

The Victorian Royal Commission into Family Violence 2015

Introduction:

I will be able to provide comment primarily on the issue of intimate partner/domestic violence perpetrated by men against women and children. This information is based mostly on almost 25 years of practicing as a Social Worker. Included in this will be the experiences shared with me in the last 8 years by clients in my role as a Social Worker in private practice working with a range of clients including Indigenous women, Victims of Crime and most recently as an Accredited Mental Health Social Worker.

Throughout my career I have worked as a Social Worker in various roles in either government or non-government agencies since completing my Bachelor in Social Work degree in [REDACTED] University. I went on to complete a Masters in Social Work through the [REDACTED]. As part of the Masters Degree I completed a qualitative research study that considered the experiences of the intersection of women's relationship expectations and the legal system when domestic violence was involved. The main findings were that women held unrealistic relationship expectations often informed by mis-representations of stereo-typical gender roles and relationships in the media and that this in turn influenced the actions they took legally.

I will respond below to relevant questions as raised in the issues paper.

Question Two:

The Royal Commission wants to hear about the extent to which recent reforms and developments have improved responses to family violence, and where they need to be expanded or altered.

- The 72hr safety notice that Victorian police are now able to issue is a recent and effective change to policing that has had a positive impact on women and children's immediate safety. It also challenges the social myth that perpetuates gender role stereotypes ie: *"A man's home is his castle and all items within this are his possessions."*
- Instances where women have reported that the police attending their home and have taken the violence against them and/or breaches of IVO's seriously is an attitudinal improvement that needs to be noted. Anecdotally, in my practice, I have noticed that when women have been taken seriously by police, and when they have had police who name domestic violence as a crime, they are more likely to report the crimes committed against them.

Question Three

Which of the reforms to the family violence system introduced in the last ten years do you consider most effective? Why? How could they be improved?

- The 72hr safety notice that Victorian police are now able to issue is a recent and effective change to policing that has had a positive impact on women and children's immediate safety. It is no longer the women and children being removed from the home and penalised by the 'system' for the perpetrator's violence. Rather, the fact that his violence is unacceptable and criminal in some instances is recognised by the police and it is he who is removed and experiences negative consequences for his behaviour of being removed from his 'comforts'.
- An issue identified by a recent client referred through Victims of Crime was that the perpetrator of the domestic violence was able to attend her home that she used to share with him accompanied by the police to remove his supposed 'belongings'. The client stated that she felt the police were used by the perpetrator to a) intimidate her b) gain access to the property where he had *"violated"* her (her words) and c) remove belongings that he claimed he had paid for however did not have proof of this on him. The items removed included the bed, the TV, the garden hose and every power board in the house.
- The system could be improved further in terms of the response then provided to the women from the Magistrates at Magistrate's court and the Judges at family court. Many women report that the Magistrates and/or Judges often make comments that seem to favour the offender and that minimises the extent of the violence committed against them. These comments are

often of a sort that perpetuate gender role stereotypes and imply that the woman somehow contributes to the violence committed against her. This denies the responsibility for the violence lying solely with the perpetrator. The violence being perpetrated by men against their partners and children would not be accepted in any other setting eg. in the work place against colleagues, in the street, or against a stranger. There should not be an exception made on the basis that these people are in a relationship together.

- The mediators and psychologists who write family court reports need to be further trained to respect the IVOs and to understand the dynamics of intimate partner violence. Despite legal reforms, women continue to report being forced to sit in the same room with men who have committed acts of violence against them during these pre-court sessions. It is reported by women that they feel completely terrified for their safety and/or intimidated by the very presence of the perpetrator in the room even with a third party present. To the extent that they are unable to speak coherently or stand up for their rights due to fear of the repercussions – against them or the children. Women have also reported that they are afraid to challenge the mediator or any person within the court for fear of retribution by 'the system'.
- It is important that there is a recognition that when working with women and the offending party, it is not possible to be neutral as this means that the women are at extreme disadvantage by the system.

