

## Domestic Violence in Australia

### Submission to the Senate Standing Committee on Finance and Public Administration

#### The work of Relationships Australia

This submission is written on behalf of Relationships Australia's eight member organisations.

We are a community-based, not-for-profit Australian organisation with no religious affiliations. Our services are for all members of the community, regardless of religious belief, age, gender, sexual orientation, lifestyle choice, cultural background or economic circumstances.

Relationships Australia provides a range of family support services to Australian families, including counselling, dispute resolution, children's services and relationship and professional education. We aim to support all people in Australia to achieve positive and respectful relationships. We also believe that people have the capacity to change their behaviour and how they relate to others.

Relationships Australia has been a provider of family relationships support services for more than 60 years. Relationships Australia State and Territory organisations, along with our consortium partners, operate around one third of the 65 Family Relationship Centres across the country. In addition, Relationships Australia Queensland is funded to operate the Family Relationships Advice Line, work previously undertaken by Centrelink staff.

The core of our work is relationships – through our programs we aim to enhance and improve relationships in the family, whether or not the family is together, with friends and colleagues and within communities. Relationships Australia believes that violence, coercion, control and inequality are unacceptable in family relationships. We respect the rights of all people in all their diversity to live life fully within their families and communities with dignity and safety, and to enjoy healthy relationships. These principles underpin our work.

Relationships Australia supports integrated cross sector, multi-disciplinary responses to family and domestic violence which focus foremost on the safety of the victim. Violence in the family is a human rights issue and Relationships Australia supports a legal framework to respond to inequality, coercion and control, and the use of violence in families.

Relationships Australia is committed to:

- Transparency with clients. Our services name violence for what it is. We believe there are no excuses for it. Our practitioners make reports of concern to child protection agencies. Unless there is a safety concern, clients are informed about what is happening, encouraged to self-report, given explanations and supported through the reporting process.
- Supporting children affected by family and domestic violence, recognising the harm it does to them, regardless of whether they are the direct or indirect victims.
- Working with people who have experienced violence to ensure their safety is paramount and supporting them to take control of their lives.
- Working with people who have been violent in their family relationships to keep their family members safe and with the belief that they can change existing patterns of behaviour.
- Respecting cultural differences, but not accepting them as an excuse for family violence.
- Working in rural and remote areas, recognising that there are fewer resources available to people in these areas, and that they live with pressures, complexities and uncertainties not experienced by those living in cities and regional centres.
- Collaboration. Often a range of agencies (for example, drug and alcohol services, family support programs, mental health services and public housing) are needed by people affected by family violence who are experiencing other complex problems.
- Enriching family relationships and encouraging good and respectful communication.
- Ensuring that social and financial disadvantages are not barriers to accessing services.
- Contributing its practice evidence and skills to research projects, to the development of public policy and to the provision of effective programs.

## Relationships breakdown and domestic violence

Domestic and family violence occurs when someone tries to control their partner or other family members in ways that intimidate or oppress them. Controlling behaviours can include threats, humiliation (“put-downs”), emotional abuse, physical assault, sexual abuse, financial exploitation, and social isolations, such as not allowing contact with family or friends<sup>i</sup>.

According to the Australian Bureau of Statistics, approximately 20% of Australian women have experienced violence at the hands of an intimate partner<sup>ii</sup>. The high prevalence of domestic violence has serious implications for the victims of abuse and for the wider Australian community. This includes public expenditure costs such as property damage and defaults on debt, the justice and child protection systems, unemployment and productivity, and the health and welfare prevention and support system. Domestic violence also has a significant impact on the social, physical and mental health and well-being of victims, their children and families<sup>iii</sup>.

Domestic violence has been associated with violence in childhood, lower educational attainment, lower employment and resources, social disadvantage, isolation, delinquent behaviour in adolescence, alcohol and drug misuse, multiple partnering, frequent relationship conflict. Domestic violence is also strongly related to patriarchal or traditional gender roles, negative attitudes towards women and the normative use of violence in conflict situations or as part of the exercise of power<sup>iv</sup>. There is also an association between domestic violence and child maltreatment, neglect and the intergenerational transmission of violence.

Various situational factors also lead to increased risk of domestic violence, including, financial problems, bereavement, and family and relationship problems and breakdown. Relationship breakdown can both lead to increased family violence and be a result of it.

Following relationship breakdown, contact between separated parents due to legal and financial settlements, and child custody arrangements can also expose parents to higher risk. The family law system processes and outcomes (eg contact orders) often require victims to engage repeatedly with perpetrators of violence<sup>v</sup>. In addition, perpetrators of violence may use contact as an opportunity to continue to intimidate, harass or abuse their former partners<sup>vi</sup>.

## Specific Responses to the Inquiry Terms of Reference

***a. the prevalence and impact of domestic violence in Australia as it affects all Australians and, in particular, as it affects:***

***i. women living with a disability, and***

***ii. women from Aboriginal and Torres Strait Islander backgrounds;***

While nationally it is reported that anywhere between 20 and 50 per cent of Australian women (depending on data source) have experienced domestic or family violence, the nature of our services mean that there are high rates of family violence, abuse and neglect within the families that access our programs.

For example, in Tasmania, we assess and screen all clients in relation to potential safety concerns and current statistics indicate that approximately 15% of clients at intake across all services present with immediate safety concerns. However, for more than 2600 children and adults who utilise the children's contact services and Parenting Orders Program it can be reasonably assumed that family violence, abuse and neglect are primary reasons for families accessing the service.

Tasmanian specific statistics are not easily sourced, but related statistics provide some insight into the prevalence of family violence in Tasmania:

- In 2012/13, more than 4200 assaults were recorded by Tasmania Police, of which 51 per cent occurred at a residential location and in 77 per cent of cases the alleged offender was known to the victim and 50% of assault victims were women.

