

INQUIRY INTO DOMESTIC VIOLENCE TRENDS AND ISSUES IN NSW

Organisation: Outer West Domestic Violence Network (OWDVN)
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Submission to the
Inquiry into DV trends and issues in NSW
Standing Committee on Social Issues
Legislative Council, NSW Parliament
Email: socialissues@parliament.nsw.gov.au

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I am writing on behalf of the Outer West Domestic Violence Committee (OWDVN). Our Network is a dynamic interagency within Blacktown LGA working strategically and collaboratively to prevent domestic and family violence. Amongst other things, we co ordinate a range of local community awareness activities and events throughout the year including the **16 Days of Activism to Stop Violence Against Women**. In response to your Terms of reference and based on our experience, we are pleased to offer the following observations :

1. Strategies to reduce breaches & improve compliance with ADVOs including :

a. Use of GPS bracelets

Given that the safety of victims and their children is our priority, if this were introduced as a protective measure, i.e. alerting some assistance, we have concerns as to how this could be managed and at what geographical level, given that capacity to respond within a limited timeframe is crucial. The radius of ADVOs would need to be applied according to this capacity. There would seem to be little potential for an enforcement strategy and it would be irresponsible to give the impression of greater safety for victims and their children if this could not be delivered. We do accept however, that there may be value in the system being used to provide evidence of breaches of ADVOs particularly in stalking cases.

b. Whether existing penalties for DV are adequate

We think that adequate penalties are available but that they are seldom applied as appropriate. Breach of Bail does not carry a penalty so there is little deterrent value in bail conditions. Our observations are that a DV offender can breach bail conditions in place to protect a victim, by either assaulting or intimidating the victim again or breaching the ADVO, and he often comes before the court and receives bail again. Breaches of Bonds are often dealt with lightly, or dismissed. It appears that Magistrates see another conviction (ie on the offence or offences that initiated the breach of Bond) as adequate punishment and thus the breach is dismissed, meaning there is no deterrent value in being placed on a Bond. Similarly Bonds are often

‘stacked up’ with DV offenders being placed on multiple bonds and then even further bonds of the same nature if there are subsequent offences.

2. Early Intervention Strategies to prevent DV

Primary prevention strategies are few, poorly resourced and coordinated. Community Education is needed however the barriers include the nature of funding agreements, pressure of direct service and (lack of) commitment from management. Youth services have an important but inadequately developed prevention role. Effective intervention for high risk and repeat perpetrators are required. Effective use of Probation and Parole supervision on Bonds for DV offenders is imperative to improve safety for DV victims and their children. Rather than wait to mandate supervision on serious repeat offenders there should be a move to mandate supervision/intervention on first time DV offenders to prevent re-offending and thus improve victim safety. Although investment in secondary prevention, to prevent further escalation of violence in the case of individual families has increased, **these strategies are not sufficient to prevent or even reduce the prevalence of domestic violence.**

3. The increase in women being proceeded against by Police for DV related assault

Legislative changes around 3 years ago meant that police were mandated to apply for AVOs and to charge individuals in certain circumstances. It is possible that some individuals are aware of the system and are “using it” to their advantage. More women are being charged as a consequence. We think that Blacktown Court is seeing a rise in such charges, there being 4 or 5 every week. More men are being charged too. Our services recognise that Police have made huge shifts in their response to DV in recent years and these changes are for the most part welcomed. These should continue and it may be that an increase in the capacity of police – and the Courts – to distinguish self defence will grow. We think identification of the ‘primary aggressor’ as has been introduced in other jurisdictions should be considered.

4. Any other relevant matter

- Older women experiencing DV by adult children is a concern, particularly in view of our ageing population.
- We strongly support increased access to the Staying Home Leaving Violence programs. And we support the trend to increasing Exclusion Orders. For many reasons including accountability of the perpetrator and a reduction in the socioeconomic disadvantage and trauma which is disproportionately experienced by women in these circumstances. There is not enough emergency accommodation and remaining in the family home allows existing local supports to work for women and children. Current legislation allows for tenancy agreements to be able to be changed to formalise such situations (e.g. perpetrator’s name can be removed by letting agent).
- There is evidence that DV can be prevented. It involves the recognition of human rights (the right to live free of violence), significant sustained attitude change. The evidence indicates that this kind of change is potentiated by co-ordinated action of government at National, state and local level.
- NGOs are now providing the bulk of government funded ‘early intervention’ programs for families in NSW. We are dismayed to see increasing restrictions being placed on staff of these programs working on DV issues within the community. **Our view is that if you work with women, you work with violence** and that funding conditions and /or policy which have the effect of restricting the provision of support, education and advocacy for women and children affected by DV is at best, misguided.

- There have been attempts in NSW to co ordinate and integrate programs and services aimed at increasing victim safety and offender accountability. There needs to be greater effort and an improved policy framework which integrates State responsibilities from ***primary prevention*** through to ***tertiary intervention*** . Lessons can be learnt from Victoria in this regard, (eg the Victorian Government’s 10 yr “A right to safety and Justice” strategic framework).

Thank you for the opportunity to contribute

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Secretary, OWDVN