

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

**Organisation:** Benevolent Society

**Date received:** 20/09/2011

---

# **Submission to the NSW Legislative Council Standing Committee on Social Issues Inquiry into domestic violence trends and issues in NSW**

**The Benevolent Society  
September 2011**



Contact: Annette Michaux  
General Manager, Social Policy and Research

The Benevolent Society

Level 1, 188 Oxford Street  
Paddington NSW 2021  
PO Box 171  
Paddington NSW 2021

T 02 9339 8000

F 02 9360 2319

[www.bensoc.org.au](http://www.bensoc.org.au)

# 1 Introduction

Thank you for the opportunity to contribute to the Legislative Council Standing Committee on Social Issues' Inquiry into domestic violence trends and issues in NSW.

As an organisation that works with vulnerable women and families, our view is that there needs to be a more coordinated, long-term response to domestic and family violence in New South Wales. This is also supported by the research evidence.

Key points in our submission include:

- Police and judicial responses to domestic and family violence and the application of penalties for domestic and family violence, including for breaches of ADVOs, are inadequate and need to be improved.
- There is a need for comprehensive and ongoing professional development for police, judicial officers, child protection workers and community service workers in the dynamics of domestic and family violence and appropriate responses to domestic and family violence.
- Better collaboration is required between police, judicial officers, child protection authorities and community services organisations to ensure that victims of domestic and family violence are protected from further harm.
- Research, as well as more effective use of existing data, is required to develop evidence-informed prevention and early intervention strategies to reduce domestic and family violence, including education, community awareness and other programs. Such strategies should be regularly evaluated.

## 1.1 Summary of Recommendations

### **It is recommended that:**

- 2.2.1 the measure of adequacy of penalties for domestic and family violence be whether they are effective in ensuring the safety, and feelings of safety, of victims and their children by protecting them from further violence
- 2.2.2 police and judicial responses to domestic and family violence be consistently applied
- 2.2.3 Domestic Violence Liaison Officers be assigned to every police Local Area Command, and accorded greater seniority and support
- 2.2.4 police and judicial officers receive comprehensive and ongoing quality professional development in appropriate responses to domestic and family violence, including the dynamics of domestic and family violence and identifying the primary aggressor
- 2.2.5 police continue to collaborate with community services organisations to facilitate referrals and victims' access to support services
- 2.2.6 local court magistrates undertake comprehensive and ongoing professional development in the dynamics of domestic and family violence

- 2.2.7 courts make greater use of exclusion orders so that women and children are not forced to leave their homes to escape a violent situation
- 2.2.8 domestic and family violence workers and child protection workers undertake shared professional development and collaborate to ensure that women do not risk losing their children, becoming homeless, or both, as a consequence of the violence of perpetrators
- 2.2.9 police and courts improve their communications with victims of domestic and family violence to keep them informed about developments in their case
- 3.1 there be greater investment in research and better use of existing data to build a comprehensive knowledge and evidence base for analysing the causal factors of domestic and family violence and development of appropriate prevention and early intervention strategies
- 3.2 the NSW Government work with the Commonwealth Government and the Council of Australian Governments (COAG) to reduce structural gender inequality, by addressing gender pay parity and improving access to affordable child care
- 3.3.1 there be greater investment in community awareness campaigns that address attitudes to women, highlight the non-physical aspects of domestic and family violence and its impact on children, and that engage with non-violent men as ambassadors and role models
- 3.3.2 the NSW Department of Education and Communities incorporate age appropriate education about respectful relationships into school curricula
- 3.4 specific prevention and early intervention strategies be developed for Aboriginal and Torres Strait Islander people; new and emerging migrant and refugee communities; people from culturally and linguistically diverse backgrounds; same-sex attracted people and older people; focusing on regionally coordinated community-driven programs that include both men and women; partnerships between community and government agencies; holistic approaches to tackling community violence; culturally appropriate criminal justice and rehabilitation of offenders
- 3.5 all community service workers receive comprehensive and regular professional development in the dynamics of domestic and family violence and appropriate responses to domestic and family violence
- 3.6 the NSW Government work with the Federal Government and non-profit service providers to ensure that women have access to affordable, anonymous, culturally competent and flexible services to support their recovery from domestic and family violence, including outreach services and long-term therapeutic counselling
- 3.7 the safety of women and children be the paramount aim of programs for perpetrators of domestic and family violence
- 4. research be undertaken into the incidence of domestic and family violence perpetrated by women

## **1.2 About The Benevolent Society**

The Benevolent Society is Australia's first charity. We are a secular, non-profit organisation working to bring about positive social change in response to community needs. Since 1813, we have identified major social challenges and worked to meet them head on.

Our purpose is to create caring and inclusive communities and a just society. We deliver leading edge programs and services, find innovative solutions to complex social issues and advocate for a more just society. Our strength lies in our expertise across the lifespan, delivering services for women, children and families, older people, community based and respite care, community development, and social leadership programs. The Benevolent Society helps the most vulnerable people in society, and supports people from all backgrounds including Aboriginal and Torres Strait Islanders and people from culturally and linguistically diverse communities. We believe that building stronger communities will lead to a more inclusive Australia.

### **Snapshot of The Benevolent Society**

- The Benevolent Society is a secular non-profit organisation with approximately 700 staff and 800 volunteers who, in 2010/11, supported more than 41,000 children and adults in New South Wales and Queensland.
- We deliver 145 programs in 63 locations with support from local, state and federal government, businesses, community partners, trusts and foundations.
- Our revenue in 2011 was \$78 million. Approximately 85% is spent directly on our services. A further 4% is spent on our leadership programs, social initiatives and research.
- In 2011, 77% of our income came from government sources. Private fundraising, trust and foundation grants provided another 5%, client fees generated 8% and investment income contributed 9%.
- The Benevolent Society is a company limited by guarantee with an independent Board.

## **1.3 The Benevolent Society's role in supporting families affected by domestic and family violence**

The Benevolent Society has a long history of supporting women and children affected by domestic and family violence.

The Benevolent Society supports vulnerable children and families along the child protection continuum from early intervention services, through to family services, intensive child protection and out-of-home care. Many of the families we work with are affected by domestic and family violence. In 2010/11 these services worked with more than 3,400 clients in New South Wales, supporting them to address and

overcome the stressors which lead to abuse and neglect. These stressors frequently include domestic and family violence. Every family has individual needs and we work with them to find out what approach will work best for them to ensure that children are safe and supported and to overcome the impact of abuse and neglect. The services we offer include assessment, counselling, home visiting, access to child health professionals and to groups to help parents form social networks.