Question Six

What circumstances, conditions, situations or events, within relationships, families, institutions and whole communities, are associated with the occurrence or persistence of family violence?

- This is a complex question with a multi-faceted response required, however it has been identified that ultimately it is the **inequality of women and traditional gender role stereotypes** that have contributed to the occurrence and persistence of domestic/family violence in heterosexual relationships.
- In both same-sex & heterosexual relationships the issue of **POWER and CONTROL** is a major underlying issue in the use of violence committed by one partner against the other.
- 'Secrecy' and the notion of 'shame' surrounding the issue also continues to be problematic as it perpetuates women's and children's exposure to the trauma caused by domestic violence and blocks access to appropriate services.
- Religious views held by some religious institutions that uphold traditional gender role stereotypes and place the blame for the violence of the perpetrator on the woman i.e.: "this wouldn't happen if you were being a good/obedient wife" need to be challenged.
- There is a view held by some in society that the fact the offender and the victim are in an intimate relationship it is somehow less of a crime than if they were strangers. The crime of assault is a **CRIME** regardless of the relationship held with the perpetrator.
- The view of women as sexual objects, as 'less-worthy than' a male and not as an equal human being are ongoing issues that contribute to family violence.
- Women still do not have equal opportunities, pay, and superannuation and are often objectified sexually in the media – these trends need to be addressed if the way they are viewed by men is to change.

Question Seven

What circumstances and conditions are associated with the reduced occurrence of family violence?

- Where women are viewed as equal to men in terms of worth and human rights.
- Where gender role stereo-tying is not perpetuated.
- Where the perpetrator of the violence is viewed as responsible for their actions and victims are not blamed for the acts of violence committed against them.
- Where women and men have been educated to support views of equality.

Question Eight

Tell us about any gaps or deficiencies in current responses to family violence, including legal responses. Tell us about what improvements you would make to overcome these gaps and deficiencies, or otherwise improve current responses.

- The main gaps in terms of legal responses as identified by clients who have been through the legal system include:

- the attitudes of Magistrates and Judges towards women and men which uphold traditional stereo-typical gender roles
 - the attitudes of Magistrates and Judges that blame the victim and/or excuse the behaviour of the violent party, usually the male
 - the light gaol sentences given to perpetrators of violence against women and children
 - the over-arching belief that the father should have contact with the children even in extreme cases of violence against the children's mother where the offender has been incarcerated and/or when there have been attempts to kill/murder the women, often in front of the children
 - the power given to psychologists/counsellors who write the family court reports based often on only 1 session with the client that often favours the abusive party and negates the fear or impact of the violence on the victim/survivor and their children
 - the victim/survivor being forced to be in the same room with the perpetrator of the violence during mediation despite the existence of an IVO implying that mediators require training in DV
 - Family court proceedings not seeming to consistently take into account the impact of domestic violence on children hence the children often being forced to attend access visits or endure shared access arrangements where the mothers are terrified that their children may be harmed, killed or not returned.
 - Family court proceedings not seeming to take into account the ongoing tactics used by perpetrators of violence once separated that involves continued intimidation of and fear for the mothers and the children often via texts or emails under the guise of 'communication about the children'.
 - Women and children – or any party affected by family violence - are not being consistently informed of their right to make a claim through VOCAT (Victims of Crime Assistance Tribunal) for compensation including counselling.
- Main gaps in terms of service provision include:
- The need for improved child protection training/responses as the woman is often still blamed for staying with the perpetrator of violence and for *'failing to protect the children'*. The complexity of the issue of domestic violence, the impacts of trauma, and the fact that women and children are most likely to be killed when leaving a violent partner do not seem to be consistently known by child protection workers. If they are working in this field they require the appropriate training eg: CRAF (common risk assessment framework) training to do this effectively.
 - The need for more skilled and trained child-focused counsellors who are trained in the impacts of domestic violence
 - GP's are often 1st point of contact – they need to be made aware of services and trained in how to respond to family violence. MHCP are an option however not always the best option if woman/children in immediate danger. Also the mental health nurse sometimes colocated and being referred to by the GP may not be trained in domestic violence or how best to respond to it.
 - The need for more supported accommodation and refuges and appropriate post refuge/permanent and affordable, safe accommodation eg. Not in public housing estates next door to ex-criminals and people with extreme mental health issues.
 - A framework that focuses on choice, options and control for women and their children

Question Nine

Does insufficient integration and co-ordination between the various bodies who come into contact with people affected by family violence hinder the assessment of risk, or the effectiveness of (early intervention, crisis and ongoing) support provided, to people affected by family violence? If so, please provide examples.

