



Submission to the Royal Commission into Family Violence

29th May 2015

Introduction

About DFVCLAN

The Domestic & Family Violence Crisis Lines of Australia Network (DFVCLAN) is the national network of crisis services across Australia for women and children experiencing domestic and family violence. Membership of DFVCLAN includes crisis and support services in every State and Territory across Australia. These member agencies provide 24/7 responses to women and children who are at risk from domestic and family violence, with the aims of safety, validation and support.

The combined DFVCLAN Member agencies receive over 185,000 crisis calls each year, averaging more than 500 calls on any given day. This high demand across the crisis lines gives the Network a comprehensive overview of the current issues facing women and children experiencing or at risk of domestic and family violence and the complexities of safety and perpetrator accountability. The data gathered by the Network also provides information relating to emerging trends and to the needs of particularly vulnerable groups.

Member agencies:

- ACT - Domestic Violence Crisis Service
- NSW - FACS Domestic Violence Line
- Northern Territory - Alice Springs Women's Services
- Queensland - DV Connect
- South Australia - Domestic Violence and Aboriginal Family Violence Gateway Service
- Tasmania - DHHS Family Violence Counselling and Support Service
- Victoria - **safe steps** Family Violence Response Centre
- Western Australia - Crisis Care Helpline
- National - 1800 RESPECT, operated by Rape & Domestic Violence Services Australia

About this submission

DFVCLAN makes this submission to the Royal Commission to complement the submission from the Victorian member agency **safe steps** Family Violence Response Centre. This



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submission focuses on member agencies' experience with matters relating to co-ordinated approaches to perpetrator accountability. DFVCLAN also supports **safe steps'** comments relating to the gaps, barriers and improvements needed in the justice and specialist family violence systems, and commends their recommendations to the Royal Commission.

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Recommendations

1. That the Victorian Government develops a Gender Equality Policy to work towards eliminating gender inequality, applying to policy and program delivery across government.
2. That the Victorian Government implements a model of victim-centred advocacy, where advocates work closely with women and children across their entire journey and can respond to their varied needs.
3. That the Victorian Government expands the specialist Family Violence Court divisions beyond the initial two sites.
4. That the Victorian Government implements accreditation and regulation of perpetrator intervention programs in Victoria.
5. That women's specialist family violence services are required to monitor risk to the woman and her children during the course of perpetrator programs.
6. That the Victorian Government works with DFVCLAN member agencies to research and analyse data about perpetrators held by statewide family violence crisis agencies.
7. That the Victorian Government increases resources in specialist family violence services to support women without income, including:
 - Places and financial support in crisis and emergency accommodation
 - Specialised legal and migration advice.
8. That the Victorian Government provides specific housing assistance to women without permanent residency experiencing family violence, particularly private rental brokerage.



The right to safety

Domestic and family violence is a gendered form of violence as women (and their children) are by far the primary victims. Family violence is a violation of basic Human Rights. Namely:

- the right to life, liberty and security of person (Universal Declaration of Human Rights, 1948)
- the right to equality and freedom from discrimination (Convention on the Elimination of All Forms of Discrimination Against Women, 1981); in particular General Recommendation Number 19 (1993) which states:
Family violence is one of the most insidious forms of violence against women. It is prevalent in all societies. Within family relationships women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetuated by traditional attitudes. Lack of economic independence forces many women to stay in violent relationships. The abrogation of their family responsibilities by men can be a form of violence, and coercion. These forms of violence put women's health at risk and impair their ability to participate in family life and public life on a basis of equality.
- the right to be free from torture and other cruel and degrading treatment.

All women and children have a right to be safe – this means governments have a core responsibility to make sure women and children are safe. This requires systemic responses on two ‘fronts’:

- Statutory: (e.g.; police, judicial, social protection, legislation, policy and other actions) required to uphold domestic and international law, and
- Social: including funding to frontline and ongoing support services.

Safety for families must be an overriding commitment across government.

Thus far, the specialist family violence sector has been expected to respond to family violence. This has served to keep family violence hidden. It is time for mainstream systems and the broader community to do their part to end violence by eliminating gender inequality and holding perpetrators accountable.

Drivers of family violence

Gender inequality is the cause of family violence. Underlying assumptions and societal arrangements that women’s lives are less valuable than men’s drive the continuation of violence against women. Attitudes endorsing unequal gender roles support gender inequality, and justify and trivialise violence towards women and children.¹



It is in the best interest of communities and nations to build healthier communities by eliminating gender inequality, and by supporting women to have a greater voice and power. Violence against women and gender inequality sits at the centre of many social ills. For example: child abuse, sexual assault, mental health issues, homelessness, educational disengagement and poverty.