An example of one of our intensive services is the *Brighter Futures* program, funded by the NSW Department of Family and Community Services (Community Services), which The Benevolent Society delivers in sixteen locations: North Ryde, Mudgee, Parkes, Orange, Lithgow, Bathurst, Moree-Inverell, Armidale, Tenterfield, Tamworth, Bankstown, Fairfield, Liverpool, Rutherford, Muswellbrook, Cessnock. In 2010/11 our *Brighter Futures* program supported approximately 2,770 adults and children.

The *Brighter Futures* program was designed as an early intervention program for vulnerable families with the objective of preventing them from entering or escalating in the child protection system. Our experience is that the majority of families participating in the program face multiple and often entrenched problems at the child protection end of the spectrum. For example, on entering the *Brighter Futures* program, approximately 40% of the families we work with are affected by domestic and family violence. It is also our experience that domestic and family violence is frequently disclosed for the first time during the course of the program, and is therefore underestimated in the entry statistics. In Aboriginal and Torres Strait Islander families the incidence of family violence is higher.

Our Centre for Women's Health in Macarthur has provided specialist services to women and their children affected by domestic and family violence for the past 14 years. Through the Centre we have worked with thousands of women and are widely recognised for our expertise in providing high quality holistic services to women experiencing domestic and family violence. The Centre is accredited through the Quality Improvement Council and our services are based on best practice and are evidence-informed. On average, the service receives 200-300 enquiries/referrals per month and in 2010/11 provided support to more than 2,600 clients. The Benevolent Society also runs programs in the Macarthur area for children who have experienced domestic and family violence. An example is *Kids Create Tomorrow*, through which mothers and children are assisted to address and recover from the impact and effects of domestic and family violence, including strengthening the mother-child relationship after domestic and family violence.

The Benevolent Society also runs programs specifically for men including workshops for new fathers, as part of its early intervention programs for vulnerable families.

#### **1.4 Research and advocacy**

The Benevolent Society has a strong commitment to research, evaluation and advocacy and has led or partnered with other organisations to undertake research

exploring domestic and family violence. In 2009, The Benevolent Society published *Moving forward*<sup>1</sup> which presents the results of research into the experiences of women who had left an abusive relationship, the challenges they experienced in trying to rebuild their lives and the type of support that they found helpful, or not helpful, in doing so.

Also in 2009, The Benevolent Society made a submission to the Discussion Paper on the NSW Domestic and Family Violence Strategic Framework in which we made a number of recommendations, some of which are relevant to and included in this submission. In November 2008, we released *Putting the Pieces back Together*, a resource for women experiencing domestic and family violence.

More recently, The Benevolent Society partnered with Dr Lesley Laing at the University of Sydney and a number of other organisations to produce *No way to live*<sup>2</sup>, which explores women's experiences of negotiating the Australian family law system in the context of domestic and family violence.

The Benevolent Society is also currently running the *Speak Up for Kids Campaign: protecting children in family law*. Through this we aim to reduce the harm experienced by children from domestic and family violence by advocating for amendments to Australian family law, and by producing specialist training resources for professionals who work with children affected by domestic and family violence.

Earlier this year we commissioned the Australian Domestic and Family Violence Clearinghouse to undertake a literature review, *The Impact of Domestic Violence on Children: A Literature Review*, with the support of funding from the Office for Women's Policy<sup>3</sup>.

## 1.5 The scale and impact of domestic and family violence

All people have the right to live safely, free from violence. However, this right is breached daily. One in three Australian women have experienced domestic and family violence at some stage during their lives since the age of 15, while one in five have been sexually abused. Women with children are three times more likely to be subjected to domestic and family violence than women without children<sup>4</sup>. Indigenous women are more than 6 times more likely to be victims of domestic and family violence than non-Indigenous women, and Indigenous male offending is 7 times higher than non-Indigenous male offending<sup>5</sup>. A 2006 report revealed that domestic

---

<sup>1</sup> The Benevolent Society (2009), *Moving forward*. [www.bensoc.org.au](http://www.bensoc.org.au)

<sup>2</sup> Laing, L. University of Sydney (2010), *No way to live*.

<sup>3</sup> The Benevolent Society (2011) *The Impact of Domestic Violence on Children: A Literature Review*, [www.bensoc.org.au](http://www.bensoc.org.au)

<sup>4</sup> Humphreys, C.F (2007), *Domestic violence and child protection: challenging directions for practice*, Issues Paper 13, Australian Domestic and Family Violence Clearinghouse, Sydney.

<sup>5</sup> Grech, K. and M. Burgess (2011) *Trends and patterns in domestic violence assaults: 2001 to 2010*, Crime and Justice Statistics Bureau Brief, NSW Bureau of Crime Statistics and Research



and family violence rates were highest in very remote Australia, followed by remote and outer regional localities<sup>6</sup>.

Women are the overwhelming majority of victims of domestic and family violence. In 2010 three-quarters of victims of domestic and family violence in Australia were women or children, while 82% of perpetrators were male<sup>7</sup>. Domestic and family violence violates the rights of women (and sometimes men) and their children to live in safety and free from violence and abuse in their home. Domestic and family violence creates fear and destroys self-confidence and thereby reduces a woman's competency and capacity to make informed choices about her situation.

Domestic and family violence make up almost 40% of all assaults reported to NSW Police<sup>8</sup> and is therefore a core business of the police.

Domestic and family violence has serious social, health and economic costs for victims, their families and the community. Living with domestic and family violence has a serious impact on the short-term and long-term psychological, emotional and physical health of victims<sup>9</sup>. Victims may experience premature death and injury, poor mental health, depression, psychiatric disorders and may engage in behaviours which affect their health, such as drug and alcohol use as a way of surviving<sup>10</sup>.

Children are also victims of domestic and family violence. The ABS Social Trends survey found that 60% of women who experienced partner violence had children in their care, with 68% of those women reporting that their children witnessed the violence<sup>11</sup>.

We know that living with domestic and family violence has negative effects on children's overall development, including mental health, self-esteem and social competence. Domestic and family violence affects the almost one in four children who have witnessed violence towards their mothers or stepmothers. The effects on children are widely under-estimated, yet can cause long term psychological, emotional, physical, social, and behavioural problems<sup>12</sup>.

Governments, business and non profit organisations, communities and individuals must work together to prevent and respond to domestic and family violence.

---

<sup>6</sup> Carrington, Dr Kerry and Phillips, Janet (2006) *Domestic Violence in Australia—an Overview of the Issues*, Australian Parliamentary Library e-brief, [http://www.aph.gov.au/library/intguide/sp/Dom\\_violence.htm](http://www.aph.gov.au/library/intguide/sp/Dom_violence.htm)

<sup>7</sup> Grech, K. and M. Burgess (2011) *Trends and patterns in domestic violence assaults: 2001 to 2010*, Crime and Justice Statistics Bureau Brief, NSW Bureau of Crime Statistics and Research

<sup>8</sup> Ibid

<sup>9</sup> NSW Health (2003), *Policy & Procedures for Identifying and Responding to Domestic Violence*, Canberra.