- In 2012/13, there were 136 sexual assaults recorded in Tasmania, a slight increase on the previous year.

Indigenous victims are over-represented as victims of domestic violence, but there is little evidence that higher rates of family violence in Aboriginal communities are linked to Aboriginality. It is more likely a result of their higher exposure to a range of risk factors that are associated with domestic violence. Such factors include alcohol and substance abuse, remoteness, low economic resources and low levels of social capital, cultural disconnectedness and trauma. Indigenous women are more likely to report being a victim of physical or threatened violence if they are young, have been removed from their natural family, have some form of disability, have experienced a higher number of recent stressors or have financial difficulties. There continues to be shame and secrecy in Aboriginal communities about family violence and an unwillingness to disclose the violence because of perceived “punishment and shame’ to their family and community.

Interventions, however, need to be culturally appropriate and responsive. Culturally specific services and education campaigns, including involving local Aboriginal communities in the design of supports for families will be required if we are to successfully address family violence in Aboriginal communities. For example, several Family Law Council reports have found Aboriginal and Torres Strait Islanders to under-utilise the family law system because of a lack of understanding about the system and a resistance to engagement with, and even fear of, family law system services. This resistance stems from forced removal of Aboriginal children and the contemporary extent of non-voluntary engagement with criminal justice and child protection agencies.

Relationships Australia has been involved in some programs that have been established to improve support services to Aboriginal offenders. For example, under the Tasmanian Government’s ‘Safe at Home’ program, funding was provided to establish the Ya Pulingina Kani Aboriginal Advisory Group. This group provides ongoing advice to ‘Safe at Home’ community service providers in the most culturally appropriate ways to manage Aboriginal offenders and provide support to Aboriginal adult and child victims.

Rates of domestic violence are similarly higher for women with a disability when compared to those without disability. Women living with a disability are particularly impacted due to their vulnerabilities – physical, emotional, educational, financial, social isolation. Research suggests that the violence they experience is also likely to be more severe and long-term. Many women with physical disabilities do not seek help, have limited access to appropriate support, and fewer opportunities to leave violent relationships. Additional supports are required to ensure women with a disability are able to access resources (housing, income, education, legal and other support services) to actively assist and support them to escape from family violence and to ensure that perpetrators of violence are held accountable.

Relationships Australia South Australia reports that up to 70 per cent of their clients are affected by family and domestic violence. Like Relationships Australia services in other States, our South Australian organisation also stresses that it is of key importance in both addressing prevalence and impact, that due consideration is given to the “intersectionality” of such issues as race, disability,

sexual orientation and domestic violence and the multiple other disadvantages vulnerable groups experience. The unique barriers to seeking help and protection that are also amplified for these populations and their specific needs should be identified and addressed. While broad-based universal responses to addressing domestic violence such as education, engagement with the community and services to reduce its impacts are of significant benefit, these need to be complemented with tailored local community responses to reach these vulnerable persons.

Our members also report seeing increasing numbers of women and children from culturally and linguistically diverse (CALD) backgrounds who are impacted by family violence either from their own immediate partner (usually the male partner) or also on occasions from other extended family members, such as in-laws.

Lesbian, gay, bi-sexual, transgender and inter-sex (LGBTI) couples and individuals are also another high risk group. Through our recent work in suicide prevention, family violence is clearly a threat to LGBTI couples either from previous partners or on occasions within current relationships. LGBTI young people who 'come out' to their parents and other families members are also often subjected to abuse by family members.

It is also likely that prevalence reports of domestic violence for clients accessing Relationships Australia services are underestimates of the levels of family violence that exist in the community. For example, in their 2010 study, Bagshaw and Brown<sup>vii</sup> found that "Many women did not report violence to Family Relationship Centre staff, and when they did report their allegations of violence only a minority believed that they were taken seriously". Women also believed that their claims were minimised, especially by lawyers and courts. Further, Moran and Chadwick<sup>viii</sup> found that "... males viewed themselves as victims of the 'system' and believed services were biased against them. In comparison, females were more concerned with the service provider's lack of understanding about the complexities of family violence, including the tactics and impacts of long-term psychological abuse on women." Less is known about violence against men in the family context, and it would appear that Relationships Australia practitioners are most often providing services in response to men using violence in their family relationships. They report that men are more likely to report emotional and psychological rather than physical violence from their female partners and shame can prevent both women and men reporting the experience of violence or that they have used violence.

## **b. the factors contributing to the present levels of domestic violence;**

Organisations identify the following factors as major contributors to present levels of domestic violence for clients accessing Relationships Australia services:

- Family separation
- Conflict over parenting arrangements
- Financial stress
- Housing instability and unemployment
- Community values and attitudes

There is a growing body of research that has increased our understanding of the complexity of domestic violence beyond gendered control and coercion. Each factor requires a nuanced service response ranging from legal and criminal sanctions to mental health treatment, housing, education and employment services, behaviour change groups and relationship counselling.

With a developing understanding of the complexity of domestic violence it is clear that there is no one treatment modality or intervention that will be sufficient and a range of approaches is essential to bring rigor and effectiveness to preventing domestic violence. The impacts of domestic violence cannot be separated from factors such as access to mental health services; to safe housing, education and work, and sufficient economic resources.

## ***c. the adequacy of policy and community responses to domestic violence;***

Relationships Australia responds to victims and perpetrators of domestic violence through the services it provides. Underpinning all of our services are the principles of child and family centred practice and keeping children and families safe. A high percentage of our clients access our services either due to their current or past experiences of many forms of family violence or past emotional trauma within the family context. We have also taken the opportunity to document ground level responses, experiences and voices of women and children to bring to attention to a range of issues affecting the adequacy of policy and community responses to domestic violence.

