

30 April 2012

The Director
Standing Committee on Social Issues
Parliament House
Macquarie St
Sydney NSW 2000
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Clarification of evidence given on 20 February 2012
Inquiry into domestic violence trends and issues in NSW

I am writing to the Committee to clarify a statement I gave in evidence to the Standing Committee on Social Issues on 20 February 2012. It has come to my attention that in giving my evidence I inadvertently conflated two of the findings of my research and on that basis I seek to correct and clarify the evidence that I presented. The clarification relates to the evidence given in the second last paragraph of my evidence on page 27 of the uncorrected transcript.

As I indicated in my evidence, my PhD research was based on a small study, but produced findings that were consistent with other comparable research (particularly that concerning gender differences in intimate partner violence emanating from researchers from the USA) which provides reason for confidence in the findings. The study was focused on ADVO cross applications and hence concerned matters where there are competing versions of the same incident, where it was often less clear about who was a victim and who was a perpetrator, and how a matter might best be dealt with in a legal setting. As I previously indicated the full electronic copy of my full thesis can be accessed at:

<http://ses.library.usyd.edu.au/bitstream/2123/5819/1/01%20J%20Wangmann%202009%20Thesis.pdf>

The area I seek to clarify is my discussion of the legislative criterion of 'fear'. There were three different and related points I sought to make:

- (1) The term 'fear' is used in a routine way to conclude the narrative of a complaint. For a detailed discussion of this point please refer to pp. 97-98 of my PhD thesis (all subsequent page references are to my thesis).
- (2) Most of the professionals that I interviewed articulated a contextual understanding of intimate partner violence when asked how they understood the term 'domestic violence', but generally returned to a narrower, incident-based framework when asked practice orientated questions. For a detailed discussion of this point please refer to pp. 242-251.
- (3) The high workload environment of the list/ mention day in many NSW Local Courts means that many ADVO matters are dealt with in a routine way. Here the brevity of matters means that there is little discussion or comment on the violence that is the subject of the complaint. I provided information on this point in my written response to supplementary questions. See also discussion pp 100-112.

This is not intended to convey that the court, or judicial officers, approach the legislative criterion of 'fear' itself in a routine way. Indeed as I state in my thesis '[g]iven that most ADVO cases settle in some way, the way in which 'fear' is considered by the court rarely

comes to the fore. Rather the only information about 'fear' is the way in which it is incorporated in complaint narratives, or adduced in evidence (where this takes place)' [p. 91, footnotes omitted].

If possible I would appreciate that this portion of the transcript could be corrected via the deletion of three sentences starting with 'The court usually will just ask...' to the end of that paragraph. This would enable the removal of the sentences in which I conflated my points which could lead to a misinterpretation of my research. If this is not possible, then perhaps this additional submission could be linked to my evidence.

Please do not hesitate to contact me if you require further information or have any questions about my comments or suggestions.

Yours faithfully

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