

PROCEEDINGS BEFORE

STANDING COMMITTEE ON SOCIAL ISSUES

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

UNCORRECTED

At Sydney on Monday 20 February 2012

The Committee met at 9.00 a.m.

PRESENT

The Hon. N. Blair (Chair)

The Hon. G. J. Donnelly

The Hon. C. Faehrmann

The Hon. N. Maclaren-Jones

The Hon. H. M. Westwood (Deputy Chair)

SHARON WALKER, ALLISON GUTHRIE, MARK JOHN MURDOCH, WAYNE MICHAEL COX and BRIAN GAVIN JOHNSON appeared before the Committee:

The Hon. CATE FAEHRMANN: Would you explain the reasons behind the standard operating procedures being confidential? Both Women's Legal Services NSW and Legal Aid NSW have advised the Committee that the police standard operating procedures have recently been revised, and we know that they are not publicly available. They have suggested that making those procedures public would improve the accountability of police and, in turn, their practices, thereby building confidence in the system and encouraging victims to report. They also argue that that would provide an evidence base on which conclusions could be drawn about the reasons for the increase in arrests of women. In explaining why the procedures are confidential, maybe you could address those concerns as well.

Mr MURDOCH: Our domestic violence standard operating procedures, like all of our standard operating procedures, we guard quite closely because they expose our operational methodology. In terms of our overall response to domestic violence, the NSW Police Force has published our domestic and family violence code of practice. Our code of practice is ostensibly the standard operating procedures without the methodology. So, if the groups you mention are keen to hold us to account in terms of our actions and to try to better assess the reason for the increase in women being arrested and prosecuted, I would say that they can do so pretty much as well from the code of practice as they could from the standard operating procedures.

On the aspect of trying to determine why more women are being arrested, there is a much more complex set of circumstances as to why that is happening than could be gleaned from examining our standard operating procedures. It might be, off the top of my head, that more men are reporting domestic violence because they feel more comfortable that something will be done about it, or they might have been too embarrassed to report it previously. Who knows? Hopefully, the research being conducted by Professor Stubbs and the team will give us some indication.

I see this move to publish our domestic violence standard operating procedures as the thin end of the wedge. I note that both organisations who are making noise about wanting access to our standard operating procedures are legal services. I regard expose our methodology as the thin end of the wedge. The last thing I want my police to be doing is, while sitting in the witness box giving evidence in court, getting hit over the head with their own standard operating procedures, and why they did or did not do something that was, or was not, articulated in the standard operating procedures.

The operational methodology that is in the document is to guide our response, particularly in terms of the actual investigative process, and the safety requirements that police need to take notice of when they are attending domestics. Arguably, there is no more dangerous incident that a police officer can attend than a domestic. We set out in fairly clear terms the inquiries police need to do en route, what they need to put in place en route, where they position themselves and their vehicle when they arrive, how they approach the house, et cetera.

[Information suppressed by order of the Committee]

If we expose that methodology, that not only gives a window into how we operate not only in terms of domestic violence but on a whole range of criminal matters ostensibly. And, as I say, the last thing we want is for offenders to be warned about or provided advice on—I believe it is that strong, provided advice on—how they mitigate their involvement in these types of matters; how they overcome possible defences; how they can make our job more difficult than it needs to be. At the same time, it is not about us, it is about protecting the victim. Unless we can protect and support the victim, we are not doing our job in this regard. So the last thing I want to do is let out there information that makes our ability to protect and support victims all the more difficult. Those are the people that we would be compromising, not our safety but the safety of the victims, by making that information public.

The Hon. HELEN WESTWOOD: Thank you, Assistant Commissioner. In respect of much of what you have spoken to us about today, particularly the work that you do with Professor Stubbs, until we see the result of that research it will be very difficult for us to find an answer to why there is an increase in the number of women perpetrators of domestic violence and arrested as perpetrators. Certainly, the evidence that we have received to date would suggest that domestic violence services and advocates for victims do not believe there is an increase in women perpetrating domestic violence; they think women are being wrongly arrested when they

are actually acting in self-defence. Certainly, that is my greatest area of concern. They were saying, because they could not see the standard operating procedures of police, they believed the police were following the domestic violence operating procedures and that those procedures were flawed. That is what they were alluding to.

I appreciate your appearance before the Committee today and I accept the reasons that you have said you need to keep those general operating procedures confidential. But I think you would understand why we really wanted to have a look at those procedures. I am really pleased that you are doing that research with Professor Stubbs, because hopefully that will give us all some answers on this matter. In your code of practice on page 24 you say that police are discouraged from arresting and charging both parties arising out of a domestic or personal violence incident. We had some evidence this morning from Dr Wangmann. Her thesis looked at court documents and she had examples of exactly what is happening. She had cases that she had studied as part of her thesis where both parties were arrested and in the AVO applications it was exactly the same—it was like a cut and paste—the story was the same for either side. What I am wondering is given that clearly your code of practice is discouraging that happening is there any way of monitoring where that code of practice is not being adhered to by officers in domestic violence cases?

Mr MURDOCH: The quality assurance mechanisms we have in place at the moment are that when an officer records a domestic violence incident it is quality assured by their supervisor; it is then further quality assured by the DVLO. I would hope that in instances where, as you have just portrayed—and I am certainly not aware of that happening; I am not saying it does not happen, I am not aware of it—I would like to know on how many occasions it happens because I just cannot believe it would be a large number. But in terms of that quality assurance I would be hopeful that if both parties were being arrested and charged on the same set of facts and the same application is being made that alarm bells would really need to be ringing or should be ringing and we should be taking steps to ensure that the circumstances of the event warrant that action being taken.

As the code of practice talks about it, it might be that both parties are arrested but for different offences. But where they are both arrested in the circumstances you have just described I cannot explain something like that and it is not a matter that is advocated one iota anywhere in the training material or in any course that is delivered by us that if in doubt arrest both. That is just not on. It is the same as if in doubt take no action at all. That is not on either. Some of these things are pretty tricky and pretty difficult to wade through, but that is just not appropriate at all if that is happening.

The Hon. HELEN WESTWOOD: She was not suggesting there were a lot of incidents; she used a number of cases and she did find a number of incidents where that happened, but she was not saying it was hundreds or thousands; that was not suggested in her research. But the fact that it was happening I was interested to understand in terms of your standard operating procedures how they are monitored to ensure that they are being followed and what follow-up there is if you find that they are not. Would officers then be referred for further training? Is it disciplinary action? I just do not know what would happen. If you could perhaps give us some information on that?

Mr MURDOCH: For a blatant continuous breach of our policies there would be disciplinary action embarked upon, but in the overwhelming majority of cases non-compliance with our policies would be addressed locally by the DVLO or at a higher level by the local area commander with the individual officer. But that quality assurance level, all that sort of stuff you are talking about now really boils down to supervision and quality assurance that takes place. [Information suppressed by order of the Committee]

So in terms of that compliance, it starts with the individual officer and supervisor, continues with the DVLO and it should be picked up somewhere along the line. Is it always picked up? Clearly not, but we are doing our absolute best to minimise the risk of that sort of thing happening. I suppose in an organisation as large as we are, as widespread as we are, in dealing with a problem as immense as domestic violence is we are always going to have instances of this sort of stuff happening and we just cannot afford it.

CHAIR: Assistant Commissioner, I was curious about the review of the operating procedures. Was there any consultation done with any outside groups on certain aspects of the actual procedures through that review to try and keep them current with best practice and trends that are happening?

Mr MURDOCH: Certainly in our review before last we engaged the domestic violence network; we convened a meeting at police headquarters and we sought input into our SOPs. On this occasion we again did that—probably not on that scale, but we did it electronically; we circulated an invitation to have input into the

standing operating procedures. Whether you do it electronically or in person it is still difficult because no-one has seen the SOPs except for us—and can I confirm to the Committee they do exist; it is not something we sit here and tell you we have got when we have not. We understand providing feedback is difficult if they have not seen the document, but basically we are after what are the things you would like to see, particularly in terms of the way that we operate and respond? That advice was included.