### Relationships Australia services for people impacted by domestic violence

Services offered by Relationships Australia vary between locations depending on funding streams. Some funding that is used to provide family and relationship counselling for victims and perpetrators of domestic violence is provided to all member States and Territories such as through the (now) Families and Communities Programme (DSS), while other Commonwealth funding is provided to particular members to provide services in specific locations, for example children's contact services and family mediation and dispute resolution. A range of services is also funded through State and Territory governments and therefore these services are specific to the particular State.

The following information provides a snapshot of services in a couple of States that target domestic violence. A number of these programs have recently been evaluated and findings of these evaluations are provided under '**f. any other related information**' below:

Relationships Australia South Australia provides the following services:

- Family Law Detection of Overall Risk Screen (DOORS) developed by Relationships Australia South Australia on behalf of the Attorney General's Department)
- AVERT Family Violence – an online training resource for the family law sector to improve collaboration
- Homelessness sector training on CALD women and domestic violence
- Support to children accompanying parents who are homeless – often women escaping domestic violence
- Specialised Family Violence Services (funding due to end by DSS on 31 December, 2014)
- Specific research on parenting capacity for clients of family dispute resolution services

Relationships Australia Tasmania provides a broad range of services for families impacted by domestic violence, including:

- Child and adolescent counselling and the Reconnect youth homelessness program
- Aboriginal counselling and supports (including a Healing program)
- Partners in Recovery
- EAP counselling
- Gamblers Help
- TassieMale – specifically working with men, including relationship education; family and relationship
- Suicide Prevention

In 2009 Relationships Australia Tasmania also received funding through the Tasmanian Office of the Status of Women to develop "Ways of Working with Family Violence" - a package for practitioners exploring good practice in delivering services and support to couples and families and the impacts of family violence. Relationships Australia Tasmania has also been contracted to deliver community education and training to Tasmanian state government agencies to ensure that state service workplaces can meet their obligations as outlined in the Family Violence Workplace Arrangements and Requirements Directive<sup>ix</sup>.

Relationships Australia NSW has provided behaviour change programs for more than twenty years, for men who use violence in their intimate relationships. One program is the Taking Responsibility program, an 18 week course that combines educational and therapeutic processes aimed at stopping violence and making families safer. Relationships Australia Northern Territory also provides specialist domestic violence program for men who have perpetrated domestic violence, as do other of our member organisations around the country.

To varying degrees, programs involve partners of those who have used violence. A good example is the Family Abuse Integrated Response (FAIR) program in Western Australia that provides

group-work and support for women and children affected by violence. In other programs partner involvement and feedback is seen as best practice, both as a way of measuring change in the violent partner, and as a way of supporting victims of abuse. One program is considering developing a handbook for partners of men attending groups.

Relationships Australia also provides services that directly support children (as clients) who have been affected by family violence, but these services also vary between locations depending on funding sources. In Western Australia, for example, these programs are funded by state and territory child protection agencies. The Supporting Children After Separation Program (SCASP) is a generalist program for children and young people affected by separation but it does not have a specific focus on the effects of violence on them. At least one Specialised Family Violence program, funded by the Department of Social Services has developed programs for children. As a high percentage of women report partner violence during and after their relationship, it can be assumed that many children are affected by this violence, but relatively few services are specifically directed towards them.

Mental health services and drug and alcohol services are needed by both those using violence and affected by it. In Western Australia, alcohol and other drugs, mental health and domestic violence services have had discussions around working with women with complex needs in order to have a “no wrong door” approach, but relationships between services vary. For example, when dealing with mental health issues there are sometimes philosophical and theoretical differences in approaches to working between the sectors that can impede collaboration.

In general, practitioners indicate that they have good working relationships with domestic violence services. They also report working co-operatively with the police, courts, refuges, corrections and other services. Western Australia has a number of case management and co-ordination services in place to deal with high risk domestic violence situations. As for other States and Territories, in Western Australia, services report that access to a range of support services is particularly limited in rural and remote areas.

#### Demand for service

From a service delivery perspective, as a long term provider of specialised domestic violence services we are consistently recognising and responding to a very high demand for the Women and Children's and Men's domestic violence programs. This continues to be reflected in significant waitlists and longer times between initial intake appointments with women and children and consecutive appointments that can be offered.

Additionally, in relation to case complexity, the lack of a forum to case manage high risk cases continues to place greater demands on domestic violence staff to provide the highest degree of collaboration, co-ordination of information pertaining to the women and children's safety, as well as advocating for women and providing referrals to other support services. This continues to require a considerable investment of time not only with the client, but in the documentation and co-ordination of this information within and beyond the usual domestic violence program delivery.

### Breaches of Violence Restraining Orders

In relation to these high risk cases, a prominent and concerning issue continues to emerge in relation to women reporting breaches of Violence Restraining Orders (VRO) to the police. Very often, in all program locations, we are hearing from women that when they report breaches to VRO's, they are not taken seriously by the police. For example responses have been "the police laughed at me," "they (police) told me we can't do anything about it because it is a Family Court matter," and "technically it is not a breach." In particular, one woman who has experienced severe physical violence including strangulation and sustained repeated head injuries, as well as threats to kill from her ex-partner, on reporting to police was told (by a female police officer) "I see you have a history of domestics. I hope you are going to do something about that." This woman stated that due to this response, she will no longer call the police. Another woman reported that when she attended a police station to apply for a VRO she was told to "come back later" and once she did apply there was a long delay in granting the VRO and then she was not informed that VRO had been served for a period of 5 days. This is a common issue that domestic violence staff are spending considerable time attending to currently.

### The concern of speaking in cycles

The Cycle of Violence (Walker L. 1979) as a construct conceals the agency and choices of perpetrators by assuming they are somewhat caught in, and victim of, a perpetual behavioural pattern. In this manner it conceals the agency and intent of the perpetrator. Nor does it take into account the context in which violence/ abuse is perpetrated. Most of it occurs behind closed doors and not in public, again highlighting the agency of the perpetrator. Likewise it does not acknowledge the multitude of resistances to abuse and violence (seen and not seen by others) that victims consistently enact in response to abuse.

