

Question One

***Are there other goals the Royal Commission should consider?***

***The impact of the Family Law courts in relation to Domestic violence***

***I have been receiving unfolding tragedies from Victims/Survivors of Domestic Violence on my Facebook page "Difference matters". From their experience the role of the Magistrate's court and the Family Law Courts is very stressful and confusing.***

***One recurring issue is "Intervention Orders" Don't Work***

***the perpetrator is not to come within 100m of the victim"***

***and is to have supervised access to the children"***

***The Family Law Court has the power to change the conditions of "Intervention Order" in favour of the violent perpetrator and to the detriment of the Family's safety and protection.***

***More consistency and co-ordination between the Justice System and front line services should be an immediate priority***

***Compensation for Victims of Domestic Violence including the recognition of medically diagnosed Mental Health Issues.***

***The legal process and terminology needs to be simplified for the everyday lay person.***

***Domestic and Family Violence Law to be listed in the one court and to be heard by an panel of professionals who have the expertise, extensive training and education in identifying the signs/personality traits of a violent perpetrator.***

***The professional panel needs to have the inclusion of a professional who has lived experience of Domestic Violence.***

***Domestic and Family Violence Law to be streamlined into one Law one court to minimize the stress upon victims who are already suffering from mental health issues, anxiety ,PTSD, depression,***

***To ensure children's safety, welfare and protection is a number one priority.***

***All "Intervention Orders" to be nationally recognised so as to alleviate stress on the victims***

***To seriously give consideration to delete the term “Domestic Violence” “Family violence” and replace the Law with a “Criminal Assault” as Domestic violence is a crime and there should be no excuses. .***

## 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***

Attorney General Robert Clark said perpetrators will no longer be able to "hide behind the laws" that were intended to protect victims. In February 2015 Mr Clarke introduced a new Law called "Family Violence Safety Notices" "Police will also be able to issue family violence safety notices on the spot at any time."

It appears that this excellent reform has done little to stop violence against women and children who have been victims/survivors of criminal assaults who have reported to the police who have not used their powers to protect the victims from the violent perpetrator, nor have they issued "Family Violence Safety Notices"

The feedback I have received from victims survivors was mainly criticism against the police in most States;

"didn't take their concerns seriously" and many stated" the police treated victims as the" criminals" The majority of victims/survivors state the "Intervention Orders are not worth the paper they are written on"

The majority reported (mainly women) were humiliated and not believed by the police person on duty. The victims/survivors from their experience feel abused again by police and have no other option but to return to the violent situation, which further places the victims "at risk" of ongoing violence from the violent perpetrator.

Recent developments;

"Duress Alarms and CCTV Cameras installed for women who are victims of domestic violence in the City of Hume (vic)

Electronic Tagging system although similar programs in Canada, US, Sweden failed to deter high risk violent offenders

Official Launch of the Imatter App on 14<sup>th</sup> February 2015 (free to download) was developed for young women to understand the warning signs of an abusive and controlling behaviour in relationships as well as to promote healthy self-esteem

Risk Assessment Management Panel (RAMP MODEL) was set up by the Victorian Government as a Pilot Program (2011) in the City of Hume was set up and tasked with Identifying and responding to families at "high risk" of violence. This initiative was set as a 3 year experiment of how best to protect women and children at high risk of injury or death.

Long term solution.

It is my opinion that if a program has been evaluated as a success in preventing domestic violence than it needs to be rolled out as a permanent program across all States/Territories and available in all suburbs which have been identified as "at Risk" of violence against women children and minority of men.

The one possible impediment for the RAMP Model is the police need the consent of the woman to lay charges which in my view is unrealistic. The victim of domestic violence is so paralysed by fear of repeated threats to kill "by the violent abuser makes it extremely difficult for the victim to speak out about the perpetrators violent behaviour in his presence.

Police need to use the powers available such as Victoria's recently introduced a new Law "Family Violence Safety Notices" these Notices can be issued on the spot "according to General Robert Clarke. He states "that these notices have dramatically improved policing responses to Family violence"

### 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?***

***Here is a list of reforms in the last ten years.***

In 2006 the Victorian Law Reform Commission published an extensive report proposing the drafting of new legislation governing the family violence intervention order system, along with a suite of accompanying non-legislative recommendations.