The review was probably more a matter of making sure that we were up to date with legislative amendment, that it correctly reflected any legislative amendment, and we were up to date with technology. We placed more emphasis on social networking, text messaging, email, that sort of thing. We are seeing a rise in the rate of intimidation, stalking, bullying, harassment type offences through social media and mobile telephone technology. So it was more a matter of making them more contemporary to take into account the effect of technology. We were also very mindful of amended new court practice notes issued by the Chief Magistrate and things of that nature. So a lot of it was more procedural for us in terms of our own operations and things that affected the domestic violence network.

CHAIR: Did you have many responses to that invitation? You can take this on notice. I am more curious about the number and maybe the agencies or the people who provided a response, not so much the response. My reason for this line of questioning is because part of the evidence that we received was criticism around the operating procedures, that they were kept confidential, and the whole question about accountability to make sure that they are being followed. That was the reasoning for my line of questioning and it also follows on to my next question about the code of practice. If there is a perception that the standard operating procedures are being kept confidential and that is something that is being criticised, surely it would be in the interests of the force to widely publicise the code of practice and my question is what is the force actually doing to promote the code of practice to try and remove some of those barriers that people may have or perceptions they may have that the standard operating procedures are being used not to hide behind but to provide a bit of cover in some sense?

Mr MURDOCH: I do not know what more we can do to promote the code of practice; it is publicly available on our internet site; we launched the code of practice during the 16 Days of Activism in 2010 around White Ribbon Day; we did that very publicly and we did it with some fanfare; we invited various members of the sector to be present during the launch, and it was launched by our Commissioner; we talk about it to the sector all the time; I know where to find it and I would think that many of them have their own copies that they have downloaded; we refer to it in a lot of our publicly available information that we disseminate for domestic violence in police stations; we have various information guides printed in lots of languages, which make reference to the code of practice. In that regard I do not know what more we can do.

We have told the sector on many occasions—and not all but certain sections of the domestic violence network, the broader domestic violence network, have been asking for access to the SOPs for many, many years, and they keep getting the same answer and some of them just do not like it—our position is not going to change. But some sections, some small sections, just do not like taking no for an answer and we have tried to explain it as best we can. Can I say just on the aspect of primary aggressor what is in the SOPs on the primary aggressor aspect is exactly the same as what is in the code of practice, and talks about, as Senior Constable Johnson has told the Committee today, how we are pro-investigation. While we are pro-arrest we really push the aspect of investigation, and you need to take action where the evidence warrants. If there is evidence that warrants action being taken that is what you need to do.

CHAIR: Has that feedback been provided? A lot of this questioning about the standard operating procedures is around the primary aggressor issue. To be honest, I think that was one of the main areas that we would have concentrated on had we actually had a look at them, so has that feedback been provided?

Mr MURDOCH: I would like to think so. I have not done it personally but it may well be something I need to do personally and address the sector. I am happy to do that. But the mere fact is that if people are coming before this Committee and giving evidence to this Committee to that effect, clearly I have not done that or it has not been done to that level so that is something I need to take away and address.

CHAIR: A lot of the evidence in this session has not gone into the specific operations of the standard operating procedures. I will put to you, Assistant Commissioner, whether the secretary could actually draft up the transcript of the evidence that has just been provided, remove any sensitive areas and provide a draft to you for potential approval to be published. Are you happy for that to occur?

Mr MURDOCH: I am happy to do that.

(Evidence in camera concluded.)

(Public hearing resumed.)

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The Hon. H. M. Westwood (Deputy Chair)

CHAIR: Welcome to the third public hearing of the Standing Committee on Social Issues inquiry into domestic violence trends and issues in New South Wales. A key focus of today's hearing is policing. We will take evidence from Dr Jane Wangmann who has expertise in policing and domestic violence, from representatives of the NSW Police Force and from the Police Association. Before that we will hear from representatives of the Department of Family and Community Services who were unable to attend our first hearing, along with representatives of the One in Three campaign. Upcoming hearings will focus on the victims' perspectives, specific population groups, prevention and early intervention, and direct service provision. In addition the Committee is soon to undertake site visits to Forbes, Sutherland Local Court and south west Sydney. Details will be posted on the Committee's web page as they are finalised.

The Committee has previously resolved to authorise the media to broadcast sound and video excerpts of the public hearings. Copies of the guidelines governing broadcasting of proceedings are available. In accordance with Legislative Council guidelines for the broadcast of proceedings a member of the Committee and witnesses may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photographs. In reporting the proceedings in this Committee the media must take responsibility for what they publish or what interpretation is placed on anything that is said before the Committee.

Witnesses, members and their staff are advised that any messages should be delivered through the attendants or the Committee clerks. I also advise that under the standing orders of the Legislative Council any documents presented to the Committee that have not yet been tabled in Parliament may not, except with the permission of the Committee, be disclosed or published by any member of such Committee or by any other person. If you should consider at any stage during your evidence that certain evidence or documents you may wish to present should be heard or seen in private by the Committee, the Committee will consider your request. However, the Committee or the Legislative Council may subsequently publish evidence if they decide it is in the public interest to do so.

JANET SCHORER, Acting Divisional Director, Communities and Early Years, Department of Family and Community Services, sworn and examined:

MICHELLE JEUKEN, Acting Executive Director, Office for Women's Policy, Department of Family and Community Services,

MAURA CLARKE BOLAND, Deputy Director General, Strategy and Policy, Department of Family and Community Services,

HELEN LOUISE FREELAND, Acting Deputy Chief Executive Operations, Community Services Division, Department of Family and Community Services, and

VIVIAN HANICH, Director of Service Development Strategy, Housing Division, Department of Family and Community Services, affirmed and examined:

CHAIR: Would anyone like to make a short opening statement of no more than five minutes?

Ms BOLAND: Yes. What I would like to do, if it is possible, is talk about the role of Family and Community Services in this area and also give you some of the possible areas that we think we could do with some focus on. To start with I would like to acknowledge the traditional owners of the land on which we meet today, the Gadigal people, and then go on to talk about Family and Community Services and the roles and responsibilities.

The responses to domestic violence could be considered as sitting across a spectrum from prevention, going way back to children's formative years, all the way through early intervention, getting in as fast as we possibly can, and then the responses post incident. In this context Family and Community Services has a dual role. It has a role of service provision at each of those stages and it also has a role as a social policy influencer in trying to shine a light on this across government. We have a schema that might be helpful in understanding the various ways that Family and Community Services acts. We will hand that out but it may well be that you want to come back and ask some questions about any specific projects that we do after we have talked.

As that is handed out you will see there are a range of programs that we operate, things like Staying Home Leaving Violence, the domestic violence line, Start Safely, the integrated domestic and family violence services program, specialist homelessness services, particularly things like women's refuges, and the domestic violence proactive support service. They are all ways of responding. Those programs very much work to support the New South Wales Government's 2021 plan target to reduce domestic violence. But when you look at it you will also see that there is quite a dominance of responses post incident and fewer responses in prevention. In some ways that is understandable because Family and Community Services plays the role that it does and there are other agencies that possibly have a stronger role to play in earlier services—agencies like education and health. But it does also foreshadow a theme that I think we do need to talk about: prevention. I will not describe any of the programs on there—I have got people here who can talk to any of the programs if you are interested in the details of them. What I will do is just talk very briefly about the role of the Office for Women's Policy.

It is one of the centres of development of social policy that the Department of Family and Community Services has—we have a number of those. As I said, what it really does is try to shine a light on issues that disproportionately affect women and influence the actions of broader government agencies. In policy terms there are two documents that influence our approaches the most: the first is the directions that are outlined in New South Wales 2021; the second is the National Plan to Reduce Violence Against Women and Their Children, which is a plan that all governments have signed up to. It is a long-term plan that focuses on how governments can work together better to reduce violence against women and respond more effectively when violence does happen. In that context one of the most significant pieces of work that we are currently doing in the Office for Women's Policy is the development of a new domestic, family and sexual violence framework. If you flick through those pages I think you have an outline of that at the back, and we can talk some more about that with you as well.

