

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

**Organisation:** Redfern Legal Centre and Sydney Women's Domestic Violence  
Court Advocacy Service

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# Redfern Legal Centre

*Domestic Violence Court Advocacy Service*



## *SUBMISSION TO THE NSW PARLIAMENT'S LEGISLATIVE COUNCIL STANDING COMMITTEE ON SOCIAL ISSUES*

### *INQUIRY INTO DOMESTIC VIOLENCE TRENDS AND ISSUES*

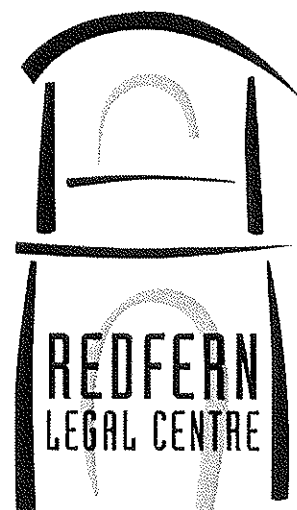
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This is a submission to the NSW Parliament's Legislative Council Standing Committee on Social Issues Inquiry into Domestic Violence Trends and Issues by Redfern Legal Centre (RLC) and Sydney Women's Domestic Violence Court Advocacy Service (Sydney WDVCS).

## **1. Redfern Legal Centre and Sydney Women's Domestic Violence Court Advocacy Service**

RLC and Sydney WDVCS are well placed to comment on and make recommendations to the Inquiry. The Sydney WDVCS is a service provided by RLC (a community Legal Centre) and funded by Legal Aid NSW through the Women's Domestic Violence Court Advocacy Program (WDVCSAP). The Sydney WDVCS operates at the Downing Centre (central Sydney), Balmain, Newtown and Waverley Local Courts in the Sydney metropolitan region. In the period 1 January 2010 to 31 December 2010, the Sydney WDVCS provided services to female clients in 1,943 domestic violence related court matters. Redfern Legal Centre also operates an advice clinic for women experiencing domestic violence.

We have an interest in ensuring that women and children experiencing domestic violence are adequately protected by court orders, and in particular that Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women, women with disabilities, women in same sex relationships, transgender women, and women in regional and remote areas are not disadvantaged by the process.

RLC and Sydney WDVCS have been actively involved in domestic and family violence law and policy reform for many years, and have advocated for changes to domestic and family violence legislation and processes. Sydney WDVCS is a member of the NSW Attorney General's Apprehended Domestic Violence Legal Issues Coordinating Committee (AVLICC), participates in state-wide domestic violence focus groups and forums, and makes law reform submissions on domestic violence laws and family law. The Sydney WDVCS Coordinator is a member of the NSW Victims Advisory Board.

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

### **a) The use of GPS bracelets**

We are of the opinion that any introduction of electronic tracking devices in the context of ADVO matters will have little deterrent effect and will be largely irrelevant in sentencing. In this context, the likely expense cannot be justified and the relevant funding would be better used to increase the personnel in the field.

GPS compliance devices have not achieved widespread use in Australia. In NSW they are currently used in the supervision of convicted sex offenders after having served their sentence.<sup>1</sup> In Western Australia, they are used as part of the

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<sup>1</sup> *Crimes (Serious Sex Offenders) Act 2006* (NSW), s 11(e).

administration of home detention sentences.

These devices will only be useful to prove a narrow range of offences, namely breaches of exclusion zone orders. In regards to “must not approach” orders, GPS devices are very limited in effectiveness because the orders are based on the changing location of the protected person (PINOP). The use of the device might also provide the PINOP with a false sense of security, since it only records the location of the defendant, but does nothing to physically prevent a defendant from approaching the PINOP.

