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Ms Merrin Thompson
Principal Council Officer
Standing Committee on Social Issues
Parliament House
Sydney NSW 2000

30 March 2012

By email socialissues@parliament.nsw.gov.au

Dear Ms Thompson,

RE: Inquiry into domestic violence trends and issues in NSW: questions on notice and supplementary questions

1. Thank you for the opportunity to appear before the Standing Committee on Social Issues on 5 March 2012. In this letter we submit answers to questions on notice and answers to the supplementary questions that you have sent us.

Questions on Notice

Review of government policy and the framework for handling domestic violence in New South Wales (p53)

2. To the best of our knowledge we are not aware of this review. We would welcome any information on this review.

The benefit of primary aggressor tools being used in same sex violence situations (p54)

3. It has been our experience with cases of domestic violence in same-sex relationships that it is difficult to identify the primary aggressor. From our experience, the person listed as the protected person has been the one who went to the police station first and reported domestic violence. The SRP has had multiple clients who are defendants in AVO proceedings after they have been a victim of physical violence, or have been threatened or harassed by the protected person. In regards to same-sex domestic violence, when the question of gender is not present in working out who is the primary aggressor, it seems it will always be difficult to identify who the primary aggressor is. That said, if police question both parties separately, asking domestic violence screening questions and questions about the history of the relationship, we think that would be beneficial in working out who is the primary aggressor.

Responses to supplementary questions

Domestic violence in Gay, Lesbian, Transgender, Bisexual and Intersex (GLBTI) relationships

4. The needs of GLBTI victims of domestic violence are the same as other victims of domestic violence – they need access to police support, court assistance, safe housing, emergency payments and counselling. The issue is that GLBTI victims can face further challenges when accessing these supports due to the fear of homophobia, transphobia, intersex phobia and societal discrimination. Service providers need to be aware of the issues that GLBTI people face on a daily basis to be able to respond to GLBTI people appropriately when experiencing or escaping domestic violence.

Case Study 1 – Faith Based organisations

Sam was a victim of same sex domestic violence and she was referred to a faith-based service for domestic violence counselling. When Sam attended the counselling session she disclosed that she had been in an abusive lesbian relationship. The counsellor was obviously uncomfortable with this disclosure and told Sam she might be more suited to go elsewhere for counselling.

Case Study 2 -

Leonie is a transgender female who lives in a regional town in NSW. Leonie was in an extremely violent relationship and went to the local women's refuge to try and escape the violence. When she approached the refuge for help the staff member at the front desk said, "this is a women only refuge, if you want to stay here we need to have proof that you are a full woman".

Service providers need an understanding of the unique issues facing GLBTI people and ensure their service is GLBTI friendly and appropriate when responding to domestic violence.

Early Intervention

5. The Australian community is diverse and we would like to see mainstream domestic violence awareness campaigns reflect that diversity. We recommend for any future mainstream domestic violence awareness campaign to include, as part of the campaign, the experiences of the GLBTI community. GLBTI focused programs are appropriate in the GLBTI community media, and the Safe Relationships Project, ACON and the LGBTIQ Domestic Violence Interagency continue to run domestic violence awareness campaigns in the local community media. However, to increase awareness of the issue at a greater level and reach a wider audience of GLBTI people, we would recommend that the experiences of GLBTI people are included in mainstream domestic violence campaigns. GLBTI people watch television, read the newspaper, go to the cinema, surf the internet, participate on online forums, have twitter and facebook accounts – thus any form of awareness raising that mainstream campaigns are undertaking, would also be effective in reaching the GLBTI community.
6. There are some great early intervention programs addressing domestic violence and promoting respectful relationships in high schools across NSW, such as the 'Love Bites' program. To the best of our knowledge the Love Bites program does not address same sex domestic violence. Such programs could address same sex domestic violence in schools, in conjunction with programs that address homophobia in schools. Dr Lynn Hillier's *Writing Themselves in Report 3* (2010) showed that 61% of young people reported verbal abuse because of homophobia and 18% of young people reported physical abuse because of homophobia. The report noted it is not unreasonable to assume that many young GLBTI people accept harassment and violence as part of their everyday life because of being GLBTI. Therefore we strongly support the NSW pilot program Proud Schools, a program aiming to tackle homophobia and fight abuse and negative attitudes faced by gay teens, the program is currently in 12 schools in Sydney, the Hunter and the Central Coast. Young GLBTI people need to know it is 'okay to be gay' or gender diverse and feel supported by their schools and peers before the issue of domestic violence in GLBTI relationships can be addressed in schools.

