

27 August 2012



Legislative Council
Standing Committee on Social Issues

Parliamentary committee calls for leadership from the highest levels of government to address domestic violence

Inquiry report released today

A Premier's Ministerial Council, comprised of senior Cabinet ministers, should be established to lead the State's response to domestic violence, according to a report released by the Standing Committee on Social Issues today. In addition, the Premier should report to Parliament every year on the progress being made to prevent and address domestic violence.

Committee Chair, the Hon Niall Blair MLC, said, "Domestic violence is a profound betrayal of the love and trust that people have for those closest to them, and the damage it inflicts on individuals, on families and on the broader community is equally profound. Domestic violence costs the New South Wales economy more than \$4.5 billion each year."

"At the end of this year long inquiry, the Committee has concluded that leadership to address domestic violence must be driven from the highest levels to bring about the change that is so necessary. This policy area deserves no less than the leadership of the Premier."

"Like many inquiry participants, we call on the NSW Government to pursue comprehensive, systemic reform in relation to policing, the courts, services for victims and children, as well as the apprehended domestic violence order (ADVO) system. The right leadership and governance arrangements will be critical for the success of these reforms."

Mr Blair noted that to date, government policy on domestic violence has been overly focused on the criminal justice system. "The Committee is calling for a new focus on victims and their needs. It also needs to be much more focused on the safety of victims and children, as well as on accountability and change to non violent behaviour for perpetrators."

"Matched with this, government needs to focus on prevention, by investing in long term, evidence based strategies that actually stop violence from occurring in the first place."

Copies of the report can be downloaded from www.parliament.nsw.gov.au/socialissues, or are available from the Committee Secretariat by calling (02) 9230 3311.

*For further comment please contact the Hon Niall Blair MLC
Committee Chair, on (02) 9230 2467*

MEDIA RELEASE

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**Standing Committee on Social Issues
Legislative Council of NSW
Report on domestic violence in NSW**

Key inquiry findings

Domestic violence is at once a profoundly personal problem, a destructive social issue and a serious crime. As a violation of trust within people's closest relationships with intimate partners and family members, domestic violence has a deeply harmful effect on victims and children. Domestic violence is also a breach of the human right to freedom from gender based violence. It is linked to death, physical and mental ill health, disability, child abuse and homelessness, and has been estimated to cost the New South Wales economy of least \$4.5 billion each year.

The Committee agrees with the near-consensus among inquiry participants that domestic violence is an inherently gendered crime, with the majority of violence perpetrated on women by men. This is backed up by State, national and international data, and is rightly recognised in policy and legislation. At the same time, there are male victims and female perpetrators, and the Committee considers that while it must recognise the gendered nature of domestic violence, the system for preventing and responding to such violence needs to take account of, and be effective for, all victims and perpetrators.

The Committee very much welcomes the NSW Government's commitment to develop a Domestic and Family Violence Framework (DFV Framework). Together, the findings of the recent Auditor-General's report on responding to domestic violence, and the views of a wide range of inquiry participants highlight the very substantial need to pursue comprehensive, systemic reform in relation to domestic violence. We encourage the NSW Government to embrace this opportunity for wholesale improvements under the umbrella of the Framework. An ambitious, well resourced strategy will provide a vision for the comprehensive reforms that are so necessary and drive them forward over time.

The Committee considers that it the imperative for reform is so significant as to justify a further inquiry on our part, to review progress made in respect of our recommendations in two years' time.

In our view, the DFV Framework should be built on three core principles. First and foremost, it should embody the principle that domestic violence in all its forms is completely unacceptable and as a society, we must make an ongoing effort must to eradicate it.

We consider that there needs to be a new focus on victims within the domestic violence system. Evidence before the inquiry has shown us that at present the system works in silos, is patchy and lacks leadership, with outcomes for victims constrained by system requirements. It has also been overly focused on criminal justice interventions at the expense of victim supports. Thus Framework must reflect a second principle that people's needs are paramount, that the system exists to address those needs, and that all agencies and workers have a responsibility to respond to needs in a timely, flexible, holistic and individualised way.

The third principle is a focus on outcomes. All of our recommendations are geared towards enhancing a practical focus on the needs of and outcomes for the individuals affected by domestic violence: most significantly, the outcome of safety and freedom from violence for victims and children, but also accountability and change to non violent behaviour for perpetrators. Every service that plays a role in the domestic violence system, whether a police

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Committee Chair, on (02) 9230 2467*

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station, a local court, a refuge, an emergency department or a women's health centre, should be focused on these goals, and on their own part, integrated with that of other services, in achieving those outcomes.

