Dandenong Court Region providing voluntary interventions 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.
- Victoria is successful in receiving a five-year Australian Research Council Linkage Grant that will research the family violence reforms in partnership with Melbourne and Monash Universities.
- The first Family Violence Benchmark data snapshot (September 2007) is undertaken across Victoria – collecting two weeks' snapshot data from police, courts and family violence services to more effectively measure reform outcomes.
- State wide consultations with 10 Indigenous Family Violence Regional Action Groups and communities on the draft Indigenous Family Violence 10 Year Plan and continued work in partnership with the Indigenous Family Violence Partnership Forum on its development.
- The Attorney-General and the lead Minister launch VicHealth's Preventing violence before it occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria which provides an evidence based framework to support future efforts to prevent violence against women.
- Implementation of the Children Youth and Families Act 2005.
- Cross-agency professional development and training is provided, including Practice Forums, to support implementation of the family violence reforms.

## **2008**

- Victorian State Budget commits \$24.7million funding over four years which includes:
  - a new Victorian State Prevention Plan addressing violence against women
  - extended funding to support Indigenous family violence prevention programs
  - increased support for women and children
  - increased investment in responses to men who use violence
  - resources to strengthen governance in the regions
  - a communications campaign to increase awareness of the new Victorian Family Violence Act
  - Koori Family Violence Court Support
  - extension of Indigenous Family Violence local safety campaigns
  - Indigenous Workforce Development.
- The Attorney-General gives a reference to the Sentencing Advisory Council to review sentences handed down by the Victorian courts for breaches of family violence intervention orders. The reference also seeks advice on an appropriate maximum penalties for breach of a family violence intervention order, breach of a stalking intervention order and breach of a police-issued family violence safety notice.
- Release of the Practice Guidelines for Family Violence Women's and Children's Counselling and Support Programs.
- Development of a Statewide Partnership Agreement between Family Violence Services, Child Protection and Child FIRST/Family Services.
- The second Family Violence Benchmark data snapshot is undertaken (March 2008) across Victoria – collecting data from police, courts and family violence services.
- The Indigenous Family Violence Strong Culture, Strong Peoples, Strong Families: 10 Year Plan is launched in June.
- The Family Violence Protection Act 2008 commences in December providing a legislative framework to improve the safety and wellbeing of victims of family violence and to hold perpetrators accountable for their actions.

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- Importantly, the Act empowers the police to issue Family Violence Safety Notices which provide police with another tool to ensure that immediate protection is available when police respond to a family violence incident.
- The ENOUGH campaign, to accompany the commencement of the Act, is launched.
- The third Family Violence Benchmark data snapshot is undertaken (September 2008) across Victoria – collecting data from police, courts and family violence services.
- The Attorney-General announces review of family violence deaths in Victoria which aims to identify prevention strategies and contribute to a reduction of preventable deaths.
- Work begins on developing the State Plan to Prevent Violence Against Women.
- \$8 million is allocated for the establishment of a Specialist Sexual Offences Unit in the Office of Public Prosecutions in Geelong.

## **2009**

- The fourth and final Family Violence Benchmark data snapshot undertaken (March 2009) across Victoria – collecting data from police, courts and family violence services.
- The third report from the Victorian Family Violence Database is released in January, providing trend data on family violence drawn from police, courts, Victorian public hospital emergency data and family violence services for a seven-year period from 1999 to 2006.
- Regional roadshows to support the ENOUGH campaign roll-out across Victoria, in five regional locations and one metropolitan location. The ENOUGH family violence campaign is extended to the end of 2009, through a partnership with Netball Victoria.
- Development of an intake model and practice guidelines for organisations working with men who use violence
- Release of a Framework for Comprehensive Assessment in Men's Behaviour Change Programs to complement the Family Violence Risk Assessment and Risk Management Framework.
- The State Budget allocates \$10.8 million over four years to continue the Family Violence Court Divisions operating at the Ballarat and Heidelberg Magistrates Courts, which includes the continuation of the Family Violence Court Intervention Program.
- Victorian State Budget commits \$20.5 million over four years which includes:
  - new Aboriginal family violence facilities
  - expansion of afterhours responses for women and children experiencing family violence
  - improved responses for women at high risk and for women to remain in the family home
  - extension of the case management for men project
  - case management for Aboriginal women accessing the Aboriginal Family Violence Prevention Legal Service.
- Victoria Police launches Living Free From Violence – Upholding the Right: Victoria Police Strategy to reduce Violence against Women and Children 2009-2014.
- A Right to Respect: Victoria's Plan to prevent violence against women 2010-2020 is launched.
- The fourth report from the Victorian Family Violence Database is released in December, providing trend data on family violence drawn from police, courts, Victorian public hospital emergency data and family violence services for a nine-year period from 1999 to 2008.