Although the devices record the location of the defendant (or, more accurately, the GPS device itself) and will support charges being laid, they cannot provide the important evidence that characterises the breach, its seriousness or its aggravating factors. Evidence on these points is necessary to justify a sentence at the higher end of the spectrum. Typically, the PINOP’s evidence is necessary evidence to secure sentences in the higher ranges. The use of GPS devices would not address the evidentiary difficulties faced in prosecuting domestic violence-related crimes.

Moreover, the use of GPS devices will not solve the failure to properly investigate domestic violence allegations before the granting of an ADVO, at which time the victims are unprotected. The investigation of allegations of domestic violence and the training of investigators are the areas wherein the cost of GPS devices could be better employed.

There is also the potential for the improper use of the data generated from the GPS devices, which could be used for collateral purposes, such as the investigation of other offences or other people. If Parliament insists on introducing these devices, we strongly recommend that their usage be allowed only after the making of a final order by a judicial officer.

Given their narrow potential use in the ADVO context and the limited benefits for the PINOP, we submit that GPS devices do not provide a cost effective way to address the problems of ADVO re-offending.

**Recommendation 1:**

RLC and Sydney WDVCS do not recommend the use of GPS bracelets as a way of reducing breaches and improving compliance with ADVOs.

### **3. Whether existing penalties for domestic violence are adequate**

We are of the opinion the existing penalties for domestic violence offences are adequate, however we recommend that other non-legislative measures could be used to reduce breaches and improve compliance with ADVOs. We are also of the opinion that NSW Police should continue to exercise discretion regarding charges for breaches of ADVOs.

In our experience it is rare for the maximum penalty to be imposed for breach of an ADVO, with our records showing that the most likely outcome for a breach is a good behaviour bond, which provides that instead of imposing a sentence of imprisonment

on an offender, the court may make an order directing the offender to enter into a good behaviour bond for a specified term not exceeding 5 years.<sup>2</sup>

In New South Wales the maximum penalty for breach of an ADVO is imprisonment for two years or 50 penalty units (\$5,500) or both.<sup>3</sup> The penalties for breach vary significantly across other state and territory jurisdictions, with the ACT maximum penalty being imprisonment for 5 years or 500 penalty units (\$50,000) or both,<sup>4</sup> to Tasmania's two tiered penalties being imprisonment for one year or fine of 20 penalty units (\$2,400) for first offence, to imprisonment for five years for fourth or subsequent offence.<sup>5</sup>

We recommend the following non-legislative measures be adopted to reduce breaches and improve compliance with ADVOs:

- Increased resources for the policing and prosecuting of breaches of ADVOs.
- Increased training of police around breaches of ADVOs, including the taking of statements from victims and witnesses and the collection of relevant evidence.
- Utilisation of specialised police trained in domestic violence to address inappropriate police responses to breaches of ADVOs.
- A requirement that police record their reasons for not proceeding with the prosecution of a reported breach.

The Australian and NSW Law Reform Commissions in their report, *Family Violence – A National Legal Response*, made similar recommendations, including a recommendation that all police – including specialised police units – receive regular education and training consistent with the *Australasian Policing Strategy on the Prevention and Reduction of Family Violence*; and a recommendation that specially trained police have responsibility for supervising, monitoring or assuring the quality of police responses to family violence incidents, and providing advice and guidance in this regard.<sup>6</sup>

**Recommendation 2:**

RLC and Sydney WDVCS recommend that rather than increase the penalties for domestic violence offences, a number of non-legislative measures be used to reduce breaches and improve compliance with ADVOs, including an increase in resources and training for police, the use of specialist police, and the requirement that police record their reasons for not prosecuting domestic violence offences.

<sup>2</sup> *Crimes (Sentencing Procedure) Act 1999* (NSW), s 9.

<sup>3</sup> *Crimes (Domestic and Personal Violence) Act 2007* (NSW), s 14.

<sup>4</sup> *Domestic Violence and Protection Orders Act 2008* (ACT), s 90.

<sup>5</sup> *Family Violence Act 2004* (TAS), s 35.