Whole-of-government approach

A whole-of-government approach is needed to enhance gender equality, respond to violence early to prevent escalation, and to hold abusers accountable for violence. Domestic and family violence is

DFVCLAN understands that the Victorian Government will develop a Gender Equality Policy in parallel to its strategies relating to family violence. This policy will be an important contribution to a government strategy to eliminate the causes of family violence. DFVCLAN recommends that the Gender Equality Policy applies to policy and program delivery across government.

Recommendation

1. That the Victorian Government develops a Gender Equality Policy to work towards eliminating gender inequality, applying to policy and program delivery across government.

Family violence creates enormous costs to the community and to current and future generations. Early intervention is very important to identify those who are at the greatest risk of violence, to ensure action is taken to protect those at risk of being subject to domestic and family violence, and to change the behaviour of those who use violence.

Required are holistic, coordinated and timely responses to domestic violence, including building community confidence in the reporting and investigation of domestic and family violence; and ensuring that those who are subject to domestic and family violence receive immediate and effective protection and support.

It is a high priority that Australia's law and order responses, including police, prosecutors and courts, provide an effective and coordinated response to domestic and family violence, to deter perpetrators from committing violence, and to hold them accountable for their behaviour.

Support centred on women and children

Responses to family violence across Federal and State jurisdictions are disjointed and frequently contribute to women and children being unsafe. Women experiencing family violence must frequently deal with family law courts, Centrelink, criminal courts, Child Protection authorities, the Magistrate's court, immigration authorities, police and non-



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government services which all have differing jurisdictional boundaries and do not work together. Many of these systems respond poorly to women and children experiencing family violence, to the point that they offer tools to perpetrators to continue abusing women and children even after the woman has ended the relationship or moved away from the home. For instance, women are further victimised through Family Law courts after a relationship ends, as the Family Law courts can make orders that override conditions of Intervention Orders, and police cannot lay charges for a breach of an Intervention Order if an order has been made in the Family Law court.

Women and children experience these systemic failures at a time when they are undergoing trauma and the abuse is continuing. Throughout these processes, women and children require support from a person who is on their side, who believes them, and who can assist them to navigate through this jurisdictional maze.

Advocacy that centres women and children, which follows women and children through their entire journey after seeking support, and which can maintain a long-term relationship of trust, is needed to support women to achieve safety and surmount the obstacles in other systems that respond to family violence. This would involve:

- Continuity of support from a single worker/agency from the first point of contact
- Individual advocates for women and children who can work with them over the long term
- Continuous risk assessment and monitoring
- Developing safety plans with the woman and her children
- Active referral to other services e.g. police, legal services, outreach, housing and children's services
- Supporting women to make informed choices
- Navigating women and children through the complexities of overlapping jurisdictions
- Co-ordination between a range of services and systems involved with family violence e.g. police, Child Protection, justice system
- Capacity to respond to escalation of risk

An advocacy approach of this nature would overcome a major gap in our current range of response options, as there is an absence of support for women currently in relationships.

Furthermore, a victim-centred approach to advocacy would complement activities to monitor perpetrators and hold them accountable. Advocates would be able to develop a profile of the pattern of abuse in the relationship, liaise with other agencies and respond to less overt forms of abuse such as emotional, institutional and economic abuse.

Specific advocates for children are also necessary to ensure children have a voice in legal proceedings, Child Protection, and service delivery.



Recommendation

2. That the Victorian Government implements a model of victim-centred advocacy, where advocates work closely with women and children across their entire journey and can respond to their varied needs.

Perpetrator accountability

Perpetrators of domestic and family violence should be primarily accountable to their victims. Women and children need to be at the centre of accountability as they are the experts in the impact of violence on their lives, and their needs to live safely and free from violence.

It is not only within the relationship that a woman will be terrorised by a perpetrator of abuse. There are many post-relationship tactics of abuse that are used to intimidate and threaten. Some of these tactics are seen as unfortunate but necessary evils – such as abuse via the Family Courts and other systems abuse, which for some women constitutes years of ongoing harassment. Lack of understanding of these dynamics can contribute to women and children being at greater risk of harm.

The need for a strong justice response

A judicial system is only as strong as the enforcement of that system. Therefore while women are encouraged to protect themselves with Family Violence Intervention Orders they often feel that this is a waste of time given that breaches are often not deemed worthy enough for a court appearance or a criminal charge by the police.