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## **2010**

- VicHealth launches National Survey on Community Attitudes to Violence Against Women 2009: Changing cultures, changing attitudes – preventing violence against women, a summary of findings.
- A series of regional and metropolitan workshops on ‘measuring family violence’ are held to support the sector’s understanding of family violence data. Workshops delivered in partnership between the Family Violence Interdepartmental Committee, Domestic Violence Victoria, the Council to Homeless Persons and the SAFER research team.
- The Victorian Aboriginal Affairs Framework 2010-13 is released, including targets to increase the police response to and action taken on any Aboriginal family violence incident report, and to reduce repeat police call-outs.
- The ENOUGH family violence campaign is extended to the end of 2010, through an extension of a partnership with Netball Victoria, and a new partnership with the Victorian Country Football League.
- \$14.1 million is allocated for the first, four-year phase of action of A Right to Respect: Victoria’s Plan to prevent violence against women 2010-2020. The funding will:
  - support local councils to coordinate and drive whole-of-community projects involving organisations such as community groups, schools and sporting organisations.
  - help teach young people the importance of communication, trust, and consideration for others in building respectful relationships by extending the Respectful Relationships Education in Schools demonstration project being trialled by the Department of Education and Early Childhood Development in partnership with CASA House.
  - work with a range of sporting codes to develop and implement respectful relationships education for players, particularly in male-dominated codes and sport clubs to build environments that are safe and inclusive for women, such as those developed by the Australian Football League.
  - engage and support local communities by appointing local champions and prevention ambassadors.
  - support workplaces in developing environments that are safe and inclusive of women and that encourage women’s participation and leadership in workplaces.
  - support initiatives such as media awards for reporting on violence against women, recognising the important role the media has in shaping community attitudes.
  - undertake information campaigns and other community awareness programs targeted especially at young people, recognising that attitudes and behaviours are formed at an early age.
- \$2.7 million funding is allocated to the extension of the successful Family Violence Risk Assessment and Risk Management Framework to a wider range of professions including general practitioners, mental health, drug and alcohol and other primary health providers.
- \$12 million allocated to the establishment of a Multidisciplinary Centre in Geelong and expansion of the pilot sites in Frankston and Mildura, and the introduction of ‘just-in-case’ forensic medical examinations in Victoria.

## **2011**

- The Protecting Victoria’s Vulnerable Children Inquiry is launched in January to investigate Victoria’s child protection system and make recommendations to strengthen and improve the protection and support of children and young people.
- The Commonwealth Government releases the National Plan to Reduce Violence Against Women and their Children 2010–2022 endorsed by COAG.
- The VLRC is given reference to conduct an inquiry into access to and interaction with the justice system by people with an intellectual disability and their families and carers.

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- The Victorian Government funds eight Reducing Violence Against Women and Children grants as part of the Community Crime Prevention program.
- In April, the final evaluation report on the Sexual Assault Reform Strategy is released, which finds positive feedback from victims and survivors for responses provided through specialist sexual assault support services and makes a series of recommendations about improving responses.
- In June, funding is announced for new whole-of-community clusters for prevention of violence against women in the Western Metropolitan, Outer East Metropolitan and Loddon Campaspe regions.
- In July, the Standing Committee of Attorneys-General (SCAG) agree to a national response to the ALRC/NSWLRC Report Family Violence – a National Legal Response.
- The Koori Family Violence Support Program at Melbourne Magistrates' Court is launched in July to improve the courts' capacity to provide a culturally appropriate response for family violence cases in the Aboriginal community.
- Two Strengthening Risk Management (RAMP) demonstration projects in the cities of Hume and Greater Geelong are announced to test the delivery of coordinated multiagency approaches to strengthen family violence risk management
- Launch of the Koori Family violence Police Protocols in Mildura.
- Victoria Police launches an Enhanced Service Delivery Model for responding to family violence more effectively.

