

INQUIRY INTO DOMESTIC VIOLENCE TRENDS AND ISSUES IN NSW

Organisation: New South Wales Women's Refuge Movement Inc (WRM)
Date received: 27/09/2011



NSW

women's refuge movement
domestic violence
SPECIALIST SERVICES

The Director
Standing Committee on Social Issues
Parliament House
Macquarie St
Sydney NSW 2000

To the Director

Please find attached the NSW Women's Refuge Movement's (WRM) submission to the Social Issues Committee Inquiry into *Domestic Violence Trends and Issues in NSW*.

The NSW WRM has been operating for over 30 years. The organisation is a state-wide representative body of specialist domestic violence services. Member services aim to respond to community needs by providing a continuum of services to women and children who are homeless or at imminent risk of homelessness particularly when this is due to domestic and family violence.

The NSW WRM would welcome the opportunity to give further evidence to the Inquiry. Please do not hesitate to contact me if we can be of any further assistance.

Yours Sincerely

Catherine gander
Executive Officer
NSW Women's Refuge Movement Inc

About the NSW Women's Refuge Movement Inc

The NSW WRM has been operating for over 30 years. The organisation is a state-wide representative body of specialist domestic violence services. Member services aim to respond to community needs by providing a continuum of services to women and children who are homeless or at imminent risk of homelessness particularly when this is due to domestic and family violence.

The NSW Women's Refuge Movement:

- Provides a supportive network and forum for members to discuss and promote best practice and exchange skills and knowledge;
- Undertakes projects to facilitate the work and effective operation of member refuges;
- Develops and provides resources and information about women and children's homelessness, domestic violence and related matters for members, the sector and the community;
- Advises and informs Government about issues relating to domestic violence and sexual abuse, women and children's homelessness, and the needs of women and children as clients of Specialist Homelessness Services and other services; and
- Works with government and community groups to improve responses to women and children escaping domestic violence, sexual assault and other forms of abuse.

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

a. the use of GPS bracelets

The NSW WRM would be supportive of any measures that improves the safety of victims and increases accountability of perpetrators of domestic and family violence. The NSW WRM however would not support the use of technology in lieu of other penalties and punishment.

Members of the NSW WRM continue to highlight concerns regarding the breaches of ADVOs and that in many cases too little action is taken by Police and the Courts. No doubt this would be in part because of the difficulty in proving breaches. GPS monitoring in this respect could be useful as it would provide a record of breaches and may act as a further deterrent for some perpetrators as they would be aware that they are being actively monitored, breaches will be documented and providing appropriate penalties apply. GPS monitoring cannot stop perpetrators from committing acts of violence and abuse but it would provide victims and Police improved warning and evidence. GPS monitoring of course cannot be viewed as the panacea for responding to domestic and family violence and would need to operate

with integrated and adequately resourced service system, if it were to improve outcomes for some women and children.

The NSW WRM suspects that the use of GPS technology in relation to domestic and family violence may be met with some resistance, with some arguing that the use of GPS monitoring of offenders as an excessive restriction on their civil liberties. The WRM does not give any weight to such arguments as we are acutely aware of how victims' freedoms are stripped away from them by offenders, with the victim constantly living in fear. As noted by a proponent of GPS monitoring systems in the United States "because of the unique nature of domestic abuse, the liberty interests at stake can amount to a zero-sum game in which one party may retain their liberty at the cost of the other's liberty"¹. GPS systems have the potential to improve some victim's freedom by enhancing their safety and increasing the capacity of law enforcement and justice systems to hold perpetrators accountable for their actions. Decisions on cases where this technology is used however should include consultation with the victim and her assessment on whether this would increase her safety.

With this in mind, the NSW WRM would be supportive of a pilot of this technology in a well Policed area in addition to further consultation on the use of GPS monitoring that would consider the following:

- circumstances which this technology maybe used
- the limitations and benefits of such technologies;
- Use of monitoring of Police and Courts responses to breaches – for this technology to be effective responses to breaches need to be timely and penalties must adequate for it actually act as deterrent rather than another tool perpetrators can use to scare and intimidate victims.
- and how the of use such systems may need to differ across different regions and population groups, for example Aboriginal people and communities and people from new and emerging communities .

B. whether existing penalties for domestic violence are adequate

As highlighted above many NSW WRM members are consistently reporting that breaches of ADVOS are not often investigated by Police and when they are and offenders are found guilty penalties are often not sufficient.