<sup>6</sup> Australian Law Reform Commission/New South Wales Law Reform Commission, *Family Violence – A National Legal Response* (2010), Recommendation 32-5 at 1521.

#### **4. Early intervention strategies to prevent domestic violence**

Redfern Legal Centre and the SWDVCAS believe there is great value in such programs for students and young people,<sup>7</sup> however for the purposes of this submission we have prioritised discussion of ADVO matters and processes.

#### **5. The increase in the number of women being proceeded against by police for domestic violence related assault**

Due to the number of female defendants in domestic violence assault matters who identify to our service as the primary victim of the violence, we are of the opinion that NSW Police should adopt a comprehensive assessment tool to assist in the identification of the primary aggressor (or the primary victim) when investigating domestic violence assaults. The adoption of an assessment tool would accord with the objects of the legislation, which refers to the gendered nature of domestic violence,<sup>8</sup> and would encourage police officers to contextualize the domestic violence and identify injuries inflicted or acts committed in self-defence, whilst still maintaining a policy of preferred arrests in domestic violence situations. Pro-arrest policies that were initially implemented to address the gendered nature of domestic violence now appear to be having a detrimental effect on those victims of domestic violence who have acted in self-defence and/or those victims unable to articulate what has transpired at the scene of the crime.

In December 2006, in response to a 23% rise in the number of female defendants assisted by the Sydney WDVCS,<sup>9</sup> we presented a submission to NSW Police and the NSW Ombudsman recommending that police adopt a primary aggressor policy. At that time there was little or no Australian research examining the increase in female arrests for domestic violence, and the submission was almost entirely reliant upon our own case studies and research conducted in the USA where a similar arrest trend had been noticed. On receipt of our submission and together with recommendations from the Ombudsman,<sup>10</sup> police operating policies and procedures were amended to reflect elements of a primary aggressor policy and the percentage of female defendants assisted by Sydney WDVCS has decreased.

Although there has been a decrease in the percentage of female defendants in domestic violence matters who identify to our service as victims, our case files continue to indicate that police often subscribe only to the version of events provided by the male party, who often presents as comparatively calmer than the woman at the scene of the assault. In particular, our clients report police officers are prone to accept the male party's accusations that the woman has lied, or over-reacted, or has psychiatric problems that were instrumental to events. Many female defendants report they were initially either too distraught from the assault to give the police a

<sup>7</sup> For example, NAPCAN's 'Love Bites' Program has won awards for providing violence prevention training to young students and is endorsed by the Australian Domestic and Family Violence Clearing House.

<sup>8</sup> *Crimes (Domestic and Personal Violence) Act 2007* (NSW), s 9(3)(b) states that in enacting the legislation, Parliament recognised that domestic violence is predominantly perpetrated by men against women and children.

<sup>9</sup> Formerly known as Redfern WDVCS.

<sup>10</sup> NSW Ombudsman, *Special Report to Parliament, Domestic Violence – Improving Police Practice* (2006) at 33.

coherent version of events, or too scared because of possible repercussions from the other party.

**Case study:**

Lara, a young Aboriginal woman, reported she had been assaulted by her ex-partner over a number of hours and in front of her two young children. She reported she had been choked, thrown to the ground several times during the assault, hit with an implement, and forced over the back of a chair causing injuries to her neck and back. When police finally arrived after being called by a neighbour, Lara ran from the house to the neighbour's house, which meant that police spoke to Lara's ex-partner before speaking to her. He had been bitten on the finger (his own statement to police said he was bitten when he 'put his finger in her mouth') and scratched on the face by Lara during the assault. Lara was so distressed she was unable to provide a coherent statement to police on the night, and she was subsequently arrested and charged with the assault of her ex-partner, notwithstanding the fact that she had severe injuries, and the ex-partner had two previous ADVOs against him protecting Lara and her children and had served two lengthy custodial sentences (one very recently) for breaching these ADVOs with violence. Only two days before the assault, Lara had been pressured by her ex-partner to go to court with an application to revoke the most recent ADVO, and police had not opposed the application.