In late 2008 the Victorian Parliament enacted the *Family Violence Protection Act 2008*. This Act was the result of an extensive consultation process which is widely recognised as enshrining family violence best practice into law; indeed it has been identified as the benchmark in family violence protection in Australia<sup>2</sup>.

At the same time, Victoria Police implemented its *Code of Practice for the Investigation of Family Violence* and has subsequently introduced other targeted and effective initiatives such as police powers to issue Family Violence Safety Notices which have dramatically improved policing responses to family violence in Victoria.

2012/ 2015

The Victorian Action Plan to Address Violence against Women & Children

Published by the  
Victorian Government  
Melbourne, October 2012.

The above reforms were designed to provide protection for women and children who were/ are victims of violence instead the systems has failed to protect women and children from the violent perpetrator nor have these reforms reduced the incidence of domestic violence.

According to Policy Officer Alison McDonald of Domestic Violence ~~We~~ are now several years down the track and the early work of the family violence is now manifesting in incredible demand on all parts of the system. In the last ten years. Public attitudes including the justice systems have the perception Domestic Violence is a ~~private~~ private matter/domestic matter.”

The majority of the reforms have been pilot programs if violence is to be taken seriously these initiatives need to be implemented permanently if they are to be an effective solution to ending/reducing violence Governments need to provide ongoing funding not just short term as it conveys more of a political motive and not a genuine concern for victims of violence

#### **Long –Term solution**

##### **Education is the key**

The introduction of educational programs regarding the complexity and signs of Domestic Violence issues to be rolled out in both Primary and Secondary Schools and to be on the National curriculum as a matter of urgency.

#### Question Four

***If you or your organisation have been involved in programs, campaigns or initiatives about family violence for the general community, tell us what these involved and how they have been evaluated .***

***I have a petition on “Intervention Orders Don’t Work” this campaign is supported by “Get Up” a non for profit organization who run various campaigns on different Social Justice Issues.***

***I also have a Facebook page “Difference matters” which is an educational forum to give victims and survivors a voice to share their horrific crimes in a safe and non-judgemental way. It also gives Facebook users, supporters a range of educational researched material and relevant links, on the complex issues associated with domestic violence***

#### **Evaluation**

***Quantitative methods;  
Surveys,  
Questionnaires,  
Observation  
Statistical data bases.***

## Question Five

***If you or your organisation have been involved in observing or assessing programs, campaigns or initiatives of this kind, we are interested in your conclusions about their effectiveness in reducing and preventing family violence.***

### **Effectiveness of Behavioural Change Programs**

***Feedback from professionals*** “programs for violent men seem to be more effective if the perpetrator is a voluntary participant in the program “

*Mandatory programs are not effective as the perpetrator reluctantly engages and manipulates the system.*

***For example, a “ Court Order is issued” for the perpetrator to attend the behavioural change program “the perpetrator continues not to accept responsibility for the violent behaviour.” As a result the perpetrator returns to court where another „court order“is issued by the Judge for him/or her to participate in the behavioural change program.***

### **Solution**

***Some professional facilitators recommendation is for the courts to apply a sentencing option rather than returning to the program as there is no evidence of the perpetrator being accountable for his/her violent behaviour.***

#### ***Supervised Access/access visits for the violent perpetrator***

***Perpetrator denied supervised access and access period until the perpetrator accepts responsibility of his/her behaviour. Particularly where the perpetrator has continually breached “court orders” and shows no remorse for his violent behaviour.***

***To stop the cycle of violence the perpetrator needs to spend a substantial time in Jail and to attend a rehabilitation program in jail***

***The perpetrators violent behaviour has severely impacted on the victims to the extent that the psychological damage has left victims with long term mental health issues for life***

## Question Six

***What circumstances, conditions, situations or events, with***

**families, institutions and whole communities, are associated with the occurrence or persistence of family violence?**

### **Families**

**Power and control by the abuser against the victims**  
**Mental health issues as a result of verbal and emotional abuse**  
**Growing up in an abusive home becomes normal behaviour**  
**Alcohol and drug use**  
**Gambling**  
**Financial difficulties**  
**Cultural beliefs**  
**Isolation from families, friends, communities**  
**Habitually breaching of "intervention Orders" without charge**

**Manipulation (i.e. I need you I can't live without you)**  
**Threats to kill against love ones, friends, children and pets**