This is reflected by data released by the Bureau of Crime Statistics and Research which reveal of those found guilty of breaching AVO's less than one fifth (17%)

¹ Rosenfeld, D, 2008, 'Correlative Rights and the Boundaries of Freedom: Protecting the Civil Rights of Endangered Women', *Harvard Civil Rights – Civil Liberties Law review*, Vol.43, p.258.

receive a prison sentence². Of great concern is this figure still only relates to breaches that Police and Courts have taken action on, there is no published data on the number of breaches that are reported to Police where no further action is taken. The WRM notes, however that some Police may also share frustration with services of the lack of penalties applied to domestic violence offenders., as is demonstrated by the case study below provided by one of our members.

Case Study 1

Whilst intoxicated, the male defendant said “I’m going to smash your head in,” to our client. When he moved close to her, the client turned her head to prevent the hit contacting her face and the defendant punched her in the head. The defendant received a 12 month bond for the assault, a \$100 fine and an AVO with conditions 1 and 10 (*10: The defendant must not approach the protected person or any such premises or place at which the protected person from time to time reside or work whilst affected by intoxicating liquor or drugs.*)

The client phoned the police on a second, recent incident where the defendant was extremely intoxicated at her house. He had been drinking all day when he started to get abusive so the client phoned the police. The defendant was obviously intoxicated when the police arrived.

The defendant received a \$200 fine for breaching the AVO. The DVLO and client both demonstrated their astonishment and disappointment with this penalty in relation to the history and incidents involving the defendant.

A lack of consistency and effectiveness in responses to ADVO breaches undermines the effectiveness of other responses and services for victims of domestic and family violence as well as undermining the confidence of victims in ADVOs and legal and justice responses more broadly.

For by domestic and family violence services to be able to work with women and children to assist them to remain in the home once the perpetrator is removed and to prevent them entering refuge accommodation (or exit them quickly from refuges) by Police and the Courts need to be both timely and adequate.

Whilst the NSW WRM acknowledges the ongoing commitment of the NSW Police Force to continually improve responses to domestic and family violence, consultations with our members have revealed that Police responses vary significantly across Local Area Commands.

² Ringland, C., Fitzgerald, J., 2010, factors which Influence the sentencing of domestic violence offenders, 2010, NSW Bureau of Crime Statistics and Research, p.2

The WRM therefore recommends increased monitoring and reporting on the number of breaches reported to the Police and the action Police have taken in response to these reports.

2. Early intervention strategies to prevent domestic violence

The importance of prevention activities have been highlighted in both the National Plan to reduce Violence Against Women and their Children and the NSW Domestic and Family Violence Action Plan 'Stop the Violence End the Silence' and across related policy areas, including homelessness.

It is clear that there is a broad consensus of support for the implementation of prevention and early intervention strategies. What is perhaps lacking is a shared understanding of what prevention and early intervention activities are, and an understanding of the range of prevention and early intervention strategies already undertaken in NSW. To ensure clarity in the below response we have included the WRM's understanding of the two different strategies:

Prevention: strategies can target the population as a whole or particular groups or communities at high risk and aim to prevent violence from happening in the first place

Early Intervention: Early intervention responses for women and children who are experiencing domestic and family violence are those that are targeted at individuals or groups to prevent the escalation of violence and increasing the skills of individuals and groups to respond to violence and the risk of it³⁴

Prevention of Domestic and Family Violence

The WRM fully supports prevention activities that aim to increase community awareness of domestic and family violence and violence against women and children more broadly. Campaigns that challenge such violence are critical to reducing any community tolerance to it and to building more respectful relationships.

From these campaigns, however it should be expected that there will be an increase in reporting rates. This is a positive thing but it also will lead to an increased need for both early intervention services and crisis responses as women and children seek to improve their safety. Often once victims disclose their experience of violence and seek to live a life free from it, they are at a heightened risk of further violence. The

³ NSW Government, Stop the Violence – End the Silence: NSW Domestic and Family Violence Action Plan, p.28

⁴ National Council to Reduce Violence Against Women and their Children, 2009, Time for Action: The National Councils Plan for Australia to Reduce Violence Against Women and their Children, http://www.fahcsia.gov.au/sa/women/pubs/violence/np_time_for_action/national_plan/Pages/terminology.aspx

service system should have the capacity to respond to the needs of all women and children.

The NSW WRM believe that Governments that state a zero tolerance to domestic violence, and encourage women through a range of polices, and community and media education programs, to leave a relationship and seek help if domestic violence occurs, have an ethical obligation, to provide services when women make that courageous and often dangerous decision to leave.