Quote from a woman, "The cycle of violence does not make sense to me, I live with the threat of abuse daily".

### Barriers to women reporting domestic violence

Our group and individual work with women experiencing violence indicates that the barriers to disclosure of domestic violence are not related to the inadequacies or deficits of the woman, but rather due to the following: fear, being physically prevented from reporting and threats to harm/kill or "take children". In addition, negative social, legal, professional and cultural responses may restrain a woman from reporting violence. Women also state their fear of having their children removed by child protection services if they report abuse.

In addition, women contend with institutional responses and ideas about women who experience domestic violence. Often these women are referred to as lacking self-esteem and being affected by depression and anxiety. This implies they are the problem and somewhat responsible for the violence they experience – that if they were otherwise they would/could prevent it.

An alternative is to consider the victims experience of sadness, fear, anxiety as normal responses to violence and being controlled. This would avoid the risk of labelling and pathologising the woman who experiences violence.

#### Meeting minimum standards globally across the sector

As people experiencing domestic violence will access a wide range of services, common assessment and risk management frameworks should be implemented across all counselling and support agencies. For example, the application of the Common Risk Assessment & Risk Management Framework (CRARMF of the Western Australian Department for Child Protection and family Services) should not be domestic violence program specific. Another example is DOORS, a framework that assists separating parents and family law professionals to detect and respond to wellbeing and safety risks that family members may be experiencing after separation.

#### Disparate understandings of family and domestic violence

Another area of concern is regarding the fact that, within the legal system, there are disparate and varying understandings of family and domestic violence. We have often noted substantial discrepancy between our own risk assessments of women, whom we would collaboratively assess as high risk, and the legal response to VRO applications and breaches of VRO's; where VRO applications are denied and breaches of the VRO are at times not taken seriously. This results in unresolved and often heightened and serious risk concerns based on a protracted and severe history of domestic violence.

Similarly, our programs have noted a significant increase in Family Court referrals. Women are consistently reporting negative, inappropriate and blaming responses from magistrates not only from within the Criminal Courts but also the Family Court. Women report being "required" to attend programs that are not relevant to their needs and render them feeling blamed for their own victimisation. For instance we frequently note that women experiencing domestic violence are ordered or suggested to access and complete parenting programs, thus implying "because we have experienced domestic violence we are not good enough mothers." We have committed considerable time and focus on advocating for more appropriate responses to women experiencing violence, such as highlighting the issue of men who choose to abuse their partner and children, when doing so, actively make a fathering decision; a decision that both affects and traumatises both women and children and interferes with the woman's capacity to mother her children.

Women are also reporting a requirement to attend multiple services and courses, some of which they do not feel are appropriate for their needs, thus placing them under further financial pressure due to transportation costs and time away from work.

Additionally we have noted, especially in Family Court referrals, that women are increasingly being required to attend "psychiatric/psychological evaluations" when they have been the victims of domestic violence. We have recognised the impact of this on women is that they feel blamed and responsible for the violence they have experienced. This common issue is requiring more detailed attention, advocacy and discussion in both group and individual sessions in the domestic violence

program. This represents a concerning shift in program focus with a considerable amount of program time with the client being spent addressing the impact of such negative responses to women experiencing domestic violence from other professional services

In reference to women's verbalized experience of the legal system - women attending our program have reported feeling "judged," "not believed," "blamed," and "intimidated" by judicial officers.

Furthermore, women from Aboriginal and CALD communities report significant discrimination from police and judicial officers.

Additionally women report that when they attend Family Court in respect to child custody arrangements and child visitation decisions; women are experiencing a minimizing of their history and the severity of the abuse experienced. Similarly, we frequently notice the same shift away from fully considering the history, acts of violence and impact of violence when (some) police are aware that Family Court are involved in the case, or soon to be involved.

We also find at times that the same woman who is trying her best to protect her children is referred to as a 'non protective parent' by child protection agencies because she cannot protect her children despite her best efforts and as an 'alienating parent' in the Family Court.

A woman, with a VRO, called police after being physically abused and threatened by her partner – police response: "We can't do anything. It's a Family Court matter".

In further reference to responses from police, the following case example details a woman who persistently called police each time her partner physically assaulted her. This woman experienced emotional, psychological, verbal, financial, sexualized and physical abuse over many years and she had reported this abuse to the police many times. Her most recent injuries sustained from the most recent assault from her partner resulted in fractures and internal organ damage that required a period of hospitalisation. On asking this woman if she had reported this assault to the police, she replied "No. I don't report it to police anymore since the police officer told me that if I keep calling them out I will have my children taken from me."

A common blaming judgment of women exists in relation to VRO's, both experienced by women in police and court responses and heard by us in domestic violence fora. It is a statement that women use VRO's as a "tool that can be used at their discretion." By discretion, inferring that women apply for VRO's and then "invite" their partner back in, or use VRO's for nefarious reasons. We urge for the understanding and appreciation of the context in which women "break VRO's" is often a safety and monitoring mechanism. For example in the context of a woman wanting to check on her ex-partner's frame of mind preceding a contact visit with the children, it gave her the opportunity to adapt and revise her safety plan for herself and her children who may not be on the VRO.

#### Inconsistent policy and court responses to women

Women consistently report a vast disparity and variation in responses to their experience of violence from the legal system in both policing and court contexts.

Current research highlights the imperative importance of women and children being given appropriate and positive responses when they disclose abuse. That they are not blamed for the violence they experience and not made to feel in any way responsible for it, that responsibility lies with the perpetrator and their experience of violence is not minimised. Research shows that if a woman receives a negative professional or social response (blaming, dismissive-minimizing her experience of abuse) it is very likely that she will never speak of it again.