When Lara spoke to our service on the day after the assault, she had many visible injuries. We assisted Lara to make a private application for an interim ADVO protecting herself and her children. We also organised for an experienced DVPS practitioner to represent Lara at the defended hearing. When the assault charge against Lara and both ADVOs went to hearing, the charges and the ADVO against Lara were dismissed by the magistrate and an ADVO was made against the ex-partner. A costs order was also made against police.

Studies examining women's use of force against their partners reveal that it is generally used in self-defence, self-protection or retaliation for past abuse.<sup>11</sup> Research examining male motivations for domestic violence has revealed that abusive men use violence in a more instrumental, goal directed manner to obtain some desired outcome and that their violence is often directed at controlling their partner, and commonly forms part of a continued cycle of abuse aimed at instilling fear and terror.<sup>12</sup>

Many jurisdictions in the USA have responded to the increase in female arrests for domestic violence by introducing primary aggressor policies. While still maintaining a policy of preferred arrest, these policies encourage officers to contextualize the violence within the relationship, to refer to any earlier reports of violence between the parties, and to identify any use of self-defensive acts. Once police have determined which party was the primary aggressor in the dispute and identified the nature and

<sup>11</sup> See for example Shamita Das Dasgupta, 'A Framework for Understanding Women's Use of Non-Lethal Violence in Intimate Heterosexual Relations' (2002) 8(11) *Violence Against Women* at 1364-1389; P. Kernsmith, 'Exerting Power or Striking Back: A Gendered Comparison of Motivations for Domestic Violence Perpetration' (2005) 20(2) *Violence and Victims* at 173-175.

<sup>12</sup> See for example Rochelle Braaf, 'Arresting Policies: Implications of Pro and Mandatory Arrest Policies for Victims of Domestic and Family Violence' (2008) *Australian Domestic & Family Violence Clearinghouse, Stakeholder Paper 3*; A. Holtzworth-Munrow, 'Female Perpetration of Physical Aggression Against an Intimate Partner: A Controversial New Topic of Study' (2005) 20(2) *Violence and Victims* at 252.



motivation behind the violence, they are encouraged to arrest only the primary aggressor and discount the use of violence where it has occurred in self-defence.

**Recommendation 3:**

RLC and Sydney WDVCS recommend that NSW Police adopt a comprehensive assessment tool to assist in the identification of the primary aggressor or primary victim in domestic violence assaults. This tool should incorporate a list of criteria to be considered in the investigation of the assault, including: the prior history of violence within the relationship as indicated by police COPS events; the type and seriousness of the injuries inflicted and whether the injuries indicate that one party may have been acting in self defence; the relative size and weight of the parties; and any details provided in the 000 tape or the initial call to police.

## **6. Any other relevant matters**

### **a) Specialist domestic violence court lists**

As a means of reducing re-offending, improving the legal framework relating to domestic violence, promoting consistency of outcomes, improving the ongoing safety of victims, and carrying specialist knowledge into the general community, Redfern Legal Centre and Sydney WDVCS recommend the development of specialised domestic violence court lists within existing local courts in New South Wales.<sup>13</sup> This would provide a cost-effective model of domestic violence court specialisation that need not be confined to a selected few geographical sites. A specialist court list would deal only with ADVOs, domestic violence related charge matters, and related amendments to inconsistent parenting orders,<sup>14</sup> and at the same time would bring together domestic violence experts to assist PINOPs on ADVO list days and thereafter.