I know you are aware that the Audit Office review was published in November 2011 and it was quite critical about the approach that the previous Government had taken to responding to domestic violence. What we are trying to do with what we have outlined in that page, and the work that is contained in that project, is to work collectively with the key agencies that were named by the Auditor General, such as Police,

AttorneyGeneral's and Health, to try to put in place a much more positive response to domestic violence. We are going to deliver a strategic policy framework for action in New South Wales but, importantly, not just do a policy framework but also deliver on new actions for domestic violence. One of the foundations of the approach is to actually do some co-design with our non-government organisation partners to try and address that criticism that was made of the previous approach as well. I do think that is one of the most significant pieces of work that government is doing at the moment and that we should very much be focused on. I would like to move to the second area that I flagged that I wanted to talk about by making some observations about key areas that if we tackled would appear to make a difference to those affected by domestic violence. Now, as I said, as far as possible we will try and lay the foundations in that framework but there still has to be room for further action at the end of that.

So I think there are four important themes of work that we should be looking at. The first is being more strategic about prevention and early intervention—this is just like so many areas of government. We really want to move away from crisis and to get in before the crisis happens to do some earlier work. We have explicitly scoped that into the domestic violence action plan. We will try to progress the work in that way, but I think there are some areas that we need to have a particular focus on. The first is there does not seem to be a very strong evidence base for what works in this area. In the Department of Family and Community Services we very much like to look at building evidence-based policy and I think that getting a collective focus on building a stronger evidence base in this area is going to be critical. We need to work with our partners across the country—this is one where I think a national response is going to be much more effective than a government response—but we will also look at what we can do inside the State to build that.

The submissions to the inquiry so far have highlighted the need for common definitions about what is a prevention approach and what is an early intervention approach across government. So I think we could do something about trying to get some common gossip definitions there. When we think about prevention we need to think about a whole lifespan approach as well. A lot of the prevention programs that have been discussed really start quite late in the lifespan, in adolescence rather than in early childhood. I think we need to look at how we can get a shift to earlier and really get into the kinds of behaviours that people have at that time, whether they become victims or perpetrators in later life.

Finally, we need to remember that preventing and responding to domestic violence is very much grounded in the community. It is the things that we accept, the things we turn a blind eye to and so on. So when government works in that area we really have to look at how we work effectively with community groups, how we take different approaches; for example, getting men as role models and champions involved in the work. That is one theme.

The second theme is high impact evidence-based strategies. As I said, in the Department of Family and Community Services we are really looking at trying to get an evidence-based approach to the way we respond and the way we implement strategies and, in fact, we are looking at how we invest. I have said the evidence is not very good but I do think that we can develop strategies based on the evidence that we have and that we can discover.

In light of that, one of the more recent ones that we have looked at is the use of GPS tracking systems. You would be aware that was a government priority—it is in your terms of reference. The work that we have undertaken so far on that suggests that while the principles of that approach are really sound, the evidence base for tracking systems reducing violence is still limited at this time—it certainly is not of a standard that we think would meet our evidence requirements—and it appears there are other problems with the technology not being well developed or reliable. It is costly. So it does not seem like it is the right time to do that just now, but that does not mean that it is not worth monitoring that and it is not worth monitoring some of the other new technologies to look for the time that they are the right things to implement. I think it is important to remember to keep track of things and in the meantime we work on things that are lower in cost and more feasible.

The third area, very quickly, is just about effective perpetrator interventions and accountability. This is really after an incident has happened. So we have moved a little bit later in that spectrum. There are potentially a broad range of responses the perpetrators, including legal responses and rehabilitation systems. I know that the Department of Attorney General and Justice has been working on that and I think has talked with you already. The final theme—and again I think this is one that has come up in the submissions that we think we need to respond to—is to develop a common interpretive framework, which is just basically about making sure when we talk about this that we all know what we are talking about. We use the same language. We understand the context in which the behaviour takes place and we make sure that that conduct falls within those definitions. We

think if we do that it is one of the foundation pieces for making sure that people receive a much more seamless service, rather than a very fragmented service. That is it from me for the moment, thank you very much.

The Hon. HELEN WESTWOOD: You referred to the Audit Office of New South Wales' report. Will you give the Committee a little more detail about which of the recommendations contained in that report you have commenced work on?

Ms BOLAND: You would be aware there was a formal response from the Government to that report and all of the recommendations were accepted, and accepted with a good deal of enthusiasm. The way that we are looking to respond to that report primarily is through the piece of work that I outlined to you—namely, the development of a new framework. In fact, if you look at the third sheet of the work that we have just tabled, this pretty much outlines all of the pieces of work that we are doing in response to it. The very first one: Primary Prevention Strategies, we have scoped into the project. This was not an explicit recommendation in the report but it was a pretty strong message up-front from the Auditor General that said it was disappointing that prevention was not a greater focus. So we have got a focus there on trying to develop some new primary prevention strategies. You will see the second block talks about service response and the system components of that. That is trying to clear up some of the things that the Audit Office report was quite critical of; for example, governance, people having unclear roles and responsibilities, unclear referral pathways and so on.

The elements of work that we see in there are about service roles and responsibilities. Making sure everybody is very clear on who is doing what piece of work, making sure that there is a clear information directory so we know what services are available—which is just going to help the referrals that happen—and looking at the governance arrangements. One of the criticisms had been that the governance arrangements were not clear but also that the non-government organisation partners were not necessarily involved in those. So we are going right back to first principles and looking at what are the right governance arrangements that we should be putting in place there.

In relation to the referral pathways—how a person gets into access services and joint service planning—again there is another criticism about our engagement with non-government organisation [NGO] partners. We are coming up with a new approach to planning that will make sure we work jointly. As I said, co-design is a really important element of that. We are making sure that we do not see this as something that the Government develops and the non-government implements; but, rather, it is developed jointly because the response is so embedded across that whole spectrum of things.

How do we respond to sexual assault? We know that our non-government organisation partners are very concerned that the previous action plan did not pick up sexual assault, and so we have scope to that in. How we measure that we are actually being effective—that the services that are in their being effective—we are looking at different plants of that. So they are the system components, but then the second stage we are looking at during the latter half of the year are practice components. We are looking at a whole range of practice things that will make things operate a lot better. There is some other work is going on in government as well around risk assessments and making sure we have a standard risk assessment framework. We started, as the first cab off the rank I guess, to try to look at how we cost our services.

How far have we got with this? Not very far yet in practical terms, but what we have done is engage our government partners in doing this. As I mentioned, that is the police, Attorney General's, Health particularly but also Premiers and Cabinet and Education and Communities, just because of their very important role in early childhood. We have started a senior executive steering committee for this project specifically. We are working with KPMG, and the reason we have engaged KPMG in this area—at first you would not think that they would be the logical people to be doing it—is that they were the firm that worked extensively on the national plan and so understand how that is put together, and have done a lot of the groundwork in that.

KPMG also has worked extensively in Victoria on many elements of the response that Victoria has. If we are looking around the country at this stage, most people would regard Victoria as being best practice. So we are trying to capture all of that and learn from that. They are engaged, and they have commenced. The first deliverables are likely to happen somewhere around April. If you are still conducting hearings at the time, we would be very happy to give you an update on how the work is going.

The Hon. CATHERINE CUSACK: What has KPMG commenced?

Ms BOLAND: The whole project.

The Hon. CATHERINE CUSACK: Are you saying the entire Government response? Are they in charge of implementing the response?

Ms BOLAND: Absolutely not. We are receiving advice from KPMG on the appropriate way to put together these elements, but the implementation of this is very much about government working with the non-government sector.

The Hon. CATHERINE CUSACK: I am just trying to clarify what they have commenced.

Ms BOLAND: They have commenced the development of some of these strategies. For example, if we look at primary prevention strategies, the first stage, if you want to do anything on that, is understanding what is out there. What does the evidence tell us? They have started a literature review on that.

The Hon. CATHERINE CUSACK: I am sorry, but I am trying to clarify this. You have said that there is a process of co-design for the policy.