The right leadership and governance arrangements will be critical to the success of the reforms. We recommend that governance of the NSW DFV Framework be led by a Premier's Ministerial Council comprised of each of the ministers responsible for the following portfolios: Women, Family and Community Services, Attorney General, Justice, Police, Health, Housing and Education. The Premier's Ministerial Council would be an oversight committee that ensures that all of the agencies with a role in the Framework act in a coordinated way to fulfil their respective responsibilities. In addition, we call on the Premier to report to Parliament once a year on the progress being made to address domestic violence in New South Wales.

Government must also formalise the role of non government organisations in decision making by allowing them to take their rightful place in a new statewide steering committee for the Framework.

We strongly believe that just as there needs to be a comprehensive new approach to domestic violence in New South Wales, within that approach government must invest in a long term and strategic commitment to prevention and early intervention that includes primary prevention measures. Moreover, there must be a lead agency to drive and coordinate primary prevention strategies across the State. The Committee understands the enormity of this task, but believes that investing in primary prevention is the only way to make a real, long lasting impact on the incidence of domestic violence.

Given the strong evidence that that domestic violence is inherently gendered, we consider that addressing the causes of violence against women must form the basis for any prevention strategy. This should be complemented by targeted prevention strategies focusing on specific population groups.

We call for specific evidence based strategies to address the link between alcohol and domestic violence, predicated on an acknowledgement of a link between the two, and a commitment to fund further research on the role that alcohol plays in the frequency, severity and effects of domestic violence.

The Committee recognises that many of our recommendations will give rise to an increase in demand for tertiary services for victims and children. If victims are more aware of the supports available to them, and if they and their children are more effectively engaged in the system and referred by service providers for additional support, it is critical that there be adequate services to meet their needs. Yet, the Committee heard that many services for victims, and especially for children, are already in very short supply. It is also vital that there be a menu of options available to respond to those various needs.

The Police Force will be key to the success of the new approach to domestic violence that the Committee is envisaging for New South Wales. While the Police Force has achieved significant improvements in practices in recent years, further improvements are required in relation to the consistency of responses, responses to breaches, and responses in rural and remote areas. These issues should be addressed via enhancements to leadership, training and quality assurance. In addition, Domestic Violence Liaison Officer (DVLO) positions should be funded on the basis of a policy for allocating DVLO positions across the State.

Greater research, data collection and monitoring will be essential to a better understanding of the trend of increased arrests of women, and appropriate responses to it.

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Committee Chair, on (02) 9230 2467*

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Our inquiry presents an opportunity for the NSW Government to rethink what relationships should and should not be classified as ‘domestic’ in the *Crimes (Domestic and Personal Violence) Act 2007*. The Committee considers that the Act should reflect that domestic violence occurs between people in family or family-like relationships. At the same time, owing to the unique vulnerability of people with disability to abuse, neglect and exploitation, there should be no dilution of existing protections for that group.

The Committee strongly believes that the apprehended domestic violence order (ADVO) system as a whole requires improvement. Ensuring ADVO conditions are workable and realistic and that respondents understand those conditions will fundamentally decrease the likelihood of breaches.

The Committee is not convinced that global positioning system (GPS) technology for people subject to an ADVO, which is not a criminal charge or offence, demonstrates tangible benefit to victims of domestic violence. Accordingly, we recommend that the NSW Government not pursue at this time the use of GPS bracelets as a method to reduce breaches and improve compliance with ADVOs.

The Committee believes that greater availability of advice for respondents, whether through a lawyer or court support worker, will reduce breaches and improve compliance with ADVOs. We recommend that DAGJ work towards implementing a best practice respondent legal advice and support program across NSW Local Courts.

We consider that court support services should be enhanced in order that every court in New South Wales has the same minimum standard of supports available to victims of domestic violence, including that at least one court support worker and one DVLO should be dedicated to every local court on domestic violence list days.

While the establishment of standalone domestic violence courts is neither feasible nor practical at this time, we see great value in implementing elements of the Domestic Violence Intervention Court Model across the state, and the use of domestic violence lists in all local courts. In addition, we recommend that the Department of Attorney General and Justice (DAGJ) work with local courts to establish safe rooms in all local courts.

New technological and legal capacity is required to permit information sharing between NSW courts and the Family Court, so that magistrates and judges in NSW courts are better able to ensure that family law orders and ADVOs are consistent.

While there is already a range of penalties available for domestic violence offences, we recommend a review of alternative sentencing options for domestic violence offences, for example referral to mediation, support services, treatment programs, counselling, and educational or rehabilitative programs.

We call on the NSW Government to develop effective intervention programs for perpetrators of domestic violence, based on thorough research and systemic trial and evaluation. Funding for perpetrator programs should not be at the expense of victims’ services and programs.

Finally, we recommend that as part of the DFV Framework, the NSW Government expand the availability of support services for child perpetrators and their families across the State.

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Committee Chair, on (02) 9230 2467*