Therefore the experience of these “ad hoc” and “attitude of the particular magistrate of the day” responses place the women’s safety at greater risk. It also places another burden on women to process these many differing responses to the one issue of domestic violence.

We take the position that the safety of any individual should not be reliant on the attitude of a particular magistrate or police officer and that this variant nature of legal processes and outcomes requires individuals to negotiate and ‘shop’ the legal system due to inconsistencies in legal responses. This represents additional and unnecessary time demands, trauma and concern for victims of family and domestic violence.

#### Responding to breaches of VROs

Women often report common responses from police on reporting a breach of VRO (BVRO).

“Nothing is done about it (BVRO)”

“They keep telling me that technically it’s not a breach, so he keeps getting away with it”

This lack of a response to a BVRO or a minimizing response leaves women reconsidering the value of reporting BVRO’s or refusing to report BVRO’s as they often feel unsupported and that the violence they are experiencing is not taken seriously.

Women also report a disparity and inconsistency of police responses in terms of what police class as “evidence” especially around technological abuse such as using Facebook, texts or email. For example a woman reported that her ex-partner used Facebook to procure an individual, for payment, to kill her. The police response was to tell her that “there was no evidence that he would actually go through with it.” Additionally police responded by ascribing the cause of his behaviour to “It’s only his depression. He won’t do it.”

Therefore it is our assertion that police may be less inclined to gather or seek evidence of family domestic violence if they hold preconceived determinations and understandings of the seriousness of the abuse/violence or the intent of the perpetrator. For example: The minimisation of risk to the victim resulting from the judgment of the individual’s proposed psycho-pathology as only a response caused by “depression.”

Women also report their experience of police minimizing the accountability for abuse if the perpetrator utilizes a third person to abuse the victim, for example uses a friend’s phone to threaten her. This again, places the burden of proof onto the victim.

Women report that police either tell them or infer that the breach of the VRO is “minor.” The view of “minor breaches” has the effect on the victim of no longer feeling confident to report or that reporting is not worthwhile. Women report to us that what may be perceived as “minor” by police or magistrates as a singular act of abuse sits within a history of violence of which only the victim would comprehend the significance of that act and the risk that the perpetrator poses.

#### Victim presentation and institutional victimisation

We urge the inclusion of a complaints mechanism into all State and Territory Victims of Crime Acts due to the fact that we often hear from women their experience of negative responses from police and magistrates in relation to the legal system. The value of a complaints mechanism is that it will highlight the areas of service delivery that require attention and reform.

For example – A woman who has experienced physical, emotional, verbal and financial abuse from her ex-partner, including strangulation and threats to kill, attended court on applying for a VRO. During the VRO hearing the magistrate stated to the woman “You don’t look like you need protection.” This woman believes this statement was made to her in response to the fact she was well dressed and did not look like the stereotype of a domestic violence victim. It is our experience that women are often faced with the dilemma of having to portray and present physically and emotionally as a “certain type of victim.” If they present well dressed and appear as “professionals” they report experiencing difficulty in being believed. If the woman presents as being not well dressed and resides in a “lower socio-economic area”, they report feeling judged and blamed for the abuse they experience and accused of “not doing anything to stop it” and “not a protective mother.” These reported experiences, which are common, are a form of institutional victimisation.

We fully support and encourage the provision of criminal injuries compensation information packs to victims at the time they make their statement. It is our experience that we often see women who are not aware that this is an option for them to explore. Any information that can be provided to the woman at the initial point of contact can be very helpful in reducing the amount of time and distress that women experience trying to find the appropriate and accessible services and information.

#### Restraints to domestic violence service accessibility

We continue to recognise the restraints to women and their children accessing the our domestic violence programs including financial restraints resulting from financial control and the costs of legal representation, as well as homelessness, lack of affordable childcare and work commitments. Hence across all of our program locations we have noticed a significant demand for individual counselling rather than group counselling. Women are requesting individual counselling based on their need for individual support for the short to medium term to allow for the immediate attention to safety during periods of high risk and crisis, time to process the effects of domestic violence, as well as other historical issues that may have been raised by being the recipient of abuse, (such as sexualised abuse, institutional abuse and CALD clients' experiences of abuse from others eg. refugees).

Individual sessions allow the time and privacy to begin working that through in terms of the counsellor and the woman working together collaboratively to identify her responses, to then being

able to support her to consider and make some decisions and plans about her own and her children's future. All of this takes some hours of individual counselling as well as group work in what is essentially intended to be a group program.

Additionally, women often report "not feeling ready" or "not able to handle" attending a group because they have, as previously discussed, more pressing issues to attend to such as homelessness, completing other "required" courses as well as feeling they couldn't process other women's stories of abuse as well as their own. Furthermore a significant proportion of women either state they are not safe to attend group or are assessed as not safe to attend group due to currently still being at serious risk of harm and attending group on a regular day was not safe. Very often these women are not in the financial position to pay for long term individual counselling.

This also presents our women's domestic violence program with an equality issue centred on the choices available to women who have experienced domestic violence. Current research shows that women experiencing domestic violence frequently contend with poverty and financial deprivation as a result of financial control from their partner, but also extends post separation to court/legal costs and demands. Therefore in response, women may increase their work hours to sustain themselves financially, but they are then unable to attend group and request individual counselling around their work hours.

### Funding

To meet the increasing requests from women for individual counselling our program has responded by adapting and evolving its work practices and program structure, reflecting the dedication to meet individual client needs, but as noted, this is becoming increasingly difficult under and pre-existing long term current budget constraints. Women experiencing family and domestic violence often cannot afford "long term individual counselling" – this needs to be addressed in terms of funding domestic violence programs. This represents an inherent inequality in service when, for example, women in crisis often do not want to attend a women's domestic violence group, preferring individual, longer term counselling, however cannot afford this and will come to a group as it is free and feel they have no other option.