Unfortunately, this is not what is occurring at present. Domestic violence remains the primary cause of homelessness in Australia and women and children continue to be turned away as there are simply not enough resources on the ground to meet demand. Women and children escaping domestic violence risk having to return or remain in an unsafe or violent environment as women's refuges do not have the room to accommodate them. The majority of people seeking support from specialist homelessness services are women, many with children. A report released in June 2011 by the Australian Institute of Health and Welfare (AIHW) revealed that the majority (54%) of women and children are turned away from homelessness services, including those seeking accommodation from women's refuges targeted at women and children escaping domestic and family violence⁵. In addition to AIHW data a snapshot survey undertaken by the NSW Women's Refuge Movement between August 22nd and September 4th, found that 17 refuges were forced to turn away 165 women and 229 children, only one refuge from the sample of 18 was able to accommodate all requests.

The National Plan to Reduce Violence Against Women and Children, Stop the Violence End the Silence, the NSW Homelessness Action Plan and the Homelessness White Paper have all highlighted the expansion of Safe at Home models (known as Staying Home Leaving Violence programs in NSW) as an important strategy to reduce the number of women and children who are homeless due to domestic and family violence. The NSW WRM supports the rights of women and children not to become homeless as a result of domestic violence and their right to choose to remain in their home and have the perpetrator of violence removed. We support the ongoing development of SHLV programs in NSW as one component of a range of responses that should be available to women and children who are at risk of homelessness due to domestic and family violence.

The NSW WRM welcomes the expansion of these programs and note that many women's refuges have been providing support for women and children to remain in their homes for many years now, the capacity to do this however is restricted by a

⁵ Australian Institute of Health and Welfare 2011. People turned away from government-funded specialist homelessness accommodation 2009–10. Cat. no. HOU 248. Canberra: AIHW.

lack of resources, for example lack of brokerage funds for security upgrades at houses. We also note that from our understanding that at least some of the SHLV programs, including those that were established through the recent expansion are operating at full capacity.

Reducing the number of women and children turned away from support services such as women's refuges and SHLV services remains, we would argue, the most significant challenge for both the community and Government. Turning away women and children from refuges has dangerous and in some cases the most tragic of consequences.

Three years ago a mother and a daughter were turned away from one of our refuges in NSW. The mother was receiving outreach support from a refuge, and the refuge made numerous attempts to find accommodation elsewhere, but without success. The Police arrived at the service one day as the husband had listed the mother and daughter as 'missing persons'. Months later their bodies were found. The husband was charged with their murders, which had taken place before he listed them as missing persons. If the mother and daughter could have been safely accommodated in a women's refuge, they would not have been murdered.

Whilst we acknowledge and welcome the efforts of both Commonwealth and State Governments commitment to responding to homelessness and domestic and family violence, we assert that further action and commitment is required to reduce the number of women and children turned away from women's refuges.

There has been no new investment or expansion of women's refuges to address this ethical issue, there has been no targets set specifically to monitor if any of the new reforms are reducing the number of women and children turned away from women's refuges.

We welcome the NSW Government in *NSW 2021 to*

- "Implement integrated housing and support initiatives for women and children escaping domestic violence who are homeless or at risk of homelessness".
- "Implement initiatives to significantly reduce domestic and sexual violence against women and their children. Initiatives include providing long-term accommodation and support, expanding the availability of legal advice and support, delivering a more coordinated police and service response and ensuring appropriate court support is available victims"

Increasing women and children's access to long term safe and affordable housing opportunities is an important element to reducing the number of women and

children turned away from women's refuges and other programs. We are also acutely aware however that there is a severe shortage of affordable (social and private) across the state, therefore a range of responses and actions are required to address this issue

The NSW WRM recommends:

- Explicit commitment and targets to reducing the number of women and children turned away from women's refuges by both Commonwealth and NSW Governments.
- Increased investment in women's refuges – that builds on their expertise and experience in delivering not only refuge accommodation and intensive support to accommodated clients but also their expertise in delivering prevention, early intervention and longer term support to women and children, including support to women and children to remain in their homes once the perpetrator is removed
- Increased flexibility of rental subsidies for women and children experiencing domestic and family violence. The NSW WRM supports the Start Safely subsidy but many members have highlighted that the length of the subsidy is not sufficient time for some women and that the eligibility guidelines for the subsidy are too restrictive and exclude a number of women and children who may benefit greatly from the subsidy.

