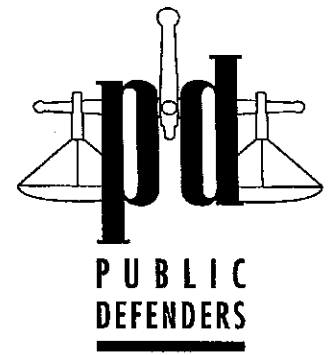


**INQUIRY INTO DOMESTIC VIOLENCE TRENDS AND
ISSUES IN NSW**

Organisation: Public Defenders Office NSW

Date received: 15/09/2011



14 September 2011

The Director,
Standing Committee on Social Issues,
Legislative Council,
Parliament House,
Macquarie Street
Sydney NSW 2000 Australia

[By Email: socialissues@parliament.nsw.gov.au](mailto:socialissues@parliament.nsw.gov.au)

Dear Sir or Madam

RE: INQUIRY INTO DOMESTIC VIOLENCE TRENDS AND ISSUES IN NSW

I refer to the letter of the Hon. Niall Blair MLC of 1 August 2011 seeking submissions to the above inquiry. I am pleased to respond.

By way of background, the Public Defenders are a small group of publicly-funded barristers who advise and appear for indigent persons who are accused of serious crimes. We appear almost exclusively in the NSW District and Supreme Courts at first instance, and the NSW Court of Criminal Appeal. It would be exceptionally rare for one of us to appear on the hearing of whether to impose an ADVO or on a breach of an ADVO. For those reasons, my submissions do not focus on the "nuts and bolts" of the issues.

1. Strategies to reduce breaches and improve compliance with Apprehended Domestic Violence Orders (ADVOs), including:

a. The use of GPS bracelets.

b. Whether existing penalties for domestic violence are adequate.

As a matter of general principle, we favour the Court having a broad range of measures available to it, and therefore we are of the view that all alternative methods of reducing breaches and improving compliance, including GPS bracelets, should be considered.

It seems to us that existing penalties for domestic violence are adequate. They range from the maximum penalty for the offence of common assault of imprisonment for two years, to the maximum penalty for the offence of murder of imprisonment for the term of one's natural life.

2. Early intervention strategies to prevent domestic violence

We support all strategies that are shown to, or are likely to tend to, prevent domestic violence.

3. The increase in women being proceeded against by police for domestic violence related assault

Again, we submit that strategies for prevention are the key, and certainly not increasing the number of women who are incarcerated.

4. Any other relevant matter

There is no other matter that I wish to raise.

Thank you for the opportunity to make submissions to this important inquiry.

Yours sincerely

Mark Ierace SC
Senior Public Defender