We continue to recognise an increase of clients attending and accessing our domestic violence service across the men's, women's and children's programs.

In terms of adhering to minimum standards there is a continued high level of clinical practice, knowledge of and attention to the assessment of risk to clients. All men's, women's and children's program staff demonstrate a highly developed ability to respond to complex cases and the clients' immediate need for safety. Facilitators continue to advocate for clients in a holistic manner to address issues such as housing, financial issues, as well as providing referrals for immediate relief (food hampers), that extends far beyond the role of group facilitator. This reflects a holistic, collaborative, co-ordinated and client focused approach to service delivery that incorporates a range of other community support services.

However, the sustainment and development of this case management approach to responding to domestic violence requires an ongoing commitment to supervision to review practice and ongoing training to ensure staff are up to date with current research and emerging trends. This also becomes increasingly difficult under current financial constraints.

### Training

The majority of Relationships Australia staff, regardless of their role, are offered at least introductory training in domestic violence. The complexity and intensity of working with family violence requires deeper levels of understanding and skill and is usually allocated to highly experienced practitioners. Staff working in the field receive specialist clinical support and supervision and have ready access to supervisors and managers in critical situations or following serious incidents. Practitioners require a wide range of personal qualities and skills: counselling and group leadership skills; knowledge across a broad range subject areas; breadth of outlook; an understanding of gender; and the capacity to see the potential for change and good in the people they work with. Experienced practitioners identify that the work can throw up personal challenges about how they think, and how they view their own relationships. Staff hear hard stories and there is some risk of vicarious trauma, unless they are well supported and supervised.

#### ***d. the effects of policy decisions regarding housing, legal services, and women's economic independence on the ability of women to escape domestic violence;***

In addition to the importance of preventive approaches, the first critical response to any domestic violence situation has to be the assurance of safety for victims. Until this is established there is no way to heal and remediate the harmful impacts and effects. Building readiness and leaving a violent relationship is a significant process and requires multiple support points.

Access to gender specific services particularly for women and children such as refuges, mental health, legal services, support groups and financial assistance is an essential component of any service response. In a number of states, many women specific services have been severely rationalised by closures and funding cuts stripping the community of these vital resources but also losing the extensive pool of highly experienced and knowledgeable community workers who have been exceptional advocates for victims of domestic violence.

In 2013-14, some of our organisations also received funding under the Commonwealth Family Support Program to provide specialised family violence services. These services were often delivered alongside other family support and dispute resolution services thereby providing a holistic, wrap-around service to clients presenting with complex needs at family relationship services.

The Department of Social Services (DSS) recently conducted a grants funding round which saw the specialised violence services rationalised under the Children and Parenting Support activity. It is now unclear how, or whether, these services will be funded under the National Plan to Reduce

Violence or another Commonwealth program. The Departments of Social Services website also states that “States and Territories have the primary responsibility for providing programs and services to support women, children affected by domestic violence and to men who want to change their violent behaviour. These include specialist domestic violence services, perpetrator programs, refuges, generalist services (eg health services, family relationships services), and police and the court system.” Our services have been advised that these programs can be delivered using mainstream family and relationships services funding; however, if this was to occur funding would be diverted from current services resulting in shortfalls in the broader program.

The status of other family violence programs is also as yet unknown. This has negative implications for service planning, the ongoing and seamless provision of services and staff retention.

***e. how the Federal Government can best support, contribute to and drive the social, cultural and behavioural shifts required to eliminate violence against women and their children; and***

We note recent work by the Commonwealth government including:

- the National Plan to Reduce Violence against Women and their Children 2010-2022 and the recently launched Second Action Plan 2013-2016
- Foundation to Prevent Violence against Women and their Children (July 2013)
- National Centre of Excellence (early 2013) and Australia’s National Research Organisation for Women’s Safety (ANROW)); and
- the national register of family violence orders

However, more effort and co-ordination at the national level is required. Our services report that a national definition and integrated approach to domestic violence is central to improving outcomes for victims and perpetrators. However, plans and strategies cannot improve outcomes for people impacted by domestic violence without support services that provide direct assistance, including income support, mental health, housing and homelessness, therapeutic counselling, domestic violence and legal services. Research and practice indicates that many factors associated with domestic violence can be influenced by intervention programs that seek to assist perpetrators to reduce their use of violent behaviour and support services for victims and these programs play a vital role in society.

Commonwealth and State policies should also promote integrated, coordinated and accessible direct service responses and funding should be directed towards both preventative and response strategies. Some states, such as Tasmania, have developed truly integrated service models. For example the Safe at Home Legislation is often held up as model legislation in terms of scope and application with the incidence of family violence and assaults being reported to police in Tasmania showing a decrease in recent years. The Safe at Home legislation enables perpetrators to be removed and affords some protection for victims and families, even though in reality, women and children in violent family situations are more likely to be the ones who leave. This has impacts and

consequences in terms of children's daily routines being disrupted; extended family members providing accommodation and support; access to housing and income, employment and education stability for children, The Tasmanian Government also has clear policies and processes for supporting Tasmanian government employees impacted by family violence.

While universal screening processes and tools for community services such as AVERT and DOORS are of value in assessing risk, they also have limitations. On their own and without opportunities for services to collaborate on strategies to manage identified risks of harm they will not be sufficient to identify all cases of domestic violence or be accurate enough to predict the reoccurrence or severity of violence. Benchmarks for quality practice should be used to inform a national approach.