Prevention and early intervention undertaken by women's refuges

There has been very little acknowledgement in recent homelessness and domestic and family violence reforms of the early intervention and prevention activities that women's refuges already undertake in their communities. This lack of acknowledgement is clearly evident in the *Discussion paper on the Domestic and family Violence Strategic Framework* which foreshadowed the release of the *NSW Domestic and Family Violence Action Plan 'Stop the violence-end the silence'*, which notes

*"The non-government sector delivers many of the crisis response services to women escaping domestic and family violence such as women's refuges and other Supported Accommodation Assistance Program (SAAP) services."*⁶

The NSW WRM strongly supports domestic and family violence prevention activities; indeed women's refuges have been undertaking a diverse range of prevention

⁶ Department of Premiers and cabinet, Office for Women's Policy, 2008, Discussion Paper on the NSW Domestic and Family Violence Strategic Framework, p.18.

activities in their communities for many years. Refuges are heavily engaged in a diverse range of activities that seek to raise awareness about domestic and family violence, whether this is through White Ribbon Day events, advertising campaigns, information days or prevention activities in schools for example, in the delivery of the Love Bites program that encourages respectful relationships. Events and activities such as these are important not only as prevention activities but they also provide an environment where women who may be experiencing violence will feel more comfortable engaging with specialist domestic violence services, such as refuges.

Women's refuges also undertake a diverse range of early intervention activities to women and children in their local communities. The report commissioned by the Commonwealth Government *Women, Domestic and Family Violence and Homelessness* highlighted some broad early intervention strategies in addition to SHLV models these included improved information and referrals from health services and Police to specialist support services and the provision of outreach and court support to women⁷.

Members of the NSW WRM have been engaged in encouraging partnerships and undertaking these early intervention strategies for a long time. Women's refuges in NSW were at the forefront in establishing Domestic Violence Court Advocacy Schemes and continue to be involved the provision of court support to women. In addition to providing court support at local courts, the NSW Women's Refuge Movement established the Women's Family Law Support Service in 2007 at the NSW Family Court Goulburn Street registry. Refuges have built partnerships with a diverse range of agencies, including Police and health services, and developed a range of programs to make their services and support accessible to women and children throughout their communities. Indeed women's refuges have been supporting women and children who are not accommodated at their services through the provision of outreach support for many years.

Some common types of early intervention activities include:

Support groups for women experiencing or at risk of domestic and family violence

The length of these programs vary from service to service they cover a range of issues in relation to domestic and family violence and other abuse in addition to providing a range of other activities aimed at increasing women's interest and engagement with the groups. Covering such topics as the cycle of violence and services available to women and children, service system responses (e.g legal response) to domestic violence, safety planning strategies and the impact and

⁷ Tully, S., Faulkner, D., Cutler, C., Slatter, M., 2008, *Women, Domestic and Family Violence and Homelessness: A Synthesis Report*, Commonwealth of Australia. P.34

effects of domestic violence on children. These groups are beneficial to women as it increases their awareness of the cycle of violence, increase awareness of options available to them to enhance their safety, reduces their isolation, builds support networks with other women and increases access to other services and support provided by refuges and other services.

Parenting Support Groups and programs

These are important programs to support parents to support their children. Parenting programs assist mothers in the strengthening parenting skills and provide information on the effects of domestic violence on children and the impact that violence may have on a mother's relationship with her children.

Children's Support Groups

All WRM member services acknowledge children as clients in their own right and have done so for many years, this acknowledgement and commitment to responding to the needs of children has assisted in the development of a range of responses and services for children. Programs for children who have experienced violence are diverse.

Women's refuges provide a range of child support programs delivered by child support workers and other staff within services. Many of the child support programs have been developed to address the specific needs of children and young people that have experienced domestic and family violence whilst others may have a prevention focus such as Love Bites which aims to promote healthy relationships.

Working with children who are either accommodated by refuges or elsewhere could be viewed as prevention and early intervention as there is extensive evidence that children who experience homelessness are more likely to be homeless later in life.

Outreach Support to Women and children in the community - Refuges provide case management and other support to women and children in the community who are or at risk of experiencing domestic and family violence. Support can be through programs and groups (examples above) or through case management support to women and children which aims to respond individual needs this work includes safety planning for women and children.

Shop fronts and Resource Centres - Some services have access to and operate resource centres and shop fronts to improve access to their services. These centres are often used to deliver a range of programs and provide a safe place for women and children to access information and resources.

Court Support to women - Many of the services in addition to providing court support to service clients also provide seconded workers to the Women's Domestic

Violence Court Assistance Schemes. Some women's refuges are funded separately to delivery WDVCS services. Services also provide support to women through family law processes, which often act as another barrier for women and children achieving safety. Many Sydney based services provide seconded workers to the Women's Family Law Support Service at the

There is a plethora of prevention and early intervention activities being undertaken and the activities above provide just a general overview and do not comprehensively the breadth of services and supports provided by women's refuges to women and children experiencing domestic and family violence and the community more broadly.