<sup>10</sup> NSW Strategy to Reduce Violence Against Women (2005) *Facts Sheet. VAW*.

<sup>11</sup> Australian Bureau of Statistics (1997) *Social Trends Survey: Women's Experience of Partner Violence*. ABS Cat No. 4102.0

<sup>12</sup> Evans, I. (2007). *Battle scars: Long-term effects of prior domestic violence*. Centre for Women's Studies and Gender Research, Monash University.

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

### **2.1 the use of GPS bracelets**

The Benevolent Society does not have expertise in this area, and therefore declines to comment.

### **2.2 whether existing penalties for domestic violence are adequate**

Existing penalties which aim to protect victims of domestic and family violence from future harm include the granting of exclusion orders (where the perpetrator is removed from and ordered not to return to the family home), ADVOs and sentencing perpetrators to a period of incarceration.

The most common justice response to domestic and family violence is the granting of an apprehended violence order (AVO) or an ADVO. In 2008, 29,012 AVOs were granted in New South Wales, 22,684 of which were ADVOs<sup>13</sup>. However, the rate of breaches and non-compliance is unacceptably high. In the twelve months to September 2009, there were 12,211 breaches of AVOs in New South Wales<sup>14</sup>.

Breaching an AVO or an ADVO is a criminal offence, and the NSW *Crimes (Domestic and Personal Violence) Act 2007* makes provision for a maximum penalty of two years' imprisonment for contravention of an AVO. However, there is a considerable gap between the maximum penalty allowable and its application by the judicial system. This gap is evidenced by the fact that, between January 2008 and June 2009, only 16.9% of breaches of AVOs in NSW were punishable by a sentence of imprisonment<sup>15</sup>. Further, sentences of imprisonment for breaching AVOs were short, averaging less than five months of incarceration<sup>16</sup>.

The Benevolent Society also notes that a 2010 report by the NSW Bureau of Crime Statistics and Research found that:

Offenders found guilty of a domestic violence-related assault are more likely to receive a prison sentence if: the assault caused significant harm, the offender has a concurrent offence at the court appearance, a prior prison episode, a prior conviction for a violent offence, has breached an AVO in the previous two years, is male or Indigenous<sup>17</sup>.

---

<sup>13</sup> ABS Crime Trends 2010

<sup>14</sup> NSW Bureau of Crime Statistics and Research (2010) NSW Recorded Crime Statistics Quarterly Update September 2010, [http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll\\_bocsar.nsf/vwFiles/NSWRecordedCrimeStatisticsSep2010.pdf/\\$file/NSWRecordedCrimeStatisticsSep2010.pdf](http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/NSWRecordedCrimeStatisticsSep2010.pdf/$file/NSWRecordedCrimeStatisticsSep2010.pdf)

<sup>15</sup> NSW Bureau of Crime Statistics and Research (2010) Crime and Justice Statistics Bureau Brief Factors which influence the sentencing of domestic violence offenders, Clare Ringland and Jacqueline Fitzgerald [http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll\\_bocsar.nsf/vwFiles/bb48.pdf/\\$file/bb48.pdf](http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/bb48.pdf/$file/bb48.pdf)

<sup>16</sup> Ibid.

<sup>17</sup> Ibid

These findings correlate with the observation of experienced managers and staff at several of our services that offenders are generally only sentenced to a period of imprisonment if their assault is physical or sexual and extremely brutal to the extent that the victim is seriously injured and needs hospitalisation. More often, perpetrators are given a section 10 'no conviction recorded' bond or have their cases dismissed.

While The Benevolent Society does not take the position that maximum sentences are appropriate in all situations, it is important for the community's – and especially victims' – confidence in the system that penalties are sufficient to protect victims from future violence in *all* its forms. There is certainly an argument that existing penalties, as currently applied in practice, are not adequate in this respect.

### **2.2.1 The need to ensure the safety of victims of domestic and family violence and their children**

The Benevolent Society believes that, in responding to domestic and family violence, the highest priority should be to ensure the safety, and feelings of safety, of victims and their children by protecting them from ongoing violence. The measure of the adequacy of penalties for domestic and family violence should be whether victims are safe and feel safe.

#### **Recommendation**

2.2.1 the measure of adequacy of penalties for domestic and family violence be whether they are effective in ensuring the safety, and feelings of safety, of victims and their children by protecting them from further violence

### **2.2.2 Responses to domestic and family violence by the NSW police and courts**

The NSW Police Force Response to Domestic and Family Violence Code of Practice, which was developed on the recommendation of the 2006 Ombudsman's report into improving police responses to domestic violence, was introduced in 2009. Since its introduction, NSW Police have been required to take a 'proactive approach' to domestic and family violence, that is:

...not only respond to incidents of domestic and family violence and give strongest consideration to arrest; but to develop strategies to reduce repeat offender behaviour and manage repeat and high risk offenders.

The Code goes on to state that police actions in response to domestic and family violence will include removing the offenders, taking out AVOs (regardless of whether or not the victim wishes them to), investigating breaches of AVOs, and laying charges against offenders 'where evidence exists to support criminal charges'.

Criminal charges can be laid where the offence included physical violence, sexual assault, stalking, property damage, threats, and homicide<sup>18</sup>.

However, despite the introduction of the Code, it is the experience of staff of The Benevolent Society's Centre for Women's Health that police and judicial responses to domestic and family violence remain inconsistent and subjective. Issues include police failing to make arrests or take out ADVOs; police second-guessing court responses and not proceeding with matters on the assumption that the matter will be dismissed by the court; and the court undermining police action by releasing offenders on bail when police had laid charges and refused bail.

Our services report numerous instances where police have attended domestic and family violence callouts but, despite the pro-arrest policy, failed to either charge the perpetrator or take out an ADVO, on the grounds that there was insufficient evidence to prove that violence had taken place, or that the assault was not 'serious' enough and therefore the matter would be dismissed in court.

Our services also report inadequate responses from police when victims have reported breaches of AVOs, including:

- failing to attend in a timely manner;
- not believing that the breach took place;
- failing to understand the terror induced in the victim by such actions as the perpetrator driving up and down her street or sending a constant stream of seemingly benign text messages;
- refusing to take any action against the perpetrator in the absence of *physical* evidence that a breach occurred; and
- suggesting that actions of the victim were responsible for the perpetrator breaching the AVO.

It is the observation of our staff that some police have lost the understanding that the purpose of granting an AVO is to prevent the re-occurrence of violence in the future, and that violence is not always physical. This response by police contrasts with the purpose of the NSW legislation which allows for AVOs to be granted in instances where a person has a reasonable fear that an offence will be committed in the future, including non-physical acts of intimidation, harassment and stalking.