Ms BOLAND: Yes.

The Hon. CATHERINE CUSACK: And then you have KPMG. I am just confused. Then of course you have the department, which is responsible under a protocol. You said there is work on a protocol as well, is that correct, on who is responsible for what, to clarify responsibility?

Ms BOLAND: Okay.

The Hon. CATHERINE CUSACK: Perhaps I should say that we have not had the benefit of seeing that Government response to the report.

Ms JEUKEN: It is published in the Audit Office report.

The Hon. CATHERINE CUSACK: It is published in that report. I apologise for that.

Ms BOLAND: Okay.

The Hon. CATHERINE CUSACK: I have not got to that.

Ms BOLAND: I will just have another go at trying to explain this.

The Hon. CATHERINE CUSACK: Yes.

Ms BOLAND: We—government, particularly the agencies that are involved in it—have tried scoping up a response to all of those recommendations.

The Hon. CATHERINE CUSACK: And that was led by your department?

Ms BOLAND: That is correct, but it is very much a partnership. In fact, each of the agencies is putting in funding to make sure it works. But the Office for Women's Policy's is leading that. KPMG has been engaged as an expert resource to try to move this along. We think that it is incredibly important that we get the best response that we can and that we meet the report-back time lines at the end of the year. There is a lot of work if we want to try to get it done, so we have got KPMG online as partners.

Co-design has underpinned the way we are looking at developing each of those components in it, so the outline you have there is in fact most of the project that KPMG will be assisting us with. Many of the elements involved in there involve elements of co-design. We have not gone to our partners yet. We will very shortly be flagging that. There are some significant areas where we will be getting them in and working very closely with them on what is the best way to design things.

The Hon. HELEN WESTWOOD: I am interested in your work with non-government organisations [NGOs], particularly given, as you have said, the importance that the report placed on prevention. I think it is

fair to say that most prevention work is done by the non-government organisations, or certainly that has been historically the case. Where are you up to in terms of working with non-government organisations?

Ms JEUKEN: The primary resource we use to work with non-government organisations is the Premier's Council on Preventing Violence against Women. We spoke to that council at the end of last year about development of this framework. They offered views for us on a critical component in development of the framework, which included sexual assault within that framework. Their advice was that domestic violence and sexual assault were fragmented in the previous approaches, and they needed to be incorporated together into a common framework. As Ms Boland said, as part of the development of the framework, we will be working closely with the non-government organisations sector. One of the key criticisms of the audit report was that work had not been developed as well as it may have been in the past. That is one of the key things we will be looking at in developing the framework, moving forward.

Ms BOLAND: If we could, we talk will just a little more broadly about how we work with non-government organisations, particularly in developing services.

Ms FREELAND: In Community Services, we fund a number of those non-government organisations, so I am talking about service delivery now rather than the policy-setting function. We have been working for a number of months with an early intervention council, which has representatives from all of the non-government organisations that partner with Community Services in the delivery of the Brighter Futures Program. Brighter Futures is specifically about preventing children coming into the statutory child protection system, but we know that one of the key risks that comes up in child protection work is domestic violence along with alcohol, drug use and mental health. They are being settled three risks that a child protection worker would be looking out for when they meet a family.

Brighter Futures is clearly targeting families where there are young children, children under the age of nine, where one or more of those risk elements is present. We have a strong partnership with 16 lead agencies over three years in the delivery of the Brighter Futures Program to more than 3,000 families across New South Wales. The early intervention council is really a discussion forum where we have dialogue with those lead agencies about how that program is being developed and how it is maturing. You may be aware that there was an evaluation of that program delivered by the Social Policy Research Centre in September 2010, and that is really helping us to set future directions around Brighter Futures. The early intervention council is an important forum for us to have that dialogue.

The Hon. HELEN WESTWOOD: Could you give me examples of where you are working with women-focused non-government organisations?

Ms HANICH: You might know that domestic violence is one of the leading causes of women's homelessness and that the New South Wales Government is committed to tackling homelessness. In New South Wales 2021 it has identified three targets for the reduction of homelessness. I guess in the context of homelessness it is worth a discussion about domestic violence because there are a number of projects, which we are now funding under the national partnership agreement with the Commonwealth, whose job is to work with women along that continuum of prevention and early intervention.

Let me just explain. It is a crisis so at the end of the day a woman fleeing domestic violence enters into the specialist homelessness service system, which Community Services funds - something like 350 specialist homelessness services. I do not know the detail about women's services. It funds refuges where their capacity is to make an initial assessment, provide support to the woman and/or her children, provide safe refuge for women. Then as Housing NSW, part of what we are able to offer in that scenario is a number of different products and services. We are able to stabilise a women's housing and get her into more permanent housing arrangements. So one of the key things under the national partnership about our work on homelessness is about trying to link the service system and the support systems that are currently in place with stable housing because we know that stable housing is one of the key factors in getting people back on their feet.

The projects that we are funding and the work that we are currently doing with the NGO sector and women's services in particular is about how we integrate and collaborate and work together and interface our products and services. I am from the housing part of the department. We have a continuum of service so that a woman fleeing domestic violence enters the crisis system and then is able to work within that system, get the support that she needs and also get the stable housing that she needs. We have a number of products and

services like Start Safely that enable a woman to enter into the private rental market so that she can start to get back on her feet.

In terms of the collaboration and integration with domestic violence services, one of the things that is part of our homelessness work that we are very conscious of is the need to work collaboratively at a regional level with non-government and other government agencies because homelessness is an across-portfolio issue. So at the regional level what we have established under the homelessness banner is regional homelessness committees. Those committees comprise government representatives as well as representatives from the domestic violence sector, as well as a number of other NGOs from the specialist homelessness services, community housing providers and other generic support providers. The aim of those committees is to come together and look at the service system at a regional level and how the system works. So entry points into the system, referral pathways, sharing information about what all the different services do so that we have a good sense of what goes on at a local level from a service system approach.

Some of that work now has been quite successful. Each of those committees has identified local priorities to work on. There are nine regional committees and each committee has their own action plan with the priorities established. As part of that process, the idea is to strengthen the service system that already exists between the NGOs and State government and other government agencies. I can give you a good example of that collaboration. Under the national partnership against homelessness, which is a Commonwealth-State agreement, we have funded a new set of services in the Illawarra, the Hunter and western Sydney. These services are about providing support to women escaping domestic violence, with or without children. So we have funded the support, and one of the key things that links to that support is the housing. So we support on housing in these projects travel together and we have been able to use our Start Safely, which is basically a private rental subsidy for women to access private rental.

We have been able to link that Start Safely product to support from NGOs, delivered by NGOs. The difference in what those projects have been doing is that they have then had coordination groups that comprise State government agencies, as well as the suite of NGO support services in a location that actually then can do a case management and a whole-of-person view of a woman fleeing domestic violence. Anecdotally, it has not yet been evaluated. We are about to evaluate some of those projects this year, but anecdotally locally people feel that it is a great success because what it has done is brought together the different government agencies—housing, community services, health and police—as well as the NGO sector to come together and actually coordinate support and service delivery for women escaping domestic violence.

The Hon. GREG DONNELLY: Thank you for coming along today to provide some additional evidence to your submission. My first question goes to page 3 of what was handed out today, the framework. In terms of this framework that is explained on the third page of the document, has this particular document been approved by Cabinet?

Ms BOLAND: The document has not been submitted to Cabinet.

The Hon. GREG DONNELLY: I am trying to get a clear understanding of the process. In your opening statement you reflected on the report last year of the Auditor-General and some concerns I think that you indicated were part of the past Government's dealing with these matters, and you spoke about the work that was being done to create a new framework for the future. When will the Government or at what point is it intended that a framework will be put to the Government and, indeed, Cabinet for endorsement so it can then be put into place and applied?

Ms BOLAND: This project will run across the course of the current calendar year. There are a number of points that it is likely to be appropriate for it to go to Cabinet to be considered. One would be around the design of it, when some of the elements have been put into place, when some of the elements have been scoped up. Another would be further towards the end of the year when some of the service responses, the practice components that we have talked about, have been developed up.

