

INQUIRY INTO DOMESTIC VIOLENCE TRENDS AND ISSUES IN NSW

Organisation: Fairfield Domestic Violence Committee (FDVC)
Date received: 23/09/2011



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

Tuesday 21st September 2011

Dear Hon Niall Blair MLC,

Re: Response to Inquiry into Domestic Violence trends and issues in NSW

On behalf of the Fairfield Domestic Violence Committee (FDVC) we take this opportunity to provide our observations and recommendations regarding Domestic Violence Trends and Issues to the Committee.

This submission was prepared by representatives of a variety of organisations providing services in the Fairfield Local Government Area, including; Community First Step, Bonnie Women's Refuge Ltd, Hume Community Housing, Fairfield Migrant Resource Centre, Fairfield City Council – Community Safety and Crime Prevention Division, and South West Sydney Legal Centre - Staying Home Leaving Violence Project.

All Working Group members have extensive experience and expertise in service provision to people affected by Domestic Violence, particularly working with clients from CALD backgrounds.

Recommendations listed below are based on members' experiences and recommendations of key issues identified during a Consultation held in June 2011 by the Fairfield Domestic Violence Committee. The Consultation was attended by 35 generalist and DV specific service providers, and aimed to review the current D&FV situation in Fairfield whilst identifying new issues and trends.

Below recommendations address issues concerning Domestic *and* Family Violence.

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

a. The Use of GPS bracelets

Whilst the knowledge of the Working Group members regarding the use of GPS bracelets is limited, it was agreed that its usage could be effective for reducing re-occurrence of incidences, provided that the GPS bracelet does not substitute other punishments. The use of the bracelets would provide the Police with strong evidence in court when an ADVO has been breached. The FDVC would like to call for caution and thorough consultation before implementation, combined with the delivery of adequate training and resources, especially to Police Officers.

b. Whether existing penalties for domestic violence are adequate

Existing penalties are inadequate leaving victims in unsafe conditions or a life of constant fear;

- Imposed penalties are not high enough to prevent perpetrators from offending again.
- The perpetrator's history of violence is not taken into account sufficiently, resulting in inadequate penalties that do not discourage re-offending. This can place the victim in increasingly harmful situations.

For example, when an AVO has been issued against a perpetrator during a previous relationship, this demonstrates a history of violence that is often not considered.

"Good behaviour bonds" should not be imposed if the offender already has a history of repeatedly committing D&FV.

- Reported breaches of AVOs are not always followed up by the Police.
- Physical assault should be penalised as such under any circumstance, a Good Behaviour Bond is not an adequate penalty for the crime committed.
- Waiting times between Court mentions and Hearings are too long, sometimes up to six months. This leaves the victim in constant fear for safety and forces the victim to leave their

home whilst increasing likelihood of developing additional mental health issues, such as anxiety and depression.

- Bail release causes concern for victim's safety.
- Anger Management Programs should be compulsory for all offenders, but not result in a reduction of the penalty imposed.

Anger Management should be accompanied by an overall assessment of perpetrators' issues and needs, in order to reduce the likelihood of the violence reoccurring.

For example, if the perpetrator suffers from mental health issues or Drug & Alcohol addiction, this could cause additional danger to the victim. This is an opportunity for an appropriate response whilst improving the victim's safety.

- Parents/carers involved in abuse of children should be mandated to attend parenting programs and get support where needed.

2. Early intervention strategies to prevent domestic violence

Following recommendations should be undertaken in addition or expansion of strategies currently implemented;

- The Yellow Card Referral Scheme (also called DV Pass) should be implemented state-wide. The scheme assists early intervention and early education of victims.
- Provide information to refugees and all new migrants upon arrival in Australia, covering topics such as Australian law, what D&FV entails, the role of the Police, and where to get help when in need.
- Early intervention and awareness raising programs should become an integrated part of the School curriculum at Primary Schools and High Schools.
- Teachers across *all* educational institutions need to receive appropriate training on domestic and family violence issues, how to respond and where to refer clients to.

- Media campaigns on TV and via social media outlets would assist raising awareness among the wider community.
- All Police Officers need to receive ongoing D&FV training.
- More research and initiatives needed to assist victims of D&FV in obtaining affordable housing when having left a violent relationship. Most victims have been financially abused and isolated, prevented to work and/or learn English. The knowledge that there are hardly any housing options available when single and on Centrelink benefits, prevents many victims from leaving.

Lack of affordable housing options for crisis, medium and long-term accommodation, forces women to stay in D&FV situations because there is no way out.

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

- Consideration needs to be given that perpetrators apply for ADVOs against the victim, for self-defence reasons in court. Sometimes this can result in cases being dismissed or not taken seriously enough, whilst the victim is trapped in a DV situation.

The victim's response with self-defence during an attack could result in some physical marks of injury on the perpetrator, such as scratches. Whilst this is very different from an attack, this could serve as evidence for the defence of the perpetrator by claiming to be victimised and apply for an ADVO against the victim. The Police needs to take this into consideration when assessing a scene, and where possible distinguish between injuries that may be caused by self-defence and injuries that appear to be the result of deliberate injury or infliction of pain during an attack.

History of violence or criminal records should be taken into account for accurate assessment. Some serious cases have been dismissed due to cross-ADVOs applications.

4. Any other relevant matters

- Sometimes the offender cannot be found and can hence not be charged. This can leave victims in unsafe situations. Charges should be followed up as soon as perpetrator is located.
- Changes to Tenancy law should be extended to Home owners. For instance, even if a perpetrator is listed on the Mortgage – the perpetrator rather than the victim should be removed from the home.

When victim and perpetrator's names are both included on the mortgage, and the victim wants to keep the property and is able to afford the mortgage on his/her own, financial institutions should have guidelines in place to accommodate the victim's request to carry on the mortgage independently.

- Implementation of "Special Leave" entitlements from employment when victims of D&FV leave the violent relationship, enabling victims to take 4 weeks off work to organise alternative arrangements without losing their job.
- Increased education and awareness raising that Domestic and Family Violence includes more than physical abuse/assault only. The impact of psychological, verbal, financial and social abuse can be equally if not more damaging with longer term impacts to the victims life. Police should take these circumstances seriously and always make/take a report and/or prepare an ADVO, even if no physical abuse has occurred (yet).
- Police needs to be trained to use interpreters if they interview clients with limited English.

Not only is this needed for accurate capturing of the D&FV situation, but also for evidence provided in court. If the client speaks limited English and no interpreter was used, reports and statements can be dismissed.

- There is a need for conduction of grass-roots research on how new schemes such as "Start Safely" work on the ground. The demand is too high already and eligibility criteria will become stricter. Need to assess requirements and look at extension of the program.

We would like to thank the Committee for the opportunity to provide our input. We trust you will take our recommendations into consideration.

If you wish to obtain additional information or have any questions regarding the above, please do not hesitate to contact us.

Sincerely,

Manon Becher

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