In addition to these activities, there seems to be insufficient acknowledge or recognition by other stakeholders that for some women and children the provision of refuge accommodation and support linked to this is in and of itself preventative as it may be the only intervention that prevents the escalation of violence and in the most tragic cases, homicide.

Unfortunately, the capacity of women's refuges and other specialist homelessness services to build on and expand their early intervention and prevention activities is extremely limited within the existing funding levels. There has been no increase in funding to these services for many years despite the increased demand and expectations on these services. Some services have had to acquire funding from other sources including fixed term grants, which compromises the sustainability of the programs.

Decisions made to invest outside of the perceived crisis end of the homelessness service response to domestic violence, bypasses expertise and infrastructure of women's refuges, including the early intervention and prevention components. If policy makers could reposition themselves slightly and examine more closely the infrastructure and activities of women's refuges have developed, they would find that the increased focus on prevention and early intervention activities and actions contained within new policy directions such as the Homelessness Action Plan, Stop the Violence End the Silence and indeed Keep Them Safe are already being implemented to some extent by women's refuges, with the primary constraint being access to resources to expand these services without compromising the refuge accommodation component of their services and the safety this provides. There are already far too many women and children are being turned away from refuge accommodation at great compromise to their safety. The issue of women and children being turned away is of great concern to the WRM as is discussed above.

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

A very unfortunate consequence of pro-arrest policies has been a corresponding increase in the number of victims charged and proceeded against by Police for domestic and family violence allegations. Members continue to report that some victims they are supporting have been proceeded against by Police despite a long history of violence and abuse against the women. There has very serious implications for victims of domestic violence, which have been well articulated Braaf and Sneddon and summarised below;

Impacts on Victims Safety – Outcomes can include limited access to the justice system intended to support them, increased vulnerability to the perpetrator who may threaten to have them arrested or reported for breaches of ADVOs, increased reticent to report violence to Police and finally victims may feel less able to defend themselves;

Impact of arrest on women's sense of self – This secondary victimisation can have a significant impact emotional impact on women, including a sense of shame, depression, mistrust and isolation. With some turning to alcohol and other drug use;

Social and economic consequences - criminal convictions can have significant impact on women's civil rights and opportunities including employment, voting rights, residency status, and of course family law disputes which in turn impacts on the safety and wellbeing of children⁸.

The increase in the number of women proceeded against by police indicates an insufficient knowledge of police of the dynamics of domestic and family violence and the use of use of power and control used by perpetrators of violence. As Braaf and Sneddon point out "looking for evidence of mutual physical violence by men and women, however, only provides part of the picture. The key determinants of domestic violence are a perpetrator's use of power and control over their victim, resulting in fear and intimidation"⁹.

The WRM understands, that currently it may be difficult for Police to get the full picture when attending incidents, members report to us however that Police in many cases have been involved with responding to DV incidents involving the same families but still fail to take into account the previous incidents and knowledge. This indicates that not all Police are reviewing the information they have available to them prior to attending incidences.

⁸ Braaf, R., Sneddon, C., 2007, Arresting Preactices: Exploring issues for dual arrest for domestic violence, Australian Domestic and Family Violence: Stakeholder paper 3.

⁹ Idid, p. 7

It also underlines the importance for increased training of the dynamics of domestic and family violence, increased understanding and use of risk assessment and management strategies and the need for increased partnerships between Police and domestic and family violence services.

It is of critical importance for strategies to be implemented to reduce the number of victims proceeded against by Police and this needs to be considered further in the context of any proposals to introduce GPS monitoring as identified in the first terms of reference.

The WRM understands that the NSW Police Force has supported the research application by Dr Lesley Laing to further explore the use of primary aggressor policies within NSW. This is a welcome development and the WRM would support the introduction of any policies and practices that would reduce the number of victims of domestic and family violence that are proceeded against by Police.

Case Study

One of our members has been supporting Client M. M is from a CALD background with limited, but improving English speaking skills. M had suffered ongoing physical and psychological abuse from her partner who abused alcohol and encouraged her to drink alcohol too. During their relationship she became isolated and dependent on alcohol and he used her spousal visa status as a threat to keep control. The police attended on many occasions during that time, however, there was usually no action taken as he would smooth things over and she was unable to explain her experiences of violence due to language barriers and fear of repercussions. However M was charged with assault on one occasion when police attended and the perpetrator was granted an ADVO. Following this the perpetrator continued to gain more time with the children through family law processes.