One of the primary advantages of a specialist list for all courts is the potential to provide domestic violence expertise to all PINOPs in New South Wales, whether they live in Waverley or Wilcannia. Too often we hear stories of women and children in rural and remote communities who are living in fear and unable to escape the violence because of lack of services, lack of support and lack of any understanding of the dynamics of domestic violence. For example, Catherine Smith (see the case study below) reported the violence against her to police in rural New South Wales on 18 occasions without receiving any help. Catherine told our service that she feels the police she approached in country areas had very little understanding of domestic violence and were reluctant to become involved in what they saw as private or 'family matters'. Catherine has also pointed out that in rural areas, police can often find themselves forced to socialise at community events with the perpetrator and this could make taking action against them very difficult.

Even in small communities where the AVO list is only heard on a fortnightly or monthly basis, specialist training could be provided to police, prosecutors and

<sup>13</sup> See also the Australian Law Reform Commission/NSW Law Reform Commission, *Family Violence – A National Legal Response* (2010), Recommendations 32-1, 32-2, 32-3 and 32-4.

<sup>14</sup> *Family Law Act 1975* (Cth), s 68R allows a state or territory magistrate to amend inconsistent parenting orders to protect victims of family violence.

magistrates. Workers from local services (for example, health or child care workers) could be trained to provide expert assistance to PINOPs on list day, and to carry specialist knowledge into the local community. By spreading the expertise into the community through the use of local seconded or sessional workers, not only would PINOPs be provided with local support, but police would also benefit from the support provided by the increased community knowledge and integration of services.

**Case study:**

Catherine Smith was the victim of horrendous domestic violence perpetrated over a period of 30 years by her husband Kevin Smith. Over the years, Catherine was shot at, sexually assaulted, and physically and emotionally abused. She reported the violence to police in central western NSW on at least 18 occasions with little or no action ever being taken. In 1997 when Catherine's six children were all finally at boarding school or living independently, she escaped the family farm for the last time, but her husband continued to stalk her. In 1999 he kidnapped her son and his partner at gunpoint in an effort to find her. Smith was on his way to find Catherine when he was arrested with a gun, an electric cattle prod, gaffer tape, handcuffs and his handwritten Will in the boot of the car. He was found guilty of the charges against him and sent to Goulburn Jail, but on one occasion escaped for several days.

When Smith was finally released from jail, and in the belief that no-one could or would protect her children or herself from Smith, Catherine bought a gun and went to the boarding house where he was living in an attempt to shoot him. Catherine was arrested and charged with attempted murder, but at her trial it took the jury only 25 minutes to find her not guilty on the basis of self-defence. Further, the trial judge ordered that police investigate charges against Smith. These charges eventually went to court in July 2011 and Smith was found guilty of 17 of 20 charges, including 3 counts of attempted murder and charges of sexual assault. Smith is to be sentenced on 30 September 2011.

For more information on Catherine's story, see  
[www.abc.net.au/austory/specials/tildeath/default.htm](http://www.abc.net.au/austory/specials/tildeath/default.htm)

A specialist domestic violence court list would:

1. Identify and list on the same day at local courts, all domestic violence matters and related criminal proceedings along with related applications for amendments to parenting orders pursuant to s 68R, *Family Law Act 1975* (Cth).
2. List applications for personal violence orders (APVOs) separately (not at the same time as ADVOs).
3. Provide legal advice at court to both the person in need of protection (including those in police applications) and to unrepresented defendants.
4. Assign specially trained judicial officers to preside in family and domestic violence related matters.
5. Adopt relevant practice directions and/or a model Bench Book for judicial officers in order to improve consistency and outcomes.
6. Assign specially trained police prosecutors to ensure the brief of evidence is thorough and complete; ensure all evidence is admissible; interview the victim

before the hearing; prosecute with a high level of skill; and understand the type of orders appropriate to the victim's circumstances.

7. Assign specially trained police (Domestic Violence Liaison Officers) to ensure a high quality response to family and domestic violence; promote best practice in their LAC through the provision of training and monitoring; liaise with court and prosecutors; and develop domestic violence policies.
8. Make specialist victim advocates available to attend the ADVO list day proceedings, and enable these advocates access to all relevant information including that provided to the court.
9. Invite local specialist domestic violence workers to attend the ADVO list day proceedings on a rostered basis.
10. Provide facilities to ensure the safety of women and children attending court.