Staff from our Centre for Women's health provide court support and advocacy to victims of domestic and family violence. Through this involvement with court processes, our staff have observed failure by the courts to impose adequate sentences on perpetrators, instead giving more weight to the potentially adverse

---

<sup>18</sup> NSW Police Force (2009) Code of Practice: NSW Police Force Response to Domestic and Family Violence, [http://www.police.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0016/165202/Code\\_of\\_Practice-D\\_and\\_FV\\_150910.pdf](http://www.police.nsw.gov.au/__data/assets/pdf_file/0016/165202/Code_of_Practice-D_and_FV_150910.pdf)

effects of a conviction or prison sentence on a perpetrator (such as losing his job) than to the safety of the victim and children. Our services have observed that the maximum penalty is rarely applied and that violent perpetrators have escaped imprisonment even in instances where the violence was so brutal that the victim was hospitalised with extensive injuries.

It is responses such as those described above, as well as the inconsistency and inadequacy of penalties for domestic and family violence offences, that contribute to prevailing community attitudes that AVOs are not effective, are not an adequate deterrent against re-offending, and that the police and courts do not take domestic and family violence seriously enough. Such attitudes contribute to the significant underreporting of domestic and family violence, as victims are reluctant to report domestic and family violence to police because of negative experiences, such as not being believed, when they have reported in the past.

#### **Recommendation**

2.2.2 police and judicial responses to domestic and family violence be consistently applied

#### **2.2.3 Domestic Violence Liaison Officers**

Domestic Violence Liaison Officers (DVLOs) are police officers with specialist training in domestic and family violence. There should be DVLOs in every police Local Area Command, and the position should be accorded greater seniority and support from the NSW Police Force.

#### **Recommendation**

2.2.3 Domestic Violence Liaison Officers be assigned to every police Local Area Command, and accorded greater seniority and support

#### **2.2.4 Identifying the 'primary aggressor'**

Evidence suggests that the combination of the pro-arrest policy and lack of sufficient police skills in identifying the 'primary aggressor' in situations of domestic and family violence, has resulted in victims who have called the police for help being arrested themselves<sup>19</sup>.

The Australian Law Reform Commission and the NSW Law Reform Commission recognised that police sometimes do not correctly identify the 'primary aggressor' when attending a domestic and family violence callout, resulting in victims, rather than perpetrators, being wrongly charged with assault or having an ADVO taken out against them inappropriately.

---

<sup>19</sup> Braaf, R. (2007) *Arresting policies: implications of pro and mandatory arrest policies for victims of domestic and family violence*, Australian Domestic and Family Violence Clearinghouse, Sydney

The term 'primary aggressor' does not refer to the party who inflicted violence in a single incident, but rather refers to the person in the relationship who has a history of perpetrating violence and controlling behavior. As the dynamics of domestic and family violence are complex, it can be difficult to identify the primary aggressor on the basis of a single incident. The case study below, reported by our Centre for Women's Health in Macarthur, highlights this complexity and illustrates how a victim can be wrongly identified as the perpetrator, while the primary aggressor is not identified.

#### **Case Study – Melissa**

Melissa had left her husband, Chris, after many years of enduring his physical and verbal abuse and controlling behavior. At the time of the following incident Melissa had an ADVO against her ex-husband. Despite the ADVO, Chris came to her home and an argument ensued which soon escalated into a violent assault, with Chris pinning Melissa to the ground and strangling her. During the attack Melissa defended herself by biting Chris' ear and drawing blood. After being bitten, Chris released Melissa from his stranglehold and called the police, alleging that Melissa had attacked him unprovoked. By the time police arrived at the scene Melissa, shaken from the attack, was angry, upset and yelling. Chris told the police that Melissa had 'lost it' and attacked him. Because of her highly emotional state the police did not believe Melissa when she explained that Chris had attacked her and that her actions had, in fact, been in self-defence. The police arrested Melissa and charged her with assault.

As can be seen from the case study, identifying the primary aggressor in a situation involves looking beyond the immediate circumstances and taking into account the wider contextual framework – that is, factors such as the history of domestic and family violence within the relationship; the level of each person's fear of future harm arising from their experience of past violence and the reasonableness of such fear; whether the violence in the present incident was in self-defence; and the nature and severity of injuries suffered by either party<sup>20</sup>.

The Australian Law Reform Commission and NSW Law Reform Commission stated that, in their view, the incorrect identification the primary aggressor 'can best be avoided through improved police education and training about the dynamics of family violence'. The Commissions recommended that 'Police should be trained to better identify persons who have used family violence and persons who need to be protected from family violence, and to distinguish one from the other. Guidance

---

<sup>20</sup> Australian Law Reform Commission and NSW Law Reform Commission (2010), *Family Violence-A National Legal Response*

should also be included in police codes of practice and guidelines’<sup>21</sup>. The Benevolent Society endorses this recommendation.

While police Domestic Violence Liaison Officers (DVLOs) are essential, the responsibility of dealing effectively with domestic and family violence must be shared among all police. All police should receive comprehensive, regular training in domestic and family violence responses, including the skills to be able to identify the primary aggressor.

#### **Recommendation**

2.2.4 police and judicial officers receive comprehensive and ongoing quality professional development in appropriate responses to domestic and family violence, including the dynamics of domestic and family violence and identifying the primary aggressor

#### **2.2.5 Partnerships**

The experience of our Centre for Women’s Health in Macarthur is that developing partnerships with police Local Area Commands is effective. For example, one result has been that a Local Area Command has taken steps to try to reduce re-offending by introducing strategies, such as unannounced home drop-ins by police, targeting high risk offenders. Police have also begun to refer victims to the domestic violence service at our Centre for Women’s Health after incidents where charges have not been laid.

#### **Recommendation**

2.2.5 police continue to collaborate with community services organisations to facilitate referrals and victims’ access to support services

#### **2.2.6 Judicial responses**

Many women speak of not being believed by legal representatives and experiencing dismissive or patronising attitudes from judicial officers presiding over court matters. As this woman interviewed by The Benevolent Society said:

I didn’t want to do it again and I finally worked out why. Because I remember the judge, like he had glasses on him and he leaned over [and] he said ‘oh, he’s broken your jaw’. He said ‘they’re very serious allegations there missy’, like he didn’t believe me ... so that was the process [that] scared me off<sup>22</sup>.

There is a need for greater professional development and specialisation of magistrates dealing with domestic and family violence matters in court. This includes magistrates presiding over ADO and ADVO hearings, as well as criminal charges.

---

<sup>21</sup> Ibid.