Furthermore, DFVCLAN member services still see huge disparities in sentencing outcomes for domestic and family violence offenders compared with other crimes. Justice responses need to be informed by a sophisticated understanding of risk factors, and how particular justice responses can contribute to, or reduce, risk to women and children. Expansion of specialist family violence courts, which have been operating in two Victorian courts for some years, would cultivate proficiency among the judiciary and court officers with responding to domestic and family violence, thereby contributing greatly to consistency.

Recommendation

3. That the Victorian Government expands the specialist Family Violence Court divisions beyond the initial two sites.

Perpetrator interventions

Perpetrator programs are a key aspect of accountability. A number of features of perpetrator programs can lead to increased risk to women and children during the course of the program. Perpetrator programs must be accompanied by co-ordinated approaches with women's services to monitor the risk to the woman and her children and offer assistance.



Recommendations

4. That the Victorian Government implements accreditation and regulation of perpetrator intervention programs in Victoria.
5. That women's specialist family violence services are required to monitor risk to the woman and her children during the course of perpetrator programs.

Collaborative approaches to risk management

An essential component of any domestic and family violence service system is collaborative and co-ordinated approaches to identifying and monitoring the level of risk that a perpetrator of violence presents. DFVCLAN members are involved in these initiatives in their home states. These models are based on a range of important factors which can assist the multi-agency responses being implemented in Victoria (Risk Assessment Management Panels). DFVCLAN would particularly emphasise the skill that specialist family violence agencies have with risk assessment of perpetrators is critical to the success of multi-agency initiatives. In many cases, justice, Child Protection, police and other agencies have under-utilised the data held and used by specialist family violence services, to the detriment of women and children.

Key elements in multi-agency approaches include:

- Shared feminist understanding and approach to family violence, risk and safety
- Risk to children is included in risk assessment and management efforts
- Key agency involvement – police, Child Protection, and family violence services
- Frequent meetings – best practice indicates that meetings should occur daily
- Specific resources for the collaboration
- Data sharing between government and non-government agencies to monitor risk

Australian Capital Territory: Family Violence Intervention Program (FVIP)

The FVIP has been operating in ACT since 1998. Agencies involved include the Federal Police, ACT Magistrate's Court, Office of the Director of Public Prosecutions, Corrective Services, Office for Children, Youth and Family Support, Victims of Crime Coordinator, and the Domestic Violence Crisis Service. The initiative focuses on arrest, charge and fast-tracking family violence matters through the court system, as well as providing early support to victims. Unlike comparable State based initiatives, the smaller size of the jurisdiction provides for the ACT FVIP to also engage in strategic and policy development, and responding to systemic issues, as well as co-ordinating police, justice and service responses. A recent evaluation of the FVIP has demonstrated its effectiveness with ensuring the safety of women and children, and holding perpetrators accountable.²

Western Australia: Family and Domestic Violence Response Teams (FDVRT) and Perpetrator Engagement Initiative

In 2013 the Western Australian Government implemented the Family and Domestic Violence Response Teams (FDVRT). FDVRT are a partnership between the Police,



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Department for Child Protection and Family Support (CPFS) and Domestic Violence Services. One of the key functions of the FDVRT is to convene multi-agency case management and work in partnership with agencies in the community/region to manage risk and improve safety in high risk cases.³ There is a response team in each District which includes police, CPFS and a non-government family violence response agency. The agencies meet daily to look at the referrals from the day before and determine which service is most appropriate for the client. The FDVRT increased consistency through a common assessment framework. The case history showing escalation and other patterns of behaviour was shared across key stakeholders and included in all data systems.

In WA the Men's Domestic Violence Help Line is working with Western Australia Police in order to better engage offenders of domestic violence through the Perpetrator Engagement Initiative. The Perpetrator Engagement Initiative recognises that police officers are in a very important position to begin the engagement process. By facilitating phone contact with the Men's DV line at the point of police contact, a person's path to responsibility can begin. So far the Perpetrator Engagement Initiative has been trialled across two police districts.

South Australia: Multi Agency Protection Service (MAPS) and Serial Offender Database

The MAPS initiative involves key agency partners including Police, Housing, Corrections, Child Protection, education and health services, as well as specialist family violence services. The agencies meet daily to monitor families at high risk.

The Serial Offender database is held by South Australia's Domestic Violence and Aboriginal Family Violence Gateway Service. The database monitors serial family violence perpetrators who present a high risk. Data is only shared with specific agencies, and it is not available to members of the public or to victims and survivors. Information from the database is used in risk assessment and management.