### **Institutions**

**Child Protection threatening to take children away from families because of domestic violence.**

**Repeated breaches by the perpetrators without charge results in the escalation of violence resulting in victims dying at the hands of the violent abuser**

**Judges not using the sentencing options afforded to them, (i.e. Jail) as breaching of an "Intervention Order" is a "criminal offence."**

**Extensive educational training for Magistrates/Judges /solicitor's/barristers/police on the complexity of Domestic Violence and the profile of the perpetrators personality traits**

**. Domestic Violence/Family violence only serves to reinforce sexist attitudes and behaviours, for instance, a widely held perception in the broader community is "What happens behind closed doors is none of the "societies business" when in fact a" crime is a crime" whether it happens in the home or in public. it is everyone's responsibility to ensure the safety and the welfare of victims from the violent perpetrator.**

**The current "Intervention Orders" appear to act against the protection of women and children who are the majority of victims who have suffered vile and repulsive violence at the hands of the abuser. For example, when the violent perpetrator breaches the "Order "and repeatedly offends, the courts hand down the soft option such as a" fine" rather than a 2 year sentencing option for a breach of orders**

**Enlisting professionals who have expertise and/or a lived experience of domestic violence to provide education and training to the police around the signs and personality traits of a violent abuser.**

***Another contributing factor for the demand placed on the court system is judges not taking the victims evidence with supporting documentation seriously.***

***Perpetrators representing themselves in court and asking inappropriate questions to the victims without interruption from the judge to disallow seriously inappropriate questions not related to his violent behaviour upon the victim.***

***Habitual breaching of Intervention Orders without a criminal offence***

***Intervention are not a “deterrent” they only purpose is it adds fuel to an already explosive situation.***

Question Seven

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

***Safe houses for victims***

***Victims concerns taken seriously by police and courts***

***Reoffenders of “Orders” to be given a jail sentence not a slap on the wrist.***

***Security systems installed into victims homes***

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.***

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.***

Question Ten

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

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?***

Question Twelve

***If you, your partner or a relative have participated in a behaviour change program, tell us about and whether you found it effective. What aspects of the program worked best? Do you have criticisms of the program and ideas about how it should be improved?***

Question Thirteen

***If you, your partner or a relative have been violent and changed their behaviour, tell us about what motivated that change. Was a particular relationship, program, process or experience (or combination of these) a key part of the change? What did you learn about what caused the violent behaviour?***

Question Fourteen

***To what extent do current processes encourage and support people to be accountable and change their behaviour? To what extent do they fail to do so? How do we ensure that behaviour change is lasting and sustainable?***

Question Fifteen



***If you or your organisation have offered a behaviour change program, tell us about the program, including any evaluation of its effectiveness which has been conducted.***

Question Sixteen

***If you or your organisation have been involved in observing or assessing approaches to behaviour change, tell us about any Australian or international research which may assist the Royal Commission. In particular, what does research indicate about the relative effectiveness of early intervention in producing positive outcomes?***

### **Family violence and particular groups and communities**

35. It is widely accepted that the experience of people affected by family violence is influenced by social, cultural, economic and geographical factors, including intersections between these factors and gender and other aspects of identity. The terms of reference invite the Royal Commission to consider the needs and experiences of children, older people, Aboriginal and Torres Strait Islander peoples, culturally and linguistically diverse communities, gay, lesbian, bisexual, transgender and intersex communities, regional and rural communities, and people with disabilities and complex needs.

36. There may be individuals in these groups and communities who find that the effects of family violence are worsened by pre-existing and multiple disadvantages, community perceptions, and/or geographical or social isolation. They may find that they face specific and complex barriers, for which some mainstream support services are not designed. They may have found particular services or approaches more useful than others.

37. Equally, service providers may have views on the challenges of providing services to people in these groups and communities, and on how service provision can be improved or assessed. They may also have views on factors which may increase the risk of family violence, or impede the wellbeing and protection of those affected by it from these communities.

38. The Royal Commission wants to hear from people affected by family violence, or people who have been violent, who identify with these or other groups and communities, and from individuals and organisations providing services to people affected by family violence, or people who have been violent, in these groups and communities.