The Hon. GREG DONNELLY: What briefing or briefings has Cabinet been provided with up to this point by yourself of what is the intended domestic family violence framework?

Ms BOLAND: I personally have not provided any briefings to Cabinet. I probably need as context to say that I have been in my current position for just over two months. It is a new position and has only just been established. I have had a couple of briefings with my Minister to discuss the approach there. My Director

General has had briefings with the Directors General of the relevant departments. I have had discussions with senior representatives from those agencies, as have my staff, about that. My understanding is that my Minister has written to her colleagues as well on the subject.

The Hon. GREG DONNELLY: But you are not aware that this issue has been discussed in Cabinet.

The Hon. CATHERINE CUSACK: Why do you think this would be discussed in Cabinet?

The Hon. GREG DONNELLY: I think I have the opportunity to ask the question. You are not aware that this matter of the framework has been raised.

Ms BOLAND: Not to the best of my knowledge, no.

The Hon. GREG DONNELLY: It has not as far as you know. In terms of the framework, I take you to the first part of it, the primary prevention strategies which obviously appear to be a core part of it. Have you done any work or has the Minister done any work on fleshing out what those strategies are or would be?

Ms BOLAND: As I mentioned earlier, the project has only commenced in the last weeks. To the best of my knowledge again, because we are working with KPMG on this, they will have started a literature review on it but there have not yet been any discussions on the actual strategies themselves. We have held our initial meeting of a steering committee for the project across government and we have confirmed that the scope is accurate, we have identified the funding for it, we have started the work. But at this stage we are very early in the project.

The Hon. GREG DONNELLY: With respect to KPMG, you have referred to them in terms of some aspects including the work done in the study in Victoria in the area of domestic violence. Was KPMG involved in the development of this framework?

The Hon. CATE FAEHRMANN: In Victoria, do you mean?

The Hon. GREG DONNELLY: No, with respect to this framework that we are examining—

Ms BOLAND: The document that you are looking at?

The Hon. GREG DONNELLY: Was KPMG involved in the development of this framework?

Ms BOLAND: If I could just explain, this is not the framework. This will be the framework when all of the elements have been fleshed out. This is a schema for what will be developed. Yes, KPMG was involved in the development of the schema. We held discussions to try to shape this. To put it into context, the Minister for Women had requested prior to the delivery of the audit report—it would have been in the Office for Women—to look at a review of the existing domestic violence action plan to look at what its witnesses were and to see how it could be strengthened. KPMG had been engaged at that time to do that review. However, with the audit report coming through, instead of the work being scoped as a review of the existing plan, it rather shifted to how can we address some of the criticisms that have been raised by the Auditor-General and instead build a good solid platform for the work that had been going on in domestic violence in New South Wales.

The Hon. GREG DONNELLY: In the first part of your opening statement you mentioned concern about the evidence base that had been used in the past, as I understand your submission, in some of the programs and policy that had been put into place. Then at a later part in your statement you acknowledged that some of the evidence-based decision-making that had been applied in the past appeared to have some merit. My question has two parts. The first is that I am trying to get a clear understanding of the primary concerns about past evidence-based decision-making. The second is what standard of evidence-based decision-making have you put into place that will be the future determinant in making policies and evaluating programs?

Ms BOLAND: I will start by trying to clarify what I said in my opening statement. I was commenting that there was not a deep evidence base around prevention and early intervention. These are areas that it is probably fair to say—in fact that in many domains of government—where there is a deep evidence base in prevention and early intervention. Most of the effort, most of the spent, has gone to crisis responses again in many areas. So there is a good evidence base about what works in many of those areas. What I was highlighting was the need for a real focus on trying to develop up a much stronger evidence base when it comes to prevention

and early intervention because, ultimately, most of us believe that if we invest in those areas we will actually see the payback further down the track. We will see a reduction in crisis influences and so on. That is what I was trying to say in the opening statement. There have absolutely been strong evidence bases for some of the projects that have been implemented. One of the strongest is probably in Staying Home Leaving Violence, which has had a very high standard of evidence base underpinning it. I will ask Janet to talk to that because I think there has been a good deal of research that has underpinned the work.

Ms SCHORER: You will be aware to some extent of what Staying Home Leaving Violence is about. As Maura has said, whilst there is limited long-term evidence for this model in New South Wales at this stage, the research we have been able to do to date certainly has demonstrated that it is an opportunity to provide women with a very real option for breaking the cycle of violence and for some of the longer-term outcomes that we see, particularly around homelessness, which Vivian has alluded to, and what we know of the outcomes for children as a result of being uprooted from their home, from their school et cetera. The evidence around Staying Home Leaving Violence, whilst still early, is quite strong. Your point is let us start to understand what it is from that that works, what are the interconnections with other parts of government, such as police and the court system, and how we can strengthen those things to have a stronger response for victims so they can end the cycle they are in.

The Hon. CATE FAEHRMANN: When did Staying Home Leaving Violence begin? I am interested in the statistics or outcomes of the program in numbers since its inception?

Ms SCHORER: The program commenced in 2004 with three pilot sites in Bega, eastern Sydney and Mount Druitt. Then an expansion of the program commenced in 2009-10. It was expanded to 18 locations over those two financial years. That expansion was completed in July last year. There are now 18 fully operational sites around New South Wales and there will be a further five rolled out over the next two years. So by July next year there will be 23 Staying Home Leaving Violence projects. Whilst the first three have been fully operational now for many years, the others are at varying stages of expansion or development. So the data we are collecting, we have a system in which all of those projects report to us about what we expect for their performance. We are getting those numbers through now more consistently in pilot data. But because it is an intensive case-management model, we expect that each fully funded project would see around 30 women over the course of that year intensively. There certainly are others who would come in and out of the project for pieces of information or just for court support or those types of shorter-term interventions. But the design of the model is that women would have long-term—so over many years, if required—intensive case management support to enable them to escape the violence in the way that they want to in terms of remaining in their home and to be able to sustain that, as you would know, through long family law matters or the court process, even around escaping the violence. That is the intention. The overarching numbers I might have to take on notice, but the intention is that it is around 30 long-term case managed clients per project each year.

The Hon. CATE FAEHRMANN: Per project per year?

Ms SCHORER: Yes.

The Hon. CATE FAEHRMANN: You said there would be 23 projects by?

Ms SCHORER: July next year.

The Hon. CATE FAEHRMANN: You call it intensive case management?

Ms SCHORER: Yes.

The Hon. CATE FAEHRMANN: I assume there are many women or families that meet the criteria for intensive case management who cannot access the program, would that be correct? I saw in the audit report that 268 households or women accessed the program.

Ms SCHORER: Yes.

The Hon. CATE FAEHRMANN: That seems like a yawning gap, would that be correct?

Ms SCHORER: I guess it is important to understand that Staying Home Leaving Violence really is a niche product in some ways because it really is about women who want to choose to go down the road of

staying in their home and going through the process of having him excluded and that they want to remain separated. That is not always the case and that is part of the in and out I was mentioning before. At a particular point a woman might say, "I want to go through with this" and then for various reasons—often their children—they decide not to and so we do not provide ongoing support if they are not separated. We are quite clear about that because it really is supporting the process of separation. It is not for everyone and it certainly is not for some women who do not feel that they can stay safe in their home. So it is not just a case management service for any victim of domestic violence; it is for women who really are in that smaller cohort, if you like, of people who are staying in the home or a home of their choosing and wish to be separated.

The Hon. CATE FAEHRMANN: But are you finding that there is more demand than the programs can meet?

Ms SCHORER: In some locations that is true. Certainly in western Sydney, the project we funded in the Blacktown area, which would come as no surprise given that the population out there was at capacity. With the election commitment and the funding we got this year we have committed to expanding that program funding so that they can start to address some of that demand. That is one of the ways that we work with the NGOs. The question earlier about how we work with non-government organisations is that they usually are much smarter in some ways about how they manage their workload and ways they can attract other funding. We are very supportive of that and the leadership they bring to offering a different project in their community. But capacity, sadly, is always going to be a question that we have to have top of mind.