<sup>22</sup> The Benevolent Society, 2008

### **Recommendation**

2.2.6 local court magistrates undertake comprehensive and ongoing professional development in the dynamics of domestic and family violence

### **2.2.7 Exclusion Orders**

Initiatives such as the Staying Home Leaving Violence (SHLV) program, which supports women to remain in the family home by working with local police and courts to have the perpetrator removed, are helpful. SHLV provides various forms of support to the victim including organising for locks to be changed, improving home security, developing safety plans, providing support for children, assisting with managing finances and supporting women through the legal process. The removal of the perpetrator from the home has the dual effect of holding the perpetrator responsible for his actions, as well as allowing women and children to remain safely housed and connected to their local support networks.

Two evaluations of the SHLV program have found it to be successful in its aims of keeping victims of domestic and family violence and children safely accommodated in their own homes without the perpetrator<sup>23</sup>. The program is currently operating in 18 locations throughout NSW. The recent Budget announcement of its expansion to an additional five sites is welcome. However, a limitation of programs such as SHLV is that their success relies on the cooperation and commitment of all services involved. Evidence suggests that the imposition of exclusion orders by the courts requiring men to leave the family home are rarely applied, mostly because such orders are likely to result in the homelessness of the perpetrator<sup>24</sup>.

### **Recommendation**

2.2.7 courts make greater use of exclusion orders so that women and children are not forced to leave their homes to escape a violent situation

### **2.2.8 Integration of child protection and domestic and family violence systems**

Domestic and family violence and child protection interventions intersect at many points. However, complex funding arrangements and different government strategic frameworks can be a barrier to coordinated responses to the dual issues of domestic and family violence and child protection.

For example, many workers in domestic and family violence services express concern that men who perpetrate domestic and family violence can be 'invisible' in

<sup>23</sup> NSW Department of Family and Community Services, Housing NSW, 2007/08 Annual Report, <http://www.housing.nsw.gov.au/About+Us/Reports+Plans+and+Papers/Annual+Reports/2007-2008/Outcome+1.htm#SHLV>

<sup>24</sup> Australian Law Reform Commission and NSW Law Reform Commission (2010), *Family Violence-A National Legal Response*



child protection matters and that, instead, the mother – who is a victim of domestic and family violence herself – becomes the focus of the child protection intervention. Women may then be further victimised if child protection services fail to recognise and identify the behaviours, tactics and dynamics of domestic and family violence.

There is a continued societal expectation, reinforced by police and judicial responses, that it is the responsibility of women to leave violent men (rather than the reverse), even when this may render women and their children homeless and impoverished.

There have been many instances of women being in the invidious position of child protection authorities threatening to remove their children if they do *not* leave a violent perpetrator, even though doing so would render them homeless and in jeopardy of having their children removed because of their homelessness<sup>25</sup>.

Greater collaboration between domestic and family violence and child protection services, for example through networks of practice and shared professional development, would promote an integrated service response.

#### **Recommendation**

2.2.8 domestic and family violence workers and child protection workers undertake shared professional development and collaborate to ensure that women do not risk losing their children, becoming homeless, or both, as a consequence of the violence of perpetrators

#### **2.2.9 The need for police and courts to improve their communications with victims of domestic and family violence**

It is the experience of our staff that victims of domestic and family violence are often not kept adequately informed of developments, thus undermining their perceptions of safety. Our services report instances in which:

- an arrest has been made and the offender has been released on bail, but the victim has not been informed that the offender has been granted bail, nor of the bail conditions;
- an arrest has been made and the offender has not been granted bail by the police, but the victim has not been informed that the offender has subsequently been released on bail by the court;
- the victim has not been informed that an ADVO has been revoked on appeal by the offender; and
- victims have not received notification that an ADVO has been granted.

<sup>25</sup> NSW Women's Refuge Movement and University of Western Sydney Urban Research Centre (2009) *The Impact of The impact of housing on the lives of women and children – post domestic violence crisis accommodation*

In other instances, the victim has remained unprotected because, although an ADVO has been granted, the police have been unable to locate the offender for the purposes of serving the ADVO. Although if an offender cannot be located ADVOs are sometimes granted after a certain period of time, the time delay in doing so can leave victims feeling unprotected if interim ADVOs are not in effect during this period.

#### **Recommendation**

2.2.9 police and courts improve their communications with victims of domestic and family violence to keep them informed about developments in their case

### **3 Early intervention strategies to prevent domestic violence**

#### **3.1 Research, and improved use of existing data, to develop evidence-informed strategies and responses**

##### *Research*

First and foremost, any prevention and early intervention strategies to reduce domestic and family violence must be evidence-informed by promising practices and evaluation.

The causes of domestic and family violence, as well as the most effective ways of responding to it, are unclear and widely debated<sup>26</sup>. What is clear, however, is the acknowledgment that approaches to domestic and family violence need to go beyond responding to perpetrators and victims after violence has occurred, to address the root causes of violence. While interventions such as support for victims and criminal proceedings against perpetrators are useful in reducing the risk of further harm to victims from violence, these approaches are limited because they occur only after violence has taken place.

It is also necessary to employ a more sophisticated analysis of causation of domestic and family violence when developing evidence informed approaches to prevention and early intervention to reduce violence. As noted in the 2011 NSW Bureau of Crime Statistics and Research report *Trends and patterns in domestic violence assaults: 2001 to 2010*, "... it is difficult to fashion effective prevention strategies without an understanding of when, where and in what circumstances domestic and family violence occurs"<sup>27</sup>. Evidence-informed prevention and early intervention

<sup>26</sup> Keys Young Pty Ltd (1999) *Ending Domestic Violence? Programs for Perpetrators*, Report to National Crime Prevention, Commonwealth Attorney-General's Department, Canberra

<sup>27</sup> Grech, K. and M. Burgess (2011) *Trends and patterns in domestic violence assaults: 2001 to 2010*, Crime and Justice Statistics Bureau Brief, NSW Bureau of Crime Statistics and Research

strategies to prevent violence from occurring in the first place, therefore, must be implemented in order to eliminate domestic and family violence<sup>28</sup>.

The Benevolent Society supports evidence-informed practice and would welcome investment in research which assists governments and non-profit organisations to better prevent and respond to domestic and family violence.

The following are gaps in research knowledge:

- evidence-informed strategies for raising community awareness about domestic and family violence
- evidence-informed approaches to working with men to prevent and respond to violent behaviour
- judicial attitudes to victims of domestic and family violence as expressed in ADVO hearings, local court hearings, district and appeal courts, through a content analysis of their decisions and directions.

#### *Improved use of existing data*

While much data is collected on domestic and family violence – including crime statistics from the NSW Bureau of Crime Statistics and Research; court records; police records; data collected by the Australian Bureau of Statistics; data on domestic violence homicide; research reports on the dynamics of domestic and family violence, trends in domestic and family violence crimes, community attitudes; the adverse effects on children and victims; research on barriers to accessing services and support for victims of domestic and family violence from diverse backgrounds including victims from migrant backgrounds and victims of same-sex domestic and family violence; and some evaluation data of early intervention programs and victim support programs – this administrative and research data is largely hidden away from public view in government reports or in private organisations.