Further actions could include:

- Continued focus on raising community awareness through community education and setting community standards which clearly define family violence in any form as unacceptable.
- Improvement in co-ordination and collaboration across sectors in line with good practice models that already exist in some States
- Programs for perpetrators are few and far between, and specific programs for men using violence are required to bring about behavioural change. There also needs to be improvement in the availability and awareness of services for victims and perpetrators.
- Continue to improve legal processes to support victims of violence and to pursue prosecutions.
- Continue to support and resource the Second National Action Plan to Reduce Violence against Families and Children
- Continue to ensure State and Federal governments give housing priority to women and children impacted by family violence
- Improved income support arrangements for women and children impacted by family violence.
- Implement early intervention and education programs targeted at young people, including school-based programs
- Focus on effective screening and risk assessment across all family services as has occurred for the family law sector.
- Ensuring workers are capable of responding and are appropriately trained

To summarise, we make the following recommendations, including:

- Increased commitment to evaluation and research, including a national research agenda developed with input from the service delivery sector;
- More resources for children affected by violence and prioritising supporting services for children wherever possible;
- A national approach to dealing with violence within the family, including education campaigns, training of workers and increased State and Federal collaboration;

- Integrated and holistic service responses to violence within the family at the State level; and
- Promotion of safety as a human right.

***f.any other related matters.***

Relationships Australia draw's the Inquiry's attention to the following reports:

Success Works (2009) Review of the Integrated Response to Family Violence: Final Report, Department of Justice, Tasmania

In this report, a review of the literature identified the following key principles of best practice in family violence policy frameworks:

- Agencies (including police, courts, services for victims, health services etc.) should collaborate to ensure an integrated response to family violence
- The system should acknowledge and treat family violence as a criminal act
- The safety of victims and children must be the primary consideration of everyone concerned
- Service should seek to empower the victim
- Services should be responsive to the experiences and needs of children
- Services should demonstrate cultural competence when dealing with individuals from Indigenous and culturally and linguistically diverse backgrounds
- Offenders should be held responsible for their violence
- Prevention and early intervention strategies should be part of the response
- Service providers should be committed to ongoing family violence training and education of their staff.

Pursuit of Respectful Relationships (IPRR)

IPRR is a 12 week group program for men conducted by Relationships Australia in the Northern Territory. The group emphasises a careful examination of the thoughts and beliefs that underlie behaviour which may be real or perceived by partners and children as violent or abusive. This involves detailed exploration of the concept of 'dangerous ideas' and the link between these dangerous ideas and some of the cultural understandings about being a man. Men in the group are encouraged to move towards respectful ways of thinking and behaving.

Programs targeting men's violence vary in their context and their form. This program works from an assumption that participants joining the program are seeking loving and respectful relationships but are constrained by some of their beliefs and actions. Participation in the program is voluntary. The model of program heightens the importance of screening. It is important that only men who are

genuinely concerned about their actions and wishing to work on changing some of their behaviours are nominated for the program. It is also important that the program is not used as “a soft option” by men who would otherwise be mandated to attend a stopping violence program.

A program evaluation was conducted in 2012<sup>x</sup> and included the following findings:

- Female partners reported:
  - The most common abusive behaviours they experienced in their relationship were primarily psychological or emotional.
  - An overall decrease in the frequency of abusive behaviours immediately following the IPRR course. The greatest reduction was in relation to psychological / emotional abuse.
  - Reductions in the frequency of: physical violence against property (for example, damaging household items, damaging or destroying possessions, or throwing, smashing, hitting or kicking an object); psychological / emotional abuse; threats of violence; the exposure of children to abusive behaviours (for example, through witnessing of abuse, or being used as ‘pawns’ in disputes); and their partners becoming abusive after using drugs or alcohol.
- In the three-month follow-up interviews, female partners reported:
  - reduced levels of abuse in their relationship;
  - a greater feeling of safety, both for themselves for their children; and
  - that their relationships had become more respectful.
- In the three-month follow-up interviews, some female partners qualified their positive views of the course by:
  - noting that other factors (counselling, the desire of the men to change) were also significant in leading to positive changes in their relationship; and
  - expressing concerns about the durability of the changes.
- The majority of women interviewed thought that improved communication within their relationship was the most beneficial outcome of the IPRR course.
- While agreeing that the IPRR course was positive overall, a minority of women also identified some negative outcomes, including detrimental effects on their partner’s feeling of self-worth, and paradoxically, with their increased feeling of safety, an increased tendency to express their own anger.
- Male IPRR course participants rated the IPRR course highly in terms of its perceived effect on their knowledge, attitudes and behaviours in relation to abusive behaviour.
- Participants identified the most useful aspects of the IPRR course as:
  - the concept of ‘dangerous ideas’;
  - a greater understanding of abuse and its effect on others;
  - the sharing of experiences as a group of men; and
  - the learning of strategies to deal with their own negative emotions.
- Course facilitators felt that the readiness of the participants for change and their attendance at individual counselling sessions outside the IPRR course are significant factors in course effectiveness.

- Additional IPRR course facilitators were trained during the evaluation period. However, course sustainability continues to be challenged by the shortage of appropriately qualified facilitators (particularly men).
- IPRR facilitators identified two key aspects of course content and process which supported engagement of participants:
  - course flexibility and the innovation this enabled; and
  - the male / female facilitation team and the relationship modelling they provide.
- Female partners offered some suggestions for some improvement in the IPRR course including:
  - companion courses for female partners;
  - IPRR courses specifically for young men; follow-on or refresher courses to assist men with continuing reflection and behaviour change; and
  - more counselling after the course.