The Hon. CATE FAEHRMANN: I refer again to the work of KPMG. Has the department been provided with any additional resources since the Audit Office reported or have any consultants from KPMG been embedded within the department to make this work happen?

Ms BOLAND: No, we have not been provided with any extra resources. Some funding has been contributed jointly by agencies that are involved in it. That will cover the costs of the consultancy work. We have staff within the existing pool in the Office for Women's Policy dedicated to this project who will provide some support. I cannot speak on behalf of other agencies, but I am sure they have done similar things to ensure the work progresses.

The Hon. CATE FAEHRMANN: I refer to community education programs that address attitudes to women. Many submissions, including the submission from the Benevolent Society, recommended that there be more investment in community education programs specifically designed to address attitudes to women. They mentioned programs that highlight the non-physical aspects of domestic violence and its impact on children and engagement with non-violent men as role models. What does the department do to address attitudes towards women and what might it do to support this kind of work more effectively in non-government organisations?

Ms JEUKEN: I think community education and awareness fits into the realm of strategies in which there is not necessarily a strong evidence base. You might take as a comparison some of the work that has been done in public health, for example, anti-smoking, skin cancer and other similar campaigns. Those campaigns have a strong evidence base. The same does not exist in tackling violence against women and children. The Commonwealth Government is currently running a national campaign called The Line. All State and Territory jurisdictions have acknowledged that a national approach to community education is important.

There are two levels to community education and awareness. One looks at universal access and how we educate the broader community about the context, what domestic violence is and strategies to tackle it. The second looks at more targeted strategies involving specific groups, for example, women from culturally and linguistically diverse backgrounds, women with a disability and Aboriginal women. They are also looking at male behaviour and how we might change that. As part of the framework we are looking at building the evidence base to determine the opportunities. Obviously working with the Department of Education and Communities would be a key component of that and looking at how we might influence the early stages of young people's lives. Most programs offered at the moment target adolescents rather than young children. We are also looking at men's behaviour change programs and the Department of Attorney General and Justice has been leading that work.

The Hon. CATE FAEHRMANN: That sounds as though you are looking at doing a lot of work in this area but it is not a high priority now. Is that a correct interpretation of your response—that is, that the department is looking at it and this audit has identified it as well, but it is not a priority now?

Ms JEUKEN: The components are interrelated in the development of the framework. Building the evidence base for primary prevention strategies will be critical. I do not think that any one component stands in isolation from another in terms of being a priority because the elements of the system need to work together.

Ms BOLAND: Yes, we will be looking to see what we can do in that area. It is also worth noting that the department, through the Office for Women's Policy, has a grants program for domestic and family violence that has been contributing about \$2.9 million each year, and about \$900,000 has been quarantined for projects supporting Aboriginal communities. We have that under review at the moment as well. It is just one of the periods when, because there has been this real focus on domestic violence, we are looking at the grants program to see how we can achieve the best effect. Through that grants review we are specifically trying to establish whether the projects that have been funded have led to long-term and sustainable outcomes or whether they have just been local and led to outcomes only for the duration of the funding rather than extended beyond that.

We are looking at how we might be able to use this funding to support some of the priorities that have been established. We are particularly trying to identify areas where we have to have a decent evidence base to be able to invest, and obviously we would like to be targeting funding to that. There is a minor element in the grants review about where we should administer this from within the broader Department of Family and Community Services to ensure we do it in a very good way. However, the grants programs have been a tangible thing and will be in the future.

The Hon. CATE FAEHRMANN: You said there has been a focus on domestic violence. Do you mean the audit and this inquiry, or is there more to it within government at the moment?

Ms BOLAND: No, I think it goes before the results of the audit. The Minister for Women has been very interested in this since her commencement in that role. There were various statements about trying to improve responses. In fact, elements like the GPS bracelets were an attempt to change some of the projects to move to things that might be more effective. It has also appeared in "New South Wales 2021". I believe there has been an absolute focus on it. The Audit Office review probably heightened the focus and it also gave some clarity about the areas that needed particular action immediately.

The Hon. CATE FAEHRMANN: You mentioned the grants and the review that is taking place. Will that review be completed in time for the next round of grants and implementation, or is it taking place within the same timeline as the KPMG framework timeline to be announced at the end of the year?

Ms BOLAND: The review is likely to come up with some recommendations in the next couple of months. It will then take some time to consider after that. There is a strong desire within the Office for Women's Policy to have it resolved within this financial year.

The Hon. NATASHA MACLAREN-JONES: Can you provide an overview of the different government agencies involved in prevention and responding to domestic violence? I am mindful that that will require a great deal of detail and I am happy for you to take that question on notice.

Ms JEUKEN: What do you mean by focused on prevention?

The Hon. NATASHA MACLAREN-JONES: I mean early intervention and responding once a situation has occurred.

Ms JEUKEN: I think most government agencies working in this space have myriad approaches. Because it is complex, I will take the question notice so that I can provide a fully informed response.

The Hon. NATASHA MACLAREN-JONES: The committee has heard evidence about the increase in the number of women being prosecuted for domestic violence and being issued with aggravated domestic violence orders. Some claim that it is due to the complexities of domestic violence and others say that the police are not necessarily trained or they do not have the tools to deal with the situation. Others have also said that it is easier to arrest both parties and then deal with it later. Do you have a view about the increase in the number of women being prosecuted?

Ms JEUKEN: Our general principle is that given violence against women is unacceptable we need a system that is responsive. In terms of the intricacies of how that works, that is an operational question for the police and the Department of Attorney General and Justice to consider.

The Hon. CATHERINE CUSACK: I apologise for following this up again. I refer to the letter sent to the Auditor-General. A number of the recommendations are to be implemented by 30 June and the others by the end of the year. Can you provide an update on progress in relation to those recommendations and tell the committee whether you expect to achieve those timeframes? Given what you have said, I suggest that there might be some slippage in meeting those deadlines.

Ms BOLAND: We can certainly take that on notice.

The Hon. CATHERINE CUSACK: Co-design, I understand, is something that happens in the initial stages of designing a project. So preparing a report and putting together a strategy and then going to the community are more the traditional form of consultation. I have to put that out there because co-design is a specific process which happens in the initial stages but not with both groups.

Ms BOLAND: I am flicking through hoping I can find the right page. That is very much what we want to do with this. The intention for the overall schemer for the element is not to develop-up how they are going to look in government and then go and test them with the non-government sector. The intention is absolutely to pull in the non-government sector at the right time to work intensively on what those elements would look like. For example, to pull them in when having discussions about governance and work-up what good governance might look like together.

The Hon. CATHERINE CUSACK: You are having that discussion now, are you not, and KPMG is reviewing those issues now?

Ms BOLAND: As I mentioned, they are up to desktop review of that. That would be a literature review on what are the best practices and so on. Those are the kinds of things that are important to do to lay the groundwork. Do we have straw models at the moment? Absolutely we do not. That is the way we want to work with the non-government sector, is to go in and have those discussions with them about how it would work.

The Hon. CATE FAEHRMANN: With the literature review, do you mean service analysis as well? Is that what KPMG is also undertaking?

Ms BOLAND: They will do an analysis of the service gap. We are doing service mapping and they will do an analysis of the gaps on top of that.

The Hon. CATHERINE CUSACK: Ms Jeuken, to pick up on a comment you made earlier, are you suggesting that advertising campaigns in relation to domestic violence do not work?

Ms JEUKEN: I was not suggesting that at all. I think that community education is an important part of tackling violence. There are a broad range of strategies sitting within that and public education campaigns are one component. Another component might be how you work with curriculums in schools. There are a myriad of community education strategies that could be considered.

The Hon. CATHERINE CUSACK: You seemed to be suggesting that there were evaluations that showed the anti-smoking advertisements were working but there was less evidence to support the effectiveness of the domestic violence advertisements.

Ms JEUKEN: That would be true. There is less evidence.

The Hon. CATHERINE CUSACK: Less evidence or evidence shows that they do not work?