The wealth of information contained in such reports could make an impact if it was used to build a comprehensive knowledge and evidence base for developing appropriate responses to domestic and family violence. Broader use of such information through, for example, interagency data linkages, could also increase community understanding of the widespread but also unacceptable nature of domestic and family violence<sup>29</sup>.

---

<sup>28</sup> Carrington, Dr Kerry and Phillips, Janet (2006) *Domestic Violence in Australia—an Overview of the Issues*, Australian Parliamentary Library e-brief, [http://www.aph.gov.au/library/intguide/sp/Dom\\_violence.htm](http://www.aph.gov.au/library/intguide/sp/Dom_violence.htm)

<sup>29</sup> Bartels, L. *Emerging issues in domestic/family violence research*, Australian Institute of Criminology Research in Practice Report No. 10, Criminology Research Council

### **Recommendation**

- 3.1 there be greater investment in research and better use of existing data to build a comprehensive knowledge and evidence base for analysing the causal factors of domestic and family violence and development of appropriate prevention and early intervention strategies

### **3.2 Social justice and human rights perspectives**

Domestic and family violence is gender-based violence that violates women's fundamental human rights. It is strongly related to inequality between men and women and the holding of rigid views about gender roles. Responses must be based in an acknowledgement that it is a result of gender inequality in social and power relationships, and is rooted in structural inequity rather than individual pathology<sup>30</sup>.

A human-rights based approach to preventing and responding to domestic and family violence requires that:

- domestic and family violence is recognised as gender based violence that violates women's fundamental human rights
- perpetrators are held accountable and responsible for their use of violence against women and children
- women are not blamed for being victims of violence and are not responsible for stopping the violence and abuse perpetrated against them
- domestic and family violence is recognised as a social issue rather than a private matter
- women are active partners in shaping the services which respond to them.

Addressing domestic and family violence requires elimination of structural factors which continue to reinforce gender inequality in our society and disadvantage women –such as lower pay, poorer access to superannuation, and lack of sufficient access to childcare.

### **Recommendation**

- 3.2 the NSW Government work with the Commonwealth Government and the Council of Australian Governments (COAG) to reduce structural gender inequality, by addressing gender pay parity and improving access to affordable child care

<sup>30</sup> Laing, L. 2001. *Working with Women: Individual and group work approaches*, Australian Domestic and Family Violence Clearinghouse, Issues paper 4

### 3.3 Community awareness and education

#### 3.3.1 Community awareness and education campaigns

In 2009, the National Survey on Community Attitudes to Violence Against Women<sup>31</sup> found that tolerance of violence against women was strongly correlated with negative attitudes towards women and their status and roles in society. Research indicates that education campaigns to reduce violence against women need to be part of a broader endeavour to challenge negative attitudes towards women and promote gender equality. Ideally, such endeavours should operate on all levels of society, including familial, organisational and communal, and be complemented by structural change. Examples of intervention at a community level include engaging community leaders to influence communities' attitudes towards women and domestic and family violence<sup>32</sup>.

Our services report that many people, both male and female, do not understand the range of behaviour that constitutes domestic and family violence and do not recognise, for example, intimidation and financial control, as domestic and family violence. Many still believe that domestic and family violence is limited to physical and sexual assault.

We also know that many women do not report domestic and family violence or access services because of fear, shame, and concern that they will not be believed or supported.

I never told anyone about that you know ... because I didn't feel there was support out there. Would someone believe me? Would they say "well you burnt his meal, it's your fault?" You know what I mean? All those things go through your mind when you're in a situation like that<sup>33</sup>.

All levels of the community must unite to condemn violence against women and raise future generations knowing that violence is not tolerated.

There is a continued need for government-supported awareness raising days, awareness campaigns, education programs in schools and other educational and strategies in order to change community attitudes towards domestic and family violence. These sorts of awareness raising strategies help educate individuals and communities to play a part in preventing domestic and family violence. They also assist in creating safe, understanding spaces for victims of domestic and family violence to disclose their experiences and to move forward in their lives.

---

<sup>31</sup> Victorian Health Promotion Foundation (VicHealth) and The Social Research Centre (2010) *National Survey on Community Attitudes to Violence Against Women 2009: Changing cultures, changing attitudes – preventing violence against women*, Australian Institute of Criminology

<sup>32</sup> Meyering, I.B., (2011) *What factors shape community attitudes to domestic violence?*, Australian Domestic & Family Violence Clearinghouse: University of New South Wales

<sup>33</sup> The Benevolent Society, 2008

Community awareness campaigns should be explicit in spelling out the scope and impact of domestic and family violence. Campaigns which, for example, only focus on physical abuse do not communicate the relentless fear, control and isolation experienced by women, or the devastating effect that violence and witnessing violence can have on infants' and children's brain development and behaviour.

Education and community awareness campaigns that directly challenge the acceptability of domestic and family violence – such as the White Ribbon Campaign featuring non-violent male celebrities speaking out against domestic and family violence – have been useful and should be expanded and supported.

#### **Recommendation**

- 3.3.1 there be greater investment in community awareness campaigns that address attitudes to women, highlight the non-physical aspects of domestic and family violence and its impact on children, and that engage with non-violent men as ambassadors and role models

#### **3.3.2 Education in schools**

Education about respectful relationships needs to start early with discussion in schools about communication skills and dispute resolution. Such education could also be delivered through community services such as supported playgroups, parenting groups and family services.

#### **Recommendation**

- 3.3.2 the NSW Department of Education and Communities incorporate age appropriate education about respectful relationships into school curricula

### **3.4 Responses need to be sensitive to the needs of diverse communities**

The NSW Domestic and Family Violence Action Plan *Stop the Violence: End the Silence* recommends that, in order to be effective, prevention strategies need to target specific groups as well as the population as a whole<sup>34</sup>.

Domestic and family violence occurs across all spectrums of society and in all cultures. Prevention and early intervention strategies cannot be a one size fits all, and must be developed in the context of specific cultural and community settings.

A report by the Victorian Government Department of Human Services found that women from culturally and linguistically diverse backgrounds and Aboriginal and Torres Strait Islander women, amongst others, face specific obstacles that intensify the difficulty of their journey. The report suggests that these obstacles include

<sup>34</sup> New South Wales Government (2010), *Stop the Violence, End the Silence: NSW Domestic and Family Violence Action Plan*

prejudice, ill-informed and inappropriate responses, and ignorance of the context of women's lives<sup>35</sup>.