Service Delivery

7. In response to the One in Three Campaign we would like to acknowledge that the majority of victims of domestic violence are women in heterosexual relationships, and show our support for programs and services that assist female victims of domestic violence.

8. In regards to service delivery for the GLBTI communities, we would recommend a targeted approach in addressing GLBTI domestic violence. These communities have unique needs that would be more appropriately supported by targeted service delivery.
9. Improvements are needed across *all* areas of service delivery for domestic violence as domestic violence affects all areas of a person's life. Some issues that need immediate attention include:
 - Increased funding for domestic violence services;
 - More emergency housing options for all victims of domestic violence, and in particular, crisis accommodation for gay men, and transgender and intersex women who may not be able to access a women's refuge;
 - Better victim support when reporting to police;
 - Increase in crisis payments from Centrelink.

Policing

10. The issue with policing of domestic violence is the inconsistency of police response. The police procedures on domestic violence direct police to investigate and take action. However these procedures are not always followed.

Case Study

Michael was in a domestic violence relationship for 10 years. Michael came to the Safe Relationships Project for assistance. After working with the SRP for 10 months Michael finally built up the courage to go to the Police to report the violence. A solicitor from the SRP accompanied Michael to the police station. After speaking to two different police officers Michael and the solicitor sat down to make the DV report. The Acting Sergeant of the station came in and said we should go to a different police station to make the report. The Acting Sergeant told Michael and the solicitor to go to the police station closest to where the domestic violence occurred. As a result of being turned away from the police station Michael was put back at risk having to go back to the domestic violence situation. The SRP staff member reported this to NSW Police and was told that what the Acting Sergeant told Michael and the solicitor was against police policy and procedures and the police should have taken the DV report.

It is police procedure to take a domestic violence report regardless of where the domestic violence incident occurred. Police should not be asking a victim to go to a different local area command to report domestic violence.

ADVOs

11. We refer to our submission of 15 September 2011 and our evidence given on 5 March 2012. We have nothing further to add.

The court system

12. We agree with other submissions that a bench book for domestic violence proceedings would be valuable, particularly if it included specific issues about domestic violence in GLBTI relationships. We agree that domestic violence education and training for judicial officers would also be extremely valuable.
13. We support the submissions given by Redfern Legal Centre and Sydney Women's Domestic Violence Court Advocacy Service regarding the extension of domestic violence court lists. We do not support a specialist domestic violence court as separating domestic violence from the criminal court would in our view, diminish domestic violence as a crime. We support the domestic violence court lists as a more appropriate alternative.

Penalties and sentencing

14. There is a workable definition of domestic violence in s.11 *Crimes (Domestic and Personal Violence) Act 2007*. This definition would be suitable for use of 'domestic violence' as an aggravating factor

Service Provision

15. Non-legal services and programs responding to domestic violence are absolutely necessary to support victims of domestic violence. However those services and programs themselves need to be supported with relevant funding. The provision of safe housing is a priority. It is our understanding that refuges provide short term housing, however long term safe housing options are non-existent. This results in domestic violence victims having to compete for public housing. The queue for public housing is extremely long making it a very long process for victims to find safe long-term housing. The provision of counselling is also extremely important for those who cannot or do not have the capacity to escape the domestic violence.

Please contact me on (02) 9332 1966 should you wish to discuss any of the above.

Yours faithfully,
INNER CITY LEGAL CENTRE

Rosslyn Mayne
(Principal Solicitor)