- Yes, most definitely. There has been marked improvement in the coordination of police and support services, including reports to child protection.
- Lack of input however into family court proceedings from DV services or workers or police that mean that the children are often left in harm's way.

Question Ten

What practical changes might improve integration and co-ordination? What barriers to integration and co-ordination exist?

- There needs to be greater integration with family law proceedings regarding the safety and welfare of children. The misconception that the violence/abuse against women is not directed at the children as well has no or limited impact on the children ie: the belief that “*he is a good father*” despite injuring the children’s mother needs to be challenged. A good father would not physically, sexually, emotionally and economically assault a child’s mother. Children ARE impacted on by the violence against their mother even if not directly exposed to the violence.

Question Eleven

What are some of the most promising and successful ways of supporting the ongoing safety and wellbeing of people affected by violence? Are there gaps or deficiencies in our approach to supporting ongoing safety and wellbeing? How could measures to reduce the impact of family violence be improved?

- Information needs to be provided in languages other than English.
- Interpreters need to be trained in DV
- Trained interpreters need to be used by courts and in all legal proceedings, including by police
- Increasing services for women and children – both in relation to their immediate safety and their ongoing counselling and advocacy needs.
- Increasing men’s responsibility programs but not at the expense of services supporting women and children.
- Free and ongoing options for training for all professions working with domestic violence. This must view violence as a crime and be informed by feminist service models in order to be effective.
- Prevention programs in schools from primary through to secondary that are within the curriculum. These must challenge stereotypes and support gender equality. They also must also encourage acceptance of difference and diversity, including addressing homophobia and racism.

Question Seventeen

Are there specific cultural, social, economic, geographical or other factors in particular groups and communities in Victoria which tend to make family violence more likely to occur, or to exacerbate its effects? If so, what are they?

- I would state that the family violence occurs across ALL socio-economic, cultural groups and in all geographical areas.
- I think social isolation and a hx of trauma eg: stolen generations in Indigenous communities contributes to inter-generational perpetuation of abuse.

Question Eighteen

What barriers prevent people in particular groups and communities in Victoria from engaging with or benefiting from family violence services? How can the family violence system be improved to reflect the diversity of people’s experiences?

- There are a range of potential barriers including cultural issues, distrust of authority/policing/judicial system; lack of information/knowledge of services.
- Barriers in accessing services, including distance and lack of transport.
- There is a general lack of sufficient awareness/knowledge of the impacts of domestic violence in those responding to women’s request for assistance that needs to be addressed by training etc. in issues like cultural sensitivity. Responding from a white-privileged
- Community education programs in a variety of languages using a variety of mediums including social media.

General questions**Question Twenty**

Are there any other suggestions you would like to make to improve policies, programs and services which currently seek to carry out the goals set out above?

- It would be useful if there were increased funding available for the provision of services for all of those involved and impacted by family violence, including the offenders. When we consider the cost of the impact of family violence eg. The trauma both physical and psychological to women and children and how that impacts on their lives, increases in funding would in the long term be a small investment in everybody's safety and wellbeing.

Question Twenty-one

The Royal Commission will be considering both short term and longer term responses to family violence. Tell us about the changes which you think could produce the greatest impact in the short and longer term.

- The need to being early with gender equity training and respectful relationships in primary schools.
- There needs to be a judicial review process set up so that women/children impacted by DV can have the judicial decisions made that continue to put them or the children at risk can have a mechanism to have their matter reviewed.