Ms JEUKEN: No, less evidence.

The Hon. CATHERINE CUSACK: The audit office noted that only one in three victims report domestic violence and recommended that together government agencies establish mechanisms to continuously address the barriers to victims reporting violence, as well as barriers to victims and perpetrators seeking and accessing help. What do you understand those barriers are to reporting, as well as seeking and accessing help? What plans are underway to address those barriers?

Ms FREELAND: I will respond to that question. In summary the barriers are emotional and practical. It is an intriguing issue when you look at the experiences that some women have in their families to understand why they do not leave. I think we need to think about issues of loss as one of the central elements to that. To leave a violent situation means potentially you lose your home; there would be considerable concern that the perpetrator might keep the children; or that the child protection system might be invoked in some way resulting in the loss of the children. I think that to leave a situation of certainty, even though it is violent and often unpredictably violent, is a real dilemma when you are foregoing some certainty for a complete lack of certainty: Where do you live? Who do you go to for help?

In order to overcome those you have to come to terms with what is for women often a shame about disclosing that you are being beaten up by your partner. Sometimes disclosure comes because the woman is injured and goes to a health facility and it is picked up in that way. What we understand is that most women will talk to close friends or use their personal network as a way of seeking support rather than approach formal organisations. Although, having said that, we know the domestic violence line—which is a line that runs 24 hours a day, 365 days a year—has fielded 22,000 to 23,000 calls a year consistently for 10 years or more.

The Hon. CATHERINE CUSACK: You have explained why women are afraid of a leaving. The question related to why they are not reporting. Can I put it to you that there are women who are victims of domestic violence who do not wish to leave but wish to solve the problem within the relationship? There is a difference between barriers to leaving and barriers to reporting, if I can put it like that. A fear that reporting is tantamount to a decision to leave may, in itself, be a barrier to reporting.

Ms FREELAND: I agree. I do think that reporting formalises it. So something would happen as a result of that.

The Hon. CATHERINE CUSACK: There is a perception that you have crossed a threshold by reporting it.

Ms FREELAND: Yes.

The Hon. CATHERINE CUSACK: And it is virtually a decision to leave.

Ms FREELAND: No agency is going to do nothing about a report. If the woman reports it to police there would be some action by police to investigate that and potentially that would end in an apprehended domestic violence order; going to court; and some degree of public visibility. Clearly one of the challenges for service responses post reporting is to work out how to support the woman, and potentially the children, and place the accountability on the perpetrator. Sometimes that is not women's experience.

The Hon. CATHERINE CUSACK: You are saying that once a report is made it triggers a number of formal processes which all Government agencies are bound to pursue. Can I put it to you—I can see how this happens—if you receive a report of violence how can you not go down a formal process? What is there for women to do as a mid point? When you talk about early intervention, when the violence is escalating and when some strategies might be effective in saving the marriage and in turning his behaviour around, it is difficult for government to intervene at that point and it is difficult for women to report it at that point when that would have been the most useful time to know about it.

Ms FREELAND: I think that is a valid proposition. One of the challenges in responding to something that is not reported is to know where you direct your efforts. Having the information available in order to invoke a response is the first step that has to happen.

The Hon. CATHERINE CUSACK: Is there an option for women to seek support as opposed to make a complaint and are there barriers to women seeking support?

Ms FREELAND: If I can take you back to the domestic violence line: that is how that line has been operating for many years. It is a telephone line. I think one of the barriers to its being used for support is that sometimes it is not safe for women to pick up the phone and make the call, so it is staffed to have most staff on at the time of day when we would believe that men are at work or actually out of the house. So, timing during the day and timing during the week tends to determine the volume of calls that come into the domestic violence line.

The Hon. CATHERINE CUSACK: The support they can seek, that is mainly from non-government agencies, is that correct?

Ms FREELAND: It is a mixture. I am talking about the domestic violence line, or do you want to broaden that out?

The Hon. CATHERINE CUSACK: They ring the domestic violence helpline to get support but they tend to be referred to non-government agencies. Government agencies have to prioritise their services and we know because of the scope of the problem that prioritising is very important, yet you would find yourself more having to do with the crisis end of the problem, even though you have aspirations to shift the resources to the prevention end so there would be less crisis.

Ms FREELAND: It is easier to deal with the crisis because it is more conspicuous; it is more obvious. Something has happened and so formulating a response to something that has happened is actually less challenging than formulating it to something that might happen because you have got to work what it is and where it might occur. I think that the challenge in working out how you target your activities so that it is effective, you have to understand what the evidence tells you works, and then you have got to work fundamentally an under-reported problem that occurs rather across the strata of society—it is not just in public housing communities, for instance—how you actually target it. I do think it goes back to some of the information Michelle was talking to about earlier about having a broadly canvassed message that is really framed around evidence about what messages will work in order to get those results and then working out, increasingly as you get indications that women are living in violent situations, you have got pick-up mechanisms in some of the universal services, health for instance is really a critical risk.

I will say one more thing about the domestic violence line is a telephone counselling and referral service so it does have very strong links with women's refuges. The counsellors who are on that line will canvass with the woman who is calling what has happened and what the woman would like to happen about that. So they work from an empowerment paradigm. It is not a line that will say to a woman, "You told me x, y and z so the answer is this." The counsellors will really work through with the woman what her present circumstances are, what she would like to happen. If she is saying to them really clearly "I've had it. I can't do this anymore. I need to get out and I need to have my children with me" then the line will work closely with police. So they will work both with government and non-government, depending on the particular woman's circumstances.

The Hon. CATHERINE CUSACK: Do women fear the consequences for the children when entering into that formal process once they have complained about it? Is there a stigma associated with going down that track?

Ms FREELAND: I think both things are true.

The Hon. GREG DONNELLY: If you do not have this information I ask that you forward it to the Committee through the Chair. Will you provide the committee with a copy of the scoping document being used by KPMG to define specifically parameters of the work that it is doing with respect to the work associated with the domestic family and violence framework?

Ms BOLAND: Yes, we will take that on notice.

CHAIR: I refer to the comments around the GPS bracelets. From the small trial you have conducted your conclusion was not at this time. Would you briefly provide some details about the numbers, the target groups? We will probably ask this question again on notice.

Ms JEUKEN: I can briefly talk you through some of the issues that we explored around looking at GPS options and then I might let Janet talk about options that Community Services have also been exploring around electronic monitoring. We have done an element of work looking at how a domestic violence deterrent system could be placed with serious offenders who are released on parole and are considered high risk. That work has been done in conjunction with Corrective Services and Parole. We looked at some eligibility criteria for that. I would be happy to provide more detail on notice, but essentially it would only apply to a very small number of people if we apply that eligibility criterion. There are significant costs for the technology and the monitoring of the technology.

There are also a number of key issues in considering the roll-out of that so, as we flagged earlier, there is not a significant evidence base around the effectiveness of those programs. They tend to look at issues of feasibility and implementation rather than outcomes for the victim or, indeed, the perpetrator. There are added complexities to consider in applying these to domestic violence situations, the dynamics between the victim and the offender. As I said, we would be looking at high costs in a small sample size so GPS tracking is relatively expensive and cost-effectiveness was raised as an issue by a number of the people with whom we consulted in looking at the roll-out of such a system.

CHAIR: Have you done any modelling of those costs?

Ms JEUKEN: Yes, we have.

CHAIR: Do you have a rough figure?

Ms JEUKEN: I would have to come back on notice but I think the estimates were in the domain of about \$20,000 per monitoring system. We have added issues that GPS tracking can be unreliable. There are also privacy issues to consider. Another significant issue is the interface with Centrelink court orders. Family Court orders might provide for contact with an offender and there are complexities in how that might work with a GPS system. There were a number of benefits. There is some evidence that it might reduce recidivism. There were also some of the research that has been done which I would note has largely been done by the companies that have implemented these systems rather than being independent evaluations, that they do provide a level of safety for the victim. We have come across no evidence to support that that is an actual outcome at this stage. I would be happy to provide more detail on that.