### Taking Responsibility

Recent evaluation of the Taking Responsibility<sup>xi</sup> program in NSW made the following recommendations:

- Focus on attitudes to gender in the men's group
- Conduct more research on the therapeutic alliances developed in the group
- Continue to provide psycho-education and cognitive-behavioural material
- The process (discussion) section of the group was also valued by male respondents
- Monitor men's accounts of a lack of empathy or contempt for their partners, it suggests a lack of change
- Time and cost continue to be significant barriers for male clients
- The other clients helped men overcome their fear at the start of the program
- The individual counselling sessions complemented the group work
- The women still describe a sense that their and their children's needs are not being adequately addressed
- It is recommended that phone contact with the partners and former partners continues to be prioritised
- There needs to be a review of how and when we offer support for these women
- Counselling and groups for women were described as beneficial by respondents
- Undertaking domestic violence groups meant these women were less tolerant of abuse in their relationships
- The increased knowledge had repercussions in their relationship, which needs to be managed
- Retain a focus on those affected by violence and abuse
- Phone contact is vital for verifying the male clients' accounts of change
- Monitor couples who are referred by child protection services
- Client engagement does not indicate client change

- Practitioners are advised to monitor the effect of mental health issues
- Seek contact from the new partner, especially when there is no contact between the male client and his former partner.

The Monash Longitudinal Study on the Impact of Men's Behaviour Change Programs (MBCP) on Men and Partners: Selected Findings

Relationships Australia NSW also participated in the broader Monash Longitudinal Study on the Impact of Men's Behaviour Change Programs on Men and Partners<sup>xii</sup>.

Selected findings included:

- Program provider staff see program difficulties of: providing MBCPs on current funding, lengthy waiting times, areas not covered with MBCPs, using so many PT staff, problems of rewarding staff, supporting staff, obtaining and maintaining staff, determining and negotiating best training levels for staff, linking with training organisations, developing and documenting innovations, finding a forum inside and outside the agency for discussion of common issues and development needs, linking with local network, especially courts (Children's Courts, Magistrate Courts, Family Law Courts)
- Courts report similar linkage difficulties
- All men believe their violence has reduced (65% considerably, 23% moderately)
- Some 22% report cessation of all violence in the broadest sense; all the rest reductions in frequency and modes
- Areas of greatest improvement reported were : physical violence with injury, making partner afraid, controlling money, criticising sexual behaviours, breaking furniture, stopping partner seeing friends and family
- Physical violence with injury and making partner afraid showed change with greatest statistical reliability
- Little differences in changes in violent behaviour between court ordered men and non-court ordered men except initially more court ordered men reported making their partner afraid for their children and more reported improvement in this area
- One additional problem was reported as improved: substance abuse
- No- court ordered men report greater improvements in additional problems
- Some additional problems were reported as worse: physical health, mental health, finance, employment, housing and gambling
- Some additional problems worsened more for court ordered men: mental health, employment, physical health
- Men in 2009 study showed little understanding of the impact their violence had on their own or their partner's parenting
- In this study 36% of men reported severity of impact of their behaviour on their children as not serious; court ordered men a little less (7%) likely to report any serious impact

- This finding contrasts with reporting impact on partners as fewer men (15%) reported impact as not serious; again court ordered men a little less (7%) likely to report any serious impact
- While men reported improvements in impact some men wrote in that they did not understand impact at the beginning and now did, thus raising questions over attempting to measure this factor
- Partners are considered a motivating factor for change

Evidence and practice confirms that domestic violence funding is well-spent in delivering improved outcomes for people impacted by domestic violence. We urge the Government to continue to focus on a co-ordinated, national policy approach together with the provision of adequate direct funding for programs which provide services to perpetrators and victims of domestic violence, their children, families and communities.

Thank you for the opportunity to provide a submission to the Senate Standing Committee Inquiry into Domestic Violence in Australia. Should you require any further clarification of any aspect of this submission or need information about the services Relationships Australia provides, please contact myself or Paula Mance, National Policy Manager, Relationships Australia.

Yours sincerely,



Alison Brook  
National Executive Officer

14 August 2014

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<sup>ii</sup> Australian Bureau of Statistics. (2006). Personal safety survey, Australia 2005 (ABScat. no. 4906.0). Canberra, Australia: Author.

<sup>iii</sup> Morgan, A. and Chadwick, A. Key issues in domestic violence, Research in Practice no. 7, Canberra: Australian Institute of Criminology, December 2009.

<sup>iv</sup> Morgan, A. and Chadwick, A. Key issues in domestic violence, Research in Practice no. 7, Canberra: Australian Institute of Criminology, December 2009.

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<sup>v</sup> See discussion in Wilcox, K. (2012) *Family Law and Family violence: Research into practice*, Australian Domestic and Family Violence Clearinghouse, Research and Practice Brief 12.

<sup>vi</sup> Australian Law Reform Commission (ALRC) & NSW Law Reform Commission (NSWLRC) 2010, *Family violence – a national legal response: final report*, vol. 1 & 2, Commonwealth of Australia, Canberra.

<sup>vii</sup> Bagshaw, D., Brown, T., Wendt, S., Campbell, A., McInnes, E., Tinning, B., Batagol, B., Sifris, A., Tyson, D., Baker, J. & Fernandez Arias, P. (2010), *Family violence and family law: The experiences and views of children and adults from families who separated post-1995 and post-2006*, Volume 1, April 2010. cited in AVERT Family Violence. Dimensions, Dynamics and Impact, <http://creativecommons.org/licenses/by-nd/3.0/au/legalcode>.

<sup>viii</sup> Cited in *Family Violence and Family Law in Australia. The Experiences and views of children and Adults from Families who Separated Post-1995 and Post-2006*. Dale Bagshaw, Thea Brown et al. April 2010. Volume 1. P 81-82.

<sup>ix</sup> Employment Direction No. 28, Feb 2013,

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<sup>x</sup> J. Devitt and E. Tilton.

<sup>xi</sup> Broady, T., Gray, R. and Gaffney, I. (2014) Taking Responsibility: Evaluating the extent to which male perpetrators of family violence change their attitudes through group work intervention, *Journal of Interpersonal Violence*. Available online: DOI: 10.1177/0886260513517300.

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<sup>xii</sup> Brown, T., (2014) *Overcoming Domestic Violence*, presentation given to the Australian Institute for Relationship Studies, Relationships Australia, Sydney, August 2014 (*unpublished*).