#### *Aboriginal and Torres Strait Islander communities*

Evidence from community consultations suggests that tackling violence in Aboriginal and Torres Strait Islander communities requires community-driven programs that include both men and women; partnerships between community and government agencies; and holistic approaches to tackling community violence<sup>36</sup>. Criminal justice responses need to be culturally appropriate, and rehabilitation of offenders must be a priority. Importantly, there are many existing community initiatives to tackle family violence like night patrols and identity programs which should be further supported and funded. A regional approach to coordination could ensure that these initiatives remain community-driven and responsive while still receiving adequate high-level support and resources.

#### *CALD and New and emerging migrant and refugee communities*

Women from culturally and linguistically diverse (CALD) backgrounds have reported lack of confidence that mainstream services would understand or be responsive to their situation<sup>37</sup>. Fears of an unhelpful response and being placed in danger in their own community also contribute to CALD women not using crisis services.

There are also considerable barriers in relation to domestic and family violence in new and emerging migrant and refugee communities, in particular for people who have been themselves victims of torture and trauma in their homelands. This raises numerous issues around settlement, trauma, and mental health.

As a result of violent backgrounds, these groups may not always understand the concept of domestic and family violence, acknowledge it as an issue or understand the forms it can take. Other barriers in reaching these communities is that they do not have a full understanding of how the Australian police, judiciary and other bureaucratic systems work, and that the role of police and the state is vastly different to their home countries.

Education and settlement support is essential for these groups. Strategies which may be useful include

- engaging respected community leaders to speak about domestic and family violence (to 'name' it)
- education about the impact of domestic and family violence on the health and wellbeing of women and children

---

<sup>35</sup> Victorian Government Department of Human Services, 2004

<sup>36</sup> Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report*, Human Rights and Equal Opportunity Commission, 2006

<sup>37</sup> Keys Young Pty Ltd (1999) *Ending Domestic Violence? Programs for Perpetrators*, Report to National Crime Prevention, Commonwealth Attorney-General's Department, Canberra

- dissemination of messages that domestic and family violence is not acceptable, to put pressure on men to change their violent behaviour and on communities to refuse to accept violence, and
- identification of services and supports for both perpetrators and victims.

### *Same-sex domestic and family violence*

The prevalence of domestic and family violence within the context of same-sex relationships has been largely ignored in the literature. However, the small amount of research on this topic indicates that as many as one-third of people in same-sex relationships have experienced domestic and family violence at some time; and that same-sex domestic and family violence has some unique aspects such as abusive partners threatening to 'out' victims to family, friends or work colleagues<sup>38</sup>.

People in same-sex relationships are also less likely to recognise their experience as one of domestic and family violence, and to face barriers accessing support because of a lack of services specifically for same-sex victims and perpetrators, and inappropriate responses from mainstream services. Victims from this group are also less likely to contact the police because of fears of homophobic reactions from police<sup>39</sup>.

Additional research needs to be undertaken on domestic and family violence within same-sex relationships, focusing on prevalence and context; unique aspects; and the provision of better policy and practice responses for this group<sup>40</sup>.

### *Older people*

While reported rates of domestic and family violence are greater at younger ages, domestic and family violence does not cease in older age. Domestic and family violence experienced in earlier life, perhaps for decades, may continue into older age and is no less acceptable. Moreover, the prevalence and incidence of violence against older women can be expected to increase in future in line with the ageing of the population. However, older women are less likely to report violence, for a range of reasons, and are low users of support services<sup>41</sup>. Our Centre for Women's Health in Macarthur works with women in their mid to older years and confirms that, while older victims of domestic and family violence may engage with their service, they are generally reluctant to report the violence to police.

---

<sup>38</sup> Bartels, L. *Emerging issues in domestic/family violence research*, Australian Institute of Criminology Research in Practice Report No. 10, Criminology Research Council

<sup>39</sup> Constable, A., De Castro, N., Knapman R., & Baulch, M. (2011) *One Size Does Not Fit All: Gay analysis of NSW domestic violence support services in relation to gay, lesbian, bisexual, transgender and intersex communities' needs*, ACON Lesbian and Gay Anti-Violence Project, Sydney

<sup>40</sup> Bartels, L. *Emerging issues in domestic/family violence research*, Australian Institute of Criminology Research in Practice Report No. 10, Criminology Research Council

<sup>41</sup> Grech, K. and M. Burgess (2011) *Trends and patterns in domestic violence assaults: 2001 to 2010*, Crime and Justice Statistics Bureau Brief, NSW Bureau of Crime Statistics and Research



A number of agencies, including The Benevolent Society, report an increase in numbers of women seeking housing and other support as a result of domestic and family violence. Options such as women's refuges are rarely appropriate for older women in these circumstances. Awareness campaigns about domestic and family violence and sources of assistance should include older women.

Other forms of violence and abuse against older people by family members and others close to them (often referred to as 'elder abuse') may arise in older age for the first time. Isolation, poor mental and physical health, stressed families and family members with mental illness or substance abuse problems put older people at greater risk. Conversely, older people are less likely to be abused or neglected if they understand their rights, have a strong sense of their self-worth and positive relationships with their families.

#### **Recommendation**

- 3.4 specific prevention and early intervention strategies be developed for Aboriginal and Torres Strait Islander people; new and emerging migrant and refugee communities; people from culturally and linguistically diverse backgrounds; same-sex attracted people and older people; focusing on regionally coordinated community-driven programs that include both men and women; partnerships between community and government agencies; holistic approaches to tackling community violence; culturally appropriate criminal justice and rehabilitation of offenders

### **3.5 Professional Development for health and community services professionals**

Many of The Benevolent Society's clients experience multiple complex issues including domestic and family violence, mental illness and substance addiction. Clients of our family services and early intervention child protection services are just as likely to be affected by domestic and family violence as those who come into contact with us via our specialised domestic and family violence programs.

As well as community education and awareness raising, there must also be education and training in responding to domestic and family violence for all community workers, not just for those in specialist domestic and family violence services. This should be complemented by additional training for a wide range of other professionals such as counselors and psychologists, GPs and other health professionals, in how best to respond to women who have left abusive relationships.

#### **Recommendation**

- 3.5 all community service workers receive comprehensive and regular professional development in the dynamics of domestic and family violence and appropriate responses to domestic and family violence

### 3.6 Accessibility and availability of appropriate domestic and family violence-related resources

Accessibility and availability of appropriate domestic and family violence-related resources is a highly significant factor in allowing women, and on occasions men, to make informed choices about safety and protection. Resources are also an important factor in informing victims how to access support to strengthen and heal.

#### Recommendation

- 3.6 the NSW Government work with the Federal Government and non-profit service providers to ensure that women have access to affordable, anonymous, culturally competent and flexible services to support their recovery from domestic and family violence, including outreach services and long-term therapeutic counselling

### 3.7 Perpetrator programs

Violent men must be held accountable for their violence and abuse against women and children, and take responsibility for adopting non-violent and respectful attitudes and behaviour in their intimate relationships. Perpetrator programs which assist violent men to face their past actions and their consequences, and to deal with the reasons behind their violence, may prevent future domestic and family violence.