## **2012**

- As part of the Preventing Violence Against Women and Children grants program, the grants for four Koori Community Safety Grants were awarded to support culturally appropriate initiatives that specifically addressed the needs of Aboriginal communities.
- Implementation of Victoria Police's Enhanced Service Delivery Model to ensure consistency of service delivery across the state whilst maintaining capacity for local innovation and response.
- Increased Victoria Police Family Violence Teams, especially in high incidence areas, as well as Family Violence Advisers and Family Violence Liaison Officers.
- The Justice Legislation Amendment (Family Violence and Other Matters) Act 2012 creates three new offences relating to breaches of family violence intervention orders and family violence safety notice: contravention of notice intending to cause harm or fear for safety; contravention of order intending to cause harm or fear for safety; and persistent contravention of notices and orders. Each new offence has a maximum penalty of five years' imprisonment.
- The 2012-13 State Budget includes \$20 million to establish three new multidisciplinary centres for sexual assault and child abuse.
- The Government announces ten Homelessness Innovation Action Projects that will trial new ways of delivering homelessness services in Victoria as part of the Government's Victorian Homelessness Action Plan 2011-2015. In the first stage, \$15 million will fund the establishment and delivery of 10 projects, including a new project focused on family violence.

## **2013**

- Federal and Victorian Governments invest a total of \$6.5 million over two years to start a new Foundation to Prevent Violence Against Women and their Children, based in Melbourne, and drive its initial projects. The Foundation (now known as Our WATCH) aims to promote best practice prevention strategies and undertake prevention and early intervention projects through communities, schools and media.
- Launch of the Koori Family Violence Police Protocols in Ballarat and Darebin.
- The Government announces \$1 million over four years for the Disability and Family Violence Crisis Response initiative, which provides immediate access to funds to meet the disability support needs of women and children experiencing a family violence crisis, enabling them to remain safe in their homes or to access family violence crisis accommodation.

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## **2014**

- The Government announces a \$30 million investment over four years, to
  - expand statewide the successful Strengthening Risk Management (RAMP) program
  - fast-track support for women and children who have experienced family violence through an enhanced but streamlined response to police reports and referrals;
  - expand case management and practical support for women and children fleeing violence; and
  - evaluate family violence initiatives, including perpetrator interventions, to ensure their effectiveness.
- The Family Violence Protection Amendment Act 2014 makes amendments to, amongst other things:
  - extend the operation of family violence safety notices
  - change the publication restrictions to allow victims of family violence to agree to the publication of reports about certain family violence offences.
- In October, a further \$150 million package of family violence initiatives is announced as part of the Ending Violence Against Women and Children strategy.
- In October, a mid-term evaluation of the Indigenous Family Violence 10 Year Plan commences.
- In November, Labor commits to providing \$22.7 million to deliver an immediate boost for family violence support services to relieve short-term pressure while the Royal Commission finds a long-term solution.
- In December, the Premier announces Royal Commission into Family Violence is to be led by Justice Marcia Neave AO.

## **2015**

- Royal Commission into Family Violence is formally established in February. The Government provides \$40 million, of which \$36 million will go towards the operation of the Royal Commission and \$4 million will be provided as an initial investment for support services that experience an increase in demand during the Royal Commission.
- Victoria Police appoints Assistant Commissioner Dean McWhirter as the leader of the first Family Violence Command in an Australian police jurisdiction.
- Ministerial Roundtables with stakeholders and experts are convened by the Minister for the Prevention of Family Violence to inform the development of the government's response to the Royal Commission, and to assist in the development of future reform.
- The Victorian State Budget provides for a funding boost to services to help meet demand increases driven by increased community awareness of family violence and the public attention of the Royal Commission. A \$16 million Family Violence Fund is created to be able to deal with urgent or unforeseen demand during the Royal Commission. The Royal Commission's recommendations are scheduled to be provided in time for the government to consider its response as part of the 2016 Budget.
- In May, the Government announces the creation of the Family Violence Index, designed to address challenges posed by disparate data collection and provide incentives across the system to work towards the reduction of family violence incidence.