1. Any other relevant matter.

Violence, child protection and Out of Home care

The links between domestic and family violence, children's wellbeing and child protection is well known and the need for improved integration across these service systems is now widely acknowledged.

Children who have experienced domestic violence frequently suffer from feelings of guilt, powerlessness, fear and uncertainty. The observations of refuge workers have been confirmed by research. It is now widely accepted that infants, children and adolescents who witness domestic violence can suffer severe psychological trauma,

and that this trauma may have far reaching and long term implications. However, this trauma can be significantly reduced when appropriate supports are put in place early including child protection when needed.

Often, through living with violence, the child/ren's relationship with the protective parent has been compromised, and the child and mother both need support to re-establish and build their relationship outside of the violence. Support that works towards identifying with the mother the strengths and strategies that child/ren have adopted to 'cope' with the violence, builds understanding, strengthens their relationship with the child and empowers the mother. Support that assists the mother to protect and nurture her child/ren builds trust and confidence in the children's relationship with the mother. Such an approach can significantly reduce the long term effects of trauma¹⁰.

As already highlighted above refuges provide a range of services, programs and supports that aim to rebuild this relationship. Domestic violence is the one of the commonly cited reasons for 'risk of significant harm' reports¹¹. As already mentioned the intensive support provided by refuge workers to women and children places workers in a unique position to assess the current risk of harm to children who have experienced domestic violence.

From the outset any intervention post-disclosure of a child living with domestic violence should acknowledge the effects the violence has had on the protective parent's ability to parent within the adversity of navigating violent circumstances and the trauma experienced as a result of this.

Often through living with violence, the child/ren's relationship with the protective parent has been compromised, and the child and mother both need support to re-establish and build their relationship outside of the violence. Refuges provide a diverse range of support and accommodation services in a safe and supportive environment in which women and children engage in. Support that works towards identifying with the mother the strengths and strategies that child/ren have developed to manage living with violence, builds understanding, strengthens their relationship. .

Support that assists the mother to protect and nurture her child/ren builds trust and confidence in the children's relationship with the mother. Such an approach can significantly reduce the long term effects of domestic violence. Our services provide

¹⁰ Gander, C – Churchill Fellow, 2006, Report to the Winston Churchill Memorial Trust, p.8

¹¹ NSW Department of Human Services, Community Services, 2011, Department of Human Services, Community Services: Annual Statistical Report 2009-2010, p.44

holistic support to both the mother and child so they can have the time to heal from their experiences of domestic violence and prepare for the journey ahead.

Our work has supported thousands of families on a yearly basis to achieve a sense of wellbeing. We know that the services and support our members provide continually prevents many children entering into our out of home care.

Currently, however other service system responses tend to focus on the damage that the violence has caused the child, and the blame is often directed and felt by the mother, not the perpetrator. The service system should be focused on ensuring the safety of both women and children. Unfortunately, there was very little in either the Wood Special Commission of Inquiry into Child protective Services report and subsequently in Keep Them Safe to improve child protection responses to domestic and family violence.

There was also no recognition of women's refuges and other specialist domestic and family violence services preventative role in the escalation harm to children due to domestic and family violence. Subsequently there was no acknowledgement of the role our services preventing children from entering the child protection and Out-of-Home care system.

This lack of understanding and recognition is reflected in the NSW NGO advisory structure for Keep Them Safe. There is no representation from specialist domestic violence services on the Child Protection Advisory Group; the WRM is one of many organisations in the Advisory Pool, which can be invited by the CPAG to advise them on specific issues. At a regional level our members report very little if any engagement of their services by the KTS Regional Coordinator. There also appears to be little coordination between the KTS Regional Coordinators and DV Regional Coordinators.

The NSW WRM recommends:

Increased coordination between child protection and domestic and family violence services to facilitate the further development of practices and programs that:

Work towards supports that re-establish and build on the child/ren and mother's relationship. The supports should work towards identifying with the mother the strengths and strategies that child/ren have adopted to 'cope' with the violence to equip and empower the mother to parent after leaving violence.¹²

Increased integration of domestic and family violence services and child protection responses at regional and state levels.

¹² Gander, C – Churchill Fellow, 2006, Report to the Winston Churchill Memorial Trust, p.11.

Family Law

The NSW WRM has for many years been acutely aware that the family law changes of 2006 and the interpretations of the law by legal practitioners have acted as an enormous barrier for women and children experiencing domestic and family violence and other abuse to live a life free from ongoing violence and abuse.