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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?***

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?***

Question Nineteen

***How can responses to family violence in these groups and communities be improved? What approaches have been shown to be most effective?***

**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?***

### 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.***

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## **FAMILY VIOLENCE TODAY**

### **What is family violence?**

11. Family violence includes a broad range of behaviour, often continuing over a long period.

12. The definition of family violence in the Victorian *Family Violence Protection Act 2008* is not limited to acts of physical or sexual violence, which constitute criminal offences. It also includes economic, emotional and psychological abuse; as well as behaviour that is threatening or coercive, or controls or dominates a family member and causes them to fear for their wellbeing or safety, or the wellbeing or safety of others. It includes conduct which exposes a child to abusive behaviour, even where the behaviour is not directed at

Actions like damaging property and limiting a person's liberty can fall under this definition.

13. Family violence may involve partners, siblings, parents, children and people who are related in other ways.<sup>2</sup> It includes violence in many family contexts, including violence by a same sex partner, violence by young people against parents or siblings, elder abuse, and violence by carers in a domestic setting against those for whom they are responsible.

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14. Research shows that it is overwhelmingly women and children who are affected by family violence, and men who are violent towards them. For this reason, family violence is described as being gendered'. Although family violence is gendered, men may also be affected by it.

15. Because of the variety of behaviours which amount to family violence and the wide range of people affected by it, we have chosen to use broad language, referring to people who are affected by family violence and people who have been violent. At times we will also refer to the family violence system. There are many systems that interact with family violence, and there is not a continuous single system of responses. However, for this Issues Paper we use this term when referring broadly to the array of government and nongovernment responses to family violence.

16. A comprehensive definition of family violence is important for both practical and symbolic purposes. Defining conduct as family violence expresses our community's shared

### **What do we know about family violence?**

18. It is difficult to measure the precise prevalence and impact of family violence. A great deal of family violence is hidden. Many people do not report it to the police. Research on the occurrence of family violence defines it in a number of different ways, which are not always consistent.<sup>3</sup>

19. Despite difficulties in estimating its extent and effects, it is clear that family violence is widespread, and imposes substantial costs on the community. (Note that some research uses the term domestic violence—for the sake of accuracy, we have used this term when discussing that research.) For example:

- Based on its 2012 Personal Safety Survey, the Australian Bureau of Statistics<sup>4</sup> estimated that:

- 17 per cent of all adult women in Australia (and 5.3 per cent of all adult men) had experienced intimate partner violence at some point since they were 15
- 25 per cent of women and 14 per cent of men had experienced emotional abuse (which incorporates a range of manipulative and coercive behaviours)<sup>5</sup>
- Women were substantially more likely than men to experience fear or anxiety

as a result of emotional abuse by a previous partner of the opposite sex:<sup>6</sup>**What do we know about family violence?**

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per cent as against 46 per cent

- According to the Australian Institute of Criminology:

- of the 479 homicide incidents<sup>7</sup> in Australia between 1 July 2010 and 30 June 2012,<sup>8</sup> the largest proportion, 39 per cent, were classified as domestic homicides
- for the same period, 31 per cent of the 96 homicide incidents in Victoria were domestic homicides<sup>9</sup>

- Victoria Police reported in 2013–14 that over 45 per cent of assault offences, and over

34 per cent of rape offences recorded by Victoria Police were related to family violence incidents.<sup>10</sup>

20. In addition to the individual harm created by family violence, the burden of family violence on the wider community is heavy and wide-ranging. For example:

- In 2013–14, some 35,135 family violence intervention order (FVIO) applications were finalised by the Victorian Magistrates' Court. That figure has increased by 83 per cent over 10 years<sup>11</sup>
- Victoria Police attended more than 65,000 family violence incidents in 2013–14—an increase of more than 83 per cent since 2009–10<sup>12</sup>
- The Australian Institute of Health and Welfare reports<sup>13</sup> that family and domestic violence is the main reason women and children leave their homes in Australia. Approximately a third of all clients who accessed homelessness agencies in 2013–14 sought assistance as a result of experiencing family or domestic violence—this was a

9 per cent increase on 2012–13 (including 14 per cent more children experiencing family or domestic violence), and Victoria accounted for 72 per cent of the increase.