#### **b) Implementation of specialist domestic violence lists**

Many of the above elements already exist in most NSW courts and would only require further integration and training to develop specialisation, for example:

- More comprehensive domestic violence training could be provided to police, prosecutors and judicial officers attending the list.
- Legal Aid NSW already attends most courts to provide advice and representation to defendants in domestic violence related charge matters.
- The Women's Domestic Violence Court Advocacy Services (WDVCASs), funded by Legal Aid, already attends 108 local courts across New South Wales and most services have CALD and Aboriginal Specialist Workers.
- WDVCAS Coordinators already maintain rosters of specialist domestic violence workers, seconded from local agencies to attend court on ADVO list days.

Other elements of a specialist domestic violence list exist in larger courts and would need to be expanded to other locations across the state, for example:

- Consideration could be given to extending Legal Aid's Domestic Violence Practitioner Scheme (DVPS), which already provides women attending 32 courts in NSW with advice and representation. In smaller communities, arrangements could be made with local practitioners willing to be trained and to attend court on a sessional, rostered basis.
- Even in the smallest communities, workers who provide services to women and children (for example, health care and child care workers) could be trained as seconded workers to provide assistance at court on ADVO list days on a rostered basis. This is a model of court assistance already utilised by the WDVCASs across many courts in New South Wales.

The separate listing of APVOs is a matter for the Attorney General, and consideration is currently being given to providing further legislative distinction between ADVOs and APVOs and the increased diversion of APVOs from the courts.<sup>15</sup> Submissions to the NSW Law Reform Commission's inquiry into

<sup>15</sup> See the current discussion paper: *Discussion Paper – Statutory Review of the Crimes (Domestic and Personal Violence) Act 2007*, NSW Department of Attorney General and Justice (2011).

Apprehended Violence Orders<sup>16</sup> highlighted the importance of separating ADVOs and APVOs, including:

- The widely acknowledged view that violence in domestic relationships differs from other types of violence in that it often involves issues of physical and emotional power and control, financial dependence, and shared emotional history.
- Having ADVOs and APVOs together detracts from the seriousness and particular dynamics of domestic violence.
- Media criticism about the abuse of AVOs through making frivolous complaints does not distinguish between APVOs and ADVOs. This trivialises domestic violence and undermines the integrity of the AVO legislation.

### **c) Specialist judicial officers, prosecutors and police**

Specialist judicial officers, prosecutors and police are a feature of a number of the specialist courts operating successfully in other jurisdictions.

Training and education for judicial officers<sup>17</sup> has been identified as a key issue in building strategic frameworks for addressing domestic and family violence<sup>18</sup> and driving change within the legal and judicial systems. Specially trained judicial officers would have:

- An understanding of victim safety and defendant accountability as primary considerations;
- Knowledge of the key theories that inform an understanding of domestic and family violence and the role of gender;
- An understanding of the needs of marginalised victims, for example Aboriginal or Torres Strait Islander victims, victims from culturally diverse backgrounds and victims with disabilities.

There are no trained specialist domestic violence prosecutors in NSW, and the prevalence of significant concerns about the quality of service provided by police prosecutors in domestic violence matters has been noted,<sup>19</sup> including concerns about their:

- Failure to confer with victims and their advocates;<sup>20</sup>
- Failure to confer with Domestic Violence Liaison Officers;
- Failure to effectively advocate on behalf of victims; and
- Lack of accountability.

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<sup>16</sup> NSW Law Reform Commission, *Apprehended Violence Orders*, Report No 103 (2003).

<sup>17</sup> We note in the *NSW Budget Estimates 2011-2012*, the Judicial Commission of New South Wales has future plans to 'provide high quality and innovative professional development programs for judicial officers'. This training could include specialist training around domestic violence.