Many of the women and children that our refuges support enter into Family Law Court proceedings, the process and outcomes from these proceedings can have a significant impact on their safety and on their ability to obtain and sustain safe housing. In addition to this many other women and children that have experienced domestic violence and other abuse are being placed at risk of homelessness due to lengthy and costly family law proceedings.

The NSW WRM's concerns have been supported by the NSW Parliament who has found the Family Law System has the potential to place women and children at a disadvantage, particularly those that have experienced violence¹³.

The NSW WRM has welcomed the Commonwealth Government's efforts to improving Family Law legislation, however we are aware that more than legislative change is required to improve the safety and wellbeing of women and children involved in family law proceedings, who have experienced family violence and other abuse. This includes increased coordination between the family law system and state based responses to family violence and children's safety.

It is the experience of women's refuges that agencies involved in the protection of children including Courts, Police and Community Services and other human service agencies are often reluctant to intervene in family violence cases where the children are entering into Family Law Court proceedings. Numerous inquiries and reviews have also highlighted a lack of coordination between the Commonwealth and State systems.

The Australian and NSW Law Reform Commission Family Violence Inquiry report notes significant problems with coordination between the family law system and

¹³ NSW Legislative Council Law and Justice Committee, 2006NSW Government Response to the Inquiry in to the Impact of the Family Law Amendment (Shared parental Responsibility), Act 2006 (Commonwealth)

state based authorities, such as child protection agencies¹⁴. This position is supported by numerous other research reports that have found the lack of coordination between these two systems to be very problematic. Some of the key problems identified are:

- That State based authorities are reluctant to investigate and respond to family violence and child abuse when family law courts are already involved despite, the Family Law courts not have any investigatory function or capacity¹⁵;
- Evidence from State based authorities not being provided to the Family Law Courts or considered by the Family Law Courts¹⁶

The NSW WRM supports the recommendation made by the ALRC and NSW LRC that:

“Recommendation 19–1 Federal, state and territory governments should, as a matter of priority, make arrangements for child protection agencies to provide investigatory and reporting services to family courts in cases involving children’s safety. Where such services are not already provided by agreement, urgent consideration should be given to establishing specialist sections within child protection agencies to provide those services.”¹⁷

Increased support services for victims of family violence involved in family law proceedings

Research undertaken on women’s experiences with the family law system found that women who are victims of domestic violence experience significant difficulties within the family law system where there is a climate of disbelief to allegations of violence, lack of understanding of the interconnectedness of family violence and child abuse complex and lack of coordination with other human and justice systems¹⁸.

In recognition of the significant disadvantages faced by women and their children who have experienced family violence or child abuse in family law processes, the NSW WRM established in partnership with Sydney Registry of the Family Law Court

¹⁴ Australian Law Reform Commission & NSW Law Reform Commission, 2010, *Family Violence: A National Legal Response*, 19.87 -19.100

¹⁵ Australian Law Reform Commission & NSW Law Reform Commission, 2010, *Family Violence: A National Legal Response*, 19.87 -19.100 & Laing, L, 2010, No way to Live: Women’s experiences of negotiating the family law system in the context of domestic violence, pp.92-3

¹⁶ Ibid

¹⁷ ALRC & NSW LRC, 2010, *Family Violence: A National Legal Response*, Commonwealth of Australia, p.59

¹⁸ Laing, L, 2010, No way to Live: Women’s experiences of negotiating the family law system in the context of domestic violence

the Women's Family Law Support Service (WFLSS). The WFLSS enables a holistic response for women by facilitating communication and coordination between the client, solicitor, court staff and other organizations. It aims to ensure that the diverse and often complex needs of women are met and that the court system is more accessible.

The need for support services for victims of domestic and family violence involved in Family Law proceedings, such as the WFLSS was highlighted by Professor Chisholm in the Family Violence Courts Review¹⁹ and also by the Australian Law Reform Commission in the Family Violence Inquiry 2010²⁰.

An interim evaluation of the service has also highlighted the value of the service. As noted by Dr Laing in the Interim evaluation, the WFLSS makes the:

"Family Law system more accessible to a vulnerable group of women through the provision of support, advocacy, information and referrals. For women who have experienced abuse and violence, the cost of the reduction in distress as they negotiate multiple, complex systems to rebuild their lives, is incalculable".