Although the database initiative is relatively new, it shows clear evidence that, for serial family violence perpetrators, the severity of violence escalates with the number of incidents and also with the number of partners. Such a database would contribute enormously to a collaborative approach to prevention and minimisation of risk. However, offender registration is not sufficient for a truly co-ordinated approach – data sharing protocols and active use of data to address risks is essential to this approach.

International examples

USA: City of Duluth Domestic Abuse Intervention Project (DAIP)

The Domestic Abuse Intervention Project has been operating since the 1980s. The DAIP is a whole-of-community initiative involving criminal justice agencies, community services, and perpetrator intervention programs. Co-ordinated Community Responses (CCR) work together to hold perpetrators accountable through justice and legal systems, with a focus on arrest and monitoring. Child protection responses are also co-ordinated through the CCR.



Victims and survivors are supported with housing, advocacy, and information. The Co-ordinated Community Response component of the DAIP has been extremely influential internationally with responses to family violence.⁴

USA: State of Massachusetts Domestic Violence High Risk Assessment Teams (DVHRAT)

The state of Massachusetts DVHRAT developed a model for managing high levels of danger and risk with the implementation of the 'Domestic Violence High Risk Assessment Teams' (DVHRAT) in 2005. The DVHRAT model recognises domestic violence homicides as both predictable and preventable and focuses on perpetrator accountability so that women can remain safely in the community.⁵

UK: Multi-Agency Risk Assessment Conferences (MARACs)

MARACs were piloted in Wales in 2003, and by 2011 approximately 250 MARACs were in operation across England and Wales.⁶ MARACs are multi-agency meetings where statutory and voluntary agency representatives share information about high-risk victims of domestic violence in order to produce a co-ordinated action plan to increase victim safety. Several evaluations and research projects about the MARAC model have been conducted with evidence indicating that "the meetings yielded substantial improvements both to the practice of professionals and to the safety of victims and their children."⁷ The Risk Assessment Management Panels (RAMPs) being implemented in Victoria are based on MARACs.

Recommendation

6. That the Victorian Government works with DFVCLAN member agencies to research and analyse data about perpetrators held by statewide family violence crisis agencies.

Gaps and barriers

Women without permanent residency

Family violence has profound, complex consequences for victims without permanent residency in Australia, and their children.

Factors compounding the complexity of violence include:

- Limited or no access to social housing assistance
- Limited or no access to financial assistance from the federal government
- Limited or no access to funded refuges who cannot accept more than one or two women or families without income
- Limited or no access to medical assistance
- Limited or no access to education
- Increased financial dependence upon the abuser
- Increased vulnerability to an abusive partner by way of threats of deportation
- Increased vulnerability to an abusive partner by way of threats to remove the children



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- Increased vulnerability to domestic and/or sexual slavery
- Increased risk of death and/or disability.

In 2014 and 2015 the DFVCLAN members gathered data on clients without permanent residency presenting to family violence crisis services, their support needs, experiences of abuse and visa status. The most common reasons identified by this client group for settlement in Australia were marriage, education and work. These normal life aspirations have then been manipulated as a weapon through the abuse of power and control within the family structure.

The dominant emotions of any victim of domestic and family violence are helplessness and fear. This helplessness and fear are instrumental in the victim of domestic violence believing that they have no choice but to stay with the abuser. In the instances where the victim has the complicating factor of no permanent residency the feeling of helplessness is vastly increased. One of the primary weapons of the abuser in this type of case is threatening that the victim will be deported and her children removed (particularly if the children were born in Australia).

For women without permanent residency, abuse is compounded by the lack of eligibility for other forms of assistance that permanent residents and citizens can access. Eligibility for a range of social services is often limited due to lack of income rather than residency status. Refuge accommodation and homelessness services often charge clients accommodation co-payments, which clients without permanent residency cannot meet. Residing in refuge accommodation means that women cannot attend employment, resulting in women who are ineligible for social security being unable to meet these costs. Furthermore, other housing assistance is unavailable to women without permanent residency, resulting in limited options to exit from refuge. The few family violence services which have the capacity to support clients without income are overburdened and cannot meet demand.

Recommendations

7. That the Victorian Government increases resources in specialist family violence services to support women without income including places and financial support in crisis and emergency accommodation, and specialised legal and migration advice.
8. That the Victorian Government provides specific housing assistance to women without permanent residency experiencing family violence, particularly private rental brokerage.

References

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