<sup>18</sup> Australasian Police, *Australasian Policing Strategy on the Prevention and Reduction of Family Violence* (2008).

<sup>19</sup> NSW Ombudsman, *Special Report to Parliament, Domestic Violence – Improving Police Practice* (2006) at 33.

<sup>20</sup> For example, at the Downing Centre most victims in domestic and family violence matters do not have any contact with their prosecutor before the hearing day, and most are only able to speak to their prosecutor in the minutes between the court room being allocated and the hearing commencing. This does not allow the victim to inform the prosecutor of any change in circumstance that has occurred since the victim gave her statement to police, or to inform the prosecutor of any recent incidents that have occurred.

Jurisdictions with specialised domestic violence prosecutors are reported to have higher rates of successful prosecutions,<sup>21</sup> and specialist prosecutors have been reported to be 'the single greatest factor responsible for the [specialist domestic and family violence] court's success.'<sup>22</sup>

For the purposes of a specialist domestic violence court, trained prosecutors would have a critical role in:

- Ensuring the brief of evidence is thorough and complete;
- Ensuring all evidence is admissible;
- Liaising with court advocates and other victim support persons as appropriate;
- Interviewing the victim before the hearing;
- Interpreting the domestic and family violence legislation;
- Prosecuting with a high level of skill;
- Understanding the type of orders appropriate to the victim's circumstances;
- Carrying specialist knowledge into the general system.

Most New South Wales Local Area Commands (LACs) already have specialist Domestic Violence Liaison Officers (DVLOs) whose role it is to:

- Promote best practice in their LAC through the provision of training and monitoring;
- Ensure high quality first response to domestic and family violence;
- Act as a point of contact and information for victims;
- Liaise with the court and prosecutors;
- Provide a vital link between police and the community, particularly victims and their advocates.

DVLOs would continue to play a crucial role in the provision of specialist domestic violence lists.

#### **d) Specialist support services**

In New South Wales, the Women's Domestic Violence Court Advocacy Services operate at 108 local courts to assist women and children who are experiencing domestic violence to obtain the protection of court orders and to access support services that can assist them with their other legal and social needs. The Coordinators of individual schemes coordinate a roster of workers seconded from local domestic violence agencies to attend court to provide specialist support for victims.

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<sup>21</sup> Andrew R Klein, *Special Report – Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges*, U.S. Department of Justice, National Institute of Justice (2009) at 33.

<sup>22</sup> E. Jane Ursel, 'The Possibilities of Criminal Justice Intervention in Domestic Violence: A Canadian Case Study' (1997) *Current Issues in Criminal Justice* 8 at 271.

The Australian and NSW Law Reform Commissions' Inquiry made recommendations regarding the importance of the provision of support services<sup>23</sup> and special mention of the services provided by the WDVCS in New South Wales.

#### **e) Existing specialist courts**

Two specialist domestic violence courts (as opposed to specialist ADVO lists) already exist in New South Wales, one in Campbelltown and the other in Wagga Wagga,<sup>24</sup> but their focus is narrow since they only deal with ADVOs where there are associated charges. While these courts provide an excellent model of domestic violence intervention, the establishment of similar courts in regional and remote communities is not feasible or practical. Specialist ADVO lists could achieve similar interventions at far less cost.

#### **Recommendation 4:**

RLC and Sydney WDVCS recommend the development of specialised domestic violence court lists within all local courts in New South Wales as a cost-effective means of reducing re-offending; improving the legal framework relating to domestic violence; promoting consistency of outcomes; improving the ongoing safety of victims; and carrying specialist knowledge into the general system and the community.

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<sup>23</sup> Australian Law Reform Commission/NSW Law Reform Commission, *Family Violence – A National Legal Response* (2010), Recommendations 29-3 and 32-3.

<sup>24</sup> Domestic Violence Intervention Court Model (DVICM).