The NSW WRM recommends

- Increased training and education amongst Police, Courts and Child protection workers to dispel the myth, that once women and children enter into Family Law proceedings it is no longer their responsibility to respond
- Expand services that have been established to provide advocacy and support to women and children attending family court, such as the NSW WRM's Women's Family Law Support Service

Improving integration

The NSW WRM acknowledges that in NSW significant steps have been taken to improve responses to domestic and family violence, through the *Crimes (Domestic and Personal Violence) Act 2007*, the establishment of the Premiers Council, its continued ongoing support of specialist domestic and family violence services and various other initiatives. There are many good practice examples of responding to domestic and family violence across a range of service providers and regions. In many cases these responses are hindered due to resource limitations and a lack of integration. A significant amount of work remains to be done to ensure continual

¹⁹ Chisholm, R., 2009, Family Courts Violence Review, p.151.

²⁰ Australian Law reform Commission & NSW Law reform Commission, 2010, Family Violence: A National Legal Response, p. 1384

improved responses to domestic and family violence and to reduce the incidences of domestic and family violence. Key to this will be the development of a strong integrated service system.

In NSW some of this work has also already commenced through the development of the a range of multi-agency projects as the development and pilot of the Cross Agency Risk Assessment and Management Framework, DV Intervention Court Model, the Integrated Domestic and Family Violence Service Programs; Intersectoral Training²¹.

The NSW WRM is supportive of all projects that increase collaboration or integration of service systems. However, integrated responses cannot just be limited to project responses; it must happen across the whole service system.

The *NSW Action Plan Stop the Violence: End the Silence* identifies numerous governance arrangements designed to assist in the regional and state-wide implementation of the Plan and to improve coordination and integration of domestic and family violence responses. At the regional level these include the DV Regional Coordinators, Regional Domestic and Family Violence Committees. At the local level Domestic Violence Committees continue to operate. The impetus for monitoring and reporting on local and regional responses to domestic and family violence is the DV Regional Coordinator positions within NSW Police. The WRM whilst supporting the intent of these positions was concerned, at the outset that these positions would not be sufficient to achieve the challenges that they had been created to address.

Consultations with members from across NSW indicate that our initial concerns were well founded. Members reported varying levels of engagement of DV regional coordinators with local DV Committees and services on the ground and a lack of coordination between these positions and other related regional structures including the Regional Homelessness Committees and Regional Keep Them Safe Coordinators. The limited number of these positions (9) across NSW will significantly limit their capacity to develop integrated responses at local and regional levels across the diverse range of agencies that respond to domestic and family violence.

Women's refuges and other specialist domestic and family violence services are often the first to identify where local systems are failing or inadequate, yet in many regions engagement with NGOs on the ground has not been adequate, their expertise and understanding of the local and regional service system has not been utilised. Whilst there are numerous examples of local and regional services attempting and in some cases succeeding to improve coordination much of this work remains ad hoc, driven by individuals often within the NGO sector who have the

²¹ Department of Premiers and cabinet, Office for Women's Policy, 2008, Discussion Paper on the NSW Domestic and Family Violence Strategic Framework, pp.21-24.

additional challenge of trying to get engagement from Government agencies involved.

It is imperative that specialist domestic and family violence services are engaged with both regional and state based governance structures. The NSW WRM therefore recommends:

- Development of mechanisms for specialist DV services to report on barriers to responding to domestic and family violence but also to report on and promote the development of good practice approaches;
- Increased involvement of DV Regional Coordinators with local DV Committees, regional Homelessness Committees and Keep Them Safe Regional Coordinators
- Increased reporting and promotion of the work of Regional Domestic and Family Violence Committees to local agencies and to the Premier's Council on Preventing Violence Against Women
- Use of Safety and Accountability Audits. Safety and Accountability Audits have been undertaken in the domestic violence and child protection sectors (in other jurisdictions). The Safety Audits were pioneered by Praxis International who summarise the premise of the Safety Audits as follows:

*"The Safety Audit is tool used by interdisciplinary groups and domestic violence advocacy organizations to further their common goals of enhancing safety and ensuring accountability when intervening in cases involving intimate partner violence. Its premise is that workers are institutionally organized to do their jobs in particular ways—they are guided to do jobs by the forms, policies, philosophy, and routine work practices of the institution in which they work. When these work practices routinely fail to adequately address the needs of people it is rarely because of the failure of individual practitioners. It is a problem with how their work is organized and coordinated. The Audit is designed to allow an interagency team to discover how problems are produced in the structure of case processing and management."*²²

²² Praxis International, The Praxis safety and Accountability Audit, p.1 , http://files.praxisinternational.org/General_Audit_Overview_Methodology.pdf