There is a dearth of research into programs for perpetrators of domestic and family violence and much debate on what constitutes effective strategies for working with perpetrators. A comprehensive overview in 1999 of perpetrator programs in Australia found that the delivery of such programs was ad hoc, and that few had been evaluated<sup>42</sup>.

The study found that while some programs had helped to reduce violence, there were considerable gaps in the evidence about their long term effectiveness, the most effective strategies when working with perpetrators, and whether the programs could successfully be transplanted to diverse groups within the Australian population. It also found that there is no consistency in the delivery of such programs across Australia, and called for a national body to focus on research, policy development, best practice and education as a matter of urgency.

#### 3.7.1 Anger-management groups

Services for perpetrators of domestic and family violence have been a controversial area. However, The Benevolent Society believes that we should continue to seek ways to assist violent men to face their past actions and their consequences and to deal with the reasons for this violence, as this may help prevent future domestic and family violence.

---

<sup>42</sup> Keys Young Pty Ltd (1999) *Ending Domestic Violence? Programs for Perpetrators*, Report to National Crime Prevention, Commonwealth Attorney-General's Department, Canberra

Current approaches which focus only on anger management are unlikely to break the cycle of violence. Research highlights that anger management groups can be problematic if the perpetrator is encouraged to see his anger-related violence as being triggered by behaviour of the victim, thus inappropriately placing the blame on the victim rather than the perpetrator<sup>43</sup>.

Nevertheless, there is evidence to suggest that anger management groups can be useful in helping perpetrators understand the impact their behaviour has on their partners. For example, a participant in an anger management group delivered by Relationships Australia reported having gained an insight into the fear experienced by his partner when he used violence:

The leader of this anger management group was talking about controlling strong emotions. Suddenly he kicked a chair. I was shocked and the light dawned. This is what my partner feels when I kick or hit the wall at home. I went home and told her, now I understand.<sup>44</sup>

### **3.7.2 Minimum standards for domestic and family violence services**

The Benevolent Society welcomes the NSW Government's commitment to introduce minimum standards for domestic and family violence behaviour change group programs in NSW<sup>45</sup> and the creation of the Intersectoral Domestic and Family Violence Education and Training (IDFVET) project to develop minimum standards and benchmarks for evidence informed practice in professional development<sup>46</sup>. The development of minimum standards which outline performance outcomes will enable greater integration with the criminal justice system and other domestic and family violence services<sup>47</sup>.

### **3.7.3 Safety of women and children paramount in perpetrator programs**

An evaluation of perpetrator programs in Australia recommended that 'the primary and shared goal for all service providers involved in domestic and family violence intervention is the safety of women and children'<sup>48</sup>. The Benevolent Society endorses this recommendation.

---

<sup>43</sup> Brown, Thea and Hampson, Ralph (2009) *An Evaluation of Interventions with Domestic Violence Perpetrators*, Department of Social Work, Monash University, The Family Violence Prevention Foundation of Australia, Melbourne

<sup>44</sup> Relationships Australia (n.d.) *Renovate your relationship: A manual for men*

<sup>45</sup> NSW Government Justice & Attorney General, Practice Guide - Minimum Standards for Domestic Violence Behaviour Change Programs in NSW, <https://tenders.nsw.gov.au/ag/?event=public.rft.showArchived&RFTUUID=B977EC01-E688-34E8-678258DE0FCFA92B>

<sup>46</sup> New South Wales Government (2010), *Stop the Violence, End the Silence: NSW Domestic and Family Violence Action Plan*

<sup>47</sup> Keys Young Pty Ltd (1999) *Ending Domestic Violence? Programs for Perpetrators*, Report to National Crime Prevention, Commonwealth Attorney-General's Department, Canberra

<sup>48</sup> Brown, Thea and Hampson, Ralph (2009) *An Evaluation of Interventions with Domestic Violence Perpetrators*, Department of Social Work, Monash University, The Family Violence Prevention Foundation of Australia, Melbourne

Services for perpetrators must be funded in addition to, and not at the expense of, services for women.

### Recommendation

- 3.7 the safety of women and children be the paramount aim of programs for perpetrators of domestic and family violence

## 4 The increase in women being proceeded against by police for domestic violence related assault

Recent data from the NSW Bureau of Crime Statistics and Research (BOCSAR) indicates that female domestic violence assault increased by 12% each year, and breaches of AVOs by women increased by 6% each year, in the ten year period to June 2009. During the same time period, domestic violence assault by juvenile female offenders increased by 19%. While most domestic violence crimes were committed by men, the increase in numbers of female offenders was greater than the increase in numbers of male offenders. However, the report cautioned that it was not clear whether the figures represented an actual increase in female offending or increased police action taken against women for domestic assaults<sup>49</sup>.

Research evidence indicates that the number of dual arrests have also increased, that is, police arresting both partners after a domestic and family violence incident. In many instances dual arrests have occurred because police have been unable to identify the primary aggressor due to conflicting claims by the parties<sup>50</sup>. In other instances, women have been arrested for defending themselves against physical violence – in these instances women are often emotional and angry by the time police arrive, while the male perpetrator remains calm and appears more rational and is more likely to be believed by the police<sup>51</sup>. Such situations can be partially attributed to lack of sufficient understanding of primary aggressor tactics.

We reiterate our earlier Recommendation that police receive comprehensive professional development in the dynamics of domestic and family violence, including in identifying the primary aggressor.

There is little research on the issue of women as perpetrators of domestic and family violence, especially in an Australian context. International research suggests that much domestic and family violence by women is committed in the context of ongoing male violence against them, and is motivated by self-defence and fear<sup>52</sup>, although it

<sup>49</sup> Holmes, J. (2010) *Female offending: has there been an increase?*, NSW Bureau of Crime Statistics and Research, Crime and Justice Statistics Bureau Brief, Issue paper no. 46

<sup>50</sup> Braaf, R. (2007) *Arresting policies: implications of pro and mandatory arrest policies for victims of domestic and family violence*, Australian Domestic and Family Violence Clearinghouse, Sydney

<sup>51</sup> Ibid.

<sup>52</sup> Swan, S., Gambone, L.J., Caldwell, J.E., Sullivan, T.P. and Snow, D.L. (2008) 'A Review of Research on Women's Use of Violence With Male Intimate Partners' in *Violence Vict.* 23(3): 301–314: National Institute of Health, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2968709/pdf/nihms244725.pdf>

is unlikely that self-defence accounts for all incidents of female domestic and family violence.

Research into the circumstances surrounding domestic and family violence perpetrated by females is required to understand more about the issue.

**Recommendation**

4. research be undertaken into the incidence of domestic and family violence perpetrated by women