21. Against this backdrop, community attitudes towards family violence are of interest, and concern. For example, in a 2013 VicHealth survey:<sup>14</sup>

- Twenty-two per cent of respondents agreed with the proposition that domestic violence can be excused if people get so angry they lose control, 12 per cent agreed that it can be excused if people are under stress, and 9 per cent if they are heavily intoxicated
- Six per cent agreed that violence against women was justified in cases of infidelity (the same figure as was recorded in the 1995 survey)
- A majority agreed that women often invent or exaggerate claims of domestic violence in order to improve their case in custody disputes
- Almost 4 out of 5 found it hard to understand why women experiencing violence stay in the relationship, and just over half agreed that women in violent relationships could leave if they really wanted to
- Nine per cent agreed that it is a woman's duty to remain in a violent relationship

Nine per cent agreed that it is a woman's duty to remain in a violent relationship in order to keep the family together.

22. This suggests that alongside the need to improve responses to family violence, and aim to eliminate it, is a need to increase public awareness of the problem, and to change attitudes that blame those affected by family violence and/or minimise the harm caused, to individuals and to the community, by family violence.

### **What has been done so far?**

23. Over the past 30 years, reforms have been made at state and federal level to respond to the problem of family violence. Many groups, including government and non-government agencies, have worked to increase awareness of family violence and suggest more effective responses to current problems. The Royal Commission acknowledges the sustained and ground-breaking efforts of those who work in this field. We will be taking account of previous reforms and, as far as possible, assessing their effectiveness. Our terms of reference ask us to establish best practice in this area.

24. There have been many policy and legal responses over the past three decades. These have included, for example:

- public education campaigns to increase awareness of family violence and reduce its occurrence
- development of a range of support services for people and families experiencing

violence

- introduction of programs to assist those who have been violent to change their behaviour, in some cases with court-ordered participation
- establishment of family violence divisions in the Magistrates' Courts at Heidelberg and Ballarat from 2005, and provision of specialist family services at some Magistrates'

Courts from 2005–06

- in 2004, the launch of the first edition of the Victoria Police Code of Practice for Investigation of Family Violence; and in 2009, the adoption of the Victoria Police Strategy to Reduce Violence Against Women and Children 2009–2014
- in 2006, the release of the Victorian Law Reform Commission's report on family violence laws,<sup>15</sup> which included recommendations intended to improve the legal remedies for people affected by family violence

in 2007, VicHealth's publication of a framework for the prevention of violence against women, *Preventing violence before it occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria*.

- in 2008, the introduction of the *Family Violence Protection Act 2008*, which, among many reforms, gave police the power to issue family violence safety notices, which can result in the removal of a violent person from the home for up to five working days
- from 2008, the establishment of a multi-agency panel (Extreme Risk Client Strategy or ERCS) involving Victoria Police, Women's Health West and other organisations working in Melbourne's west, to identify women at risk of serious injury or death from family violence and address their safety and welfare needs
- from 2011, two demonstration projects involving Risk Assessment Management Panels (RAMPs), which are designed to encourage multi-agency co-operation in dealing with families at risk of violence
- at a federal level:
  - the introduction of the National Plan to Reduce Violence Against Women and their Children 2010-2022, which establishes a wide-ranging framework (including education, employment, support and law enforcement measures) for coordination in Commonwealth, state and territory responses to violence against women and their children. Initiatives established under the first phase of the Plan include Australia's National Research Organisation for Women's Safety; Our WATCH, which promotes cultural and behavioural change; and 1800RESPECT, a national professional counselling service for women experiencing or at risk of family violence or sexual assault.
  - Following a 2012 Australian Law Reform Commission report,<sup>16</sup> the development of the Department of Human Services' Family and Domestic Violence Strategy, a framework for improving risk identification, information sharing and training practices in government.

25. These and other changes have improved our response to family violence. They have contributed to an increased awareness of the prevalence of family violence, and its serious effects on families and communities. There has been a marked increase in the numbers of people affected by family violence who are reporting the violence to police, and seeking support from government and non-government bodies. Improvements are being seen on some important wider measures: this year, the Australian Institute of Criminology's National Homicide Monitoring Program (NHMP) reported that the homicide rate for women in 2011-12, 0.8 per 100,000, represented a decrease of approximately 40 per cent since the NHMP began in 1989–90.<sup>17</sup>

26. Nonetheless, there may be deficiencies in our family violence responses, and increasing demands being placed on the system. The terms of reference require us to identify gaps and deficiencies in current approaches to family violence, and make recommendations for change. In its final report, the Royal Commission will be considering how effective previous changes to policy and legislation have been, how their effectiveness has been measured, and how to build on and measure them in the future. Your submission can

help us to do this, and to identify issues which require further examination