CHAIR: Unfortunately we have run out of time so we will get other details about that at a later stage. The committee has previously resolved to answer the questions that you have taken on notice must be returned within 21 days. The Secretariat will contact you in relation to the responses to those questions on notice.

(The witness withdrew)

GREGORY JOHN ANDRESEN, Senior Researcher, One in Three, affirmed and examined:

ANDREW STANLEY HUMPHREYS, Member, One in Three, sworn and examined:

CHAIR: The Committee has previously resolved that visual broadcasting and still photography not be permitted during this part of the hearing with representatives of the One in Three Campaign. I note the visual broadcasting system has been switched off, but the audio broadcasting remains operative. Members of the press gallery and others will refrain from taking still photographs until the next witnesses are seated. I welcome our witnesses from the One in Three Campaign. Would you like to make an opening statement?

Mr HUMPHREYS: Greg and I would like to thank the Committee for the opportunity to explain our viewpoint and to expand on issues of interest. Greg is the prime mover in the One in Three campaign to obtain recognition of male victims of family violence and abuse. Greg has a deep knowledge of statistical evidence related to family violence. My background is as a teacher and social worker for almost 30 years, in which time I have worked with young offenders, state wards, in aged care, in hospital settings, and as a generalist counsellor. Currently, about half my case load involves counselling and advocating for victims of domestic violence, of whom about 70 per cent are women.

We seek to challenge the view that men cannot be victims of domestic violence; they can only feel they are. This quote is from a document produced by the Federal Office of the Status of Women. The policies emanating from this viewpoint have had unfortunate consequences for the provision of services for many victims of family violence, both male and female, as well as their children. The view that domestic violence is caused by males holding rigid and erroneous patriarchal attitudes has meant that many victims are not supported by services.

The research evidence shows that patriarchal attitudes are not the causative factor in many cases of domestic violence. I can provide examples of many cases I have seen firsthand where other factors are the cause. We understand that these statements will be challenging for the current mainstream domestic violence providers, and their supporters, to accept. However, I should like the Committee to consider that at any given time in the past century contemporary social theories and policies have often, at best, been misguided, and, at worst, criminal; for example, the White Australia Policy, eugenics, adoption practices, phrenology, the work of the charitable organisation societies, the treatment of the mentally ill, and many others. All these had varying degrees of government support, justified by extensive academic research based on poor science.

We concur with the statement made by Corrective Services Assistant Commissioner Luke Grant that domestic violence policy has been hijacked by a focus on feminist approaches. In support of this, we would suggest that Committee members read of the experiences of Erin Pizzey. Erin founded the first women's refuges in the United Kingdom. These were subsequently taken over by people whose philosophical perspective has directed the development of mainstream domestic violence services around the western world. We do not suggest that patriarchal views are not a significant factor in some domestic violence. They certainly are. However, we would like the Committee to consider the impact on many victims and their children of holding the belief that patriarchy is the sole cause of domestic violence.

During these hearings the Committee will hear much academic research evidence, many facts, theories and statistics. This material can often distract from the real life experiences of the human beings who are profoundly affected by the scourge of family violence and abuse. We would ask you to keep in mind the following question: If my son, my brother or a close male friend was trapped in an abusive relationship, would I want to see appropriate policies and services made available to him?

CHAIR: I now invite Committee members to ask questions.

The Hon. GREG DONNELLY: Gentlemen, thank you for coming along today and providing the Committee with the opportunity to ask you some questions. I have in front of me a number of questions, some of which are of a general nature and some of which are specific, and I will work my way through them. The first is to do with policy priorities. What do you see as the priority issues that should be addressed in domestic violence policy in New South Wales?

Mr ANDRESEN: Firstly, as Andrew talked about in his introduction, the gendered violence approach to domestic violence we feel needs to be removed across the board. It is based not upon scientific evidence but,

unfortunately, on a lot of ideological rhetoric. As such, section 9 of the Crimes (Domestic and Personal Violence) Act—which says "in enacting this Act, Parliament recognises that domestic violence is predominantly perpetrated by men, and against women and children"—we feel must be repealed. Instead of domestic violence being seen as something that men do to women and children to maintain the patriarchy, it should be seen—as we do with child and elder abuse—as something with complex and multiple individual and social determinants.

Domestic violence is most prevalent amongst young people. It is causally linked to social disadvantage, drug and alcohol abuse, mental health issues, experiencing or witnessing violence as children, and inadequate conflict management affect regulation skills on the part of perpetrators. We feel that the term "domestic violence" needs to be replaced with the term "family violence", which is used by our Indigenous colleagues, as it includes all intimate relationships and relationships in the home, not just those of the current or ex-cohabitating intimate partners—so uncles, brothers, parents, children, et cetera. We feel that the responsibility for the area of family violence should be transferred from the Office for Women to a more suitable department, such as the Department of Premier and Cabinet, as we feel it is not a women's issue; it affects both perpetrators and victims of both sexes.

The Hon. GREG DONNELLY: If I could interrupt. What is the thinking behind why responsibility should be transferred to the Department of Premier and Cabinet? Why do you not suggest it should be transferred to the Department of Attorney General, or Justice, for example?

Mr ANDRESEN: I think Attorney General or Justice would be suitable. The thinking behind transfer to the Department of Premier and Cabinet would be that it would possibly be the most neutral ground ideologically, because we feel a lot of policy has been ideologically driven. I think the Attorney General's department has a history of going along with that, and it is possible that the Department of Premier and Cabinet may be a more neutral ground for more gender-neutral policy.

The Hon. GREG DONNELLY: Continue.

Mr ANDRESEN: Is it too late to table a document?

CHAIR: No.

Mr ANDRESEN: I would like to table three documents, if I may.

Documents tabled.

The first one that I will refer to is research conducted by the Psychology Department of Edith Cowan University in Western Australia a couple of years ago called "Intimate Partner Abuse of Men". That research surveyed almost 200 service providers from around Australia, and came up with four key recommendations. I am not a researcher, so I think it is better that the people on the ground doing this research speak in terms of priority issues. The first of the four key recommendations was: "That government funded public awareness campaigns be conducted to raise awareness of intimate partner violence against men." They were very careful to say, "Such campaigns need to be very carefully designed so as to complement campaigns about family violence against women and not to damage the effectiveness of those campaigns."

So we do not want to take anything away from the violence against women area; we just want to say that men too can be victims. An example of such a campaign would be education of the public that family violence and abuse happens to men as well as women; that men should not be embarrassed or ashamed to report their abuse, and that they are no less of a man if their partner abuses them, because a lot of the issue to do with men not coming forward is shame around their sense of masculinity; and that friends and family members should support men in their lives who they suspect of being abused. In fact, the National Centre for Domestic Violence in the United Kingdom recently ran a week-long TV advertisement along those lines. So this is happening in other western countries and we think that that is a really good way forward.

Mr HUMPHREYS: One of the things that I have observed with male victims at the front line is that they very rarely present and if they do they will almost be unaware that they have been a victim. They are far more likely to be assaulted by third parties, I have observed too. One of the saddest cases I saw a few years ago was a young man who had had his nose broken with the handpiece of a telephone by his partner and it had not been picked up at hospital because it was just assumed he had been in a fight. It was only that I actually knew

him and I knew his partner was violent that I was able to quietly have a chat to him and get him some help, but that was not through the mainstream domestic violence services, of course.

Mr ANDRESEN: Going back to the second point from the researchers: "Consideration should be given to providing publicly funded services specifically for male victims of intimate partner abuse. A similar range of services that are currently available to women, and, of course, many would argue are unavailable to women, were identified as being required for an effective service response to the needs of men;" these could include counselling support services, gender-sensitive services specifically for men, accommodation services, helplines, crisis response, community education and prevention programs, special services for diverse sections of the male population—gay men, Indigenous men—financial support, court services, legal advice across the board. I do not think they are arguing that the same amount of services are needed for men as for women but that at least some services covering those different areas should be available for men.

Mr HUMPHREYS: One thing I might add is that the gendered approach that we have to domestic violence is not often helping the problem. I have done a lot of work with survivors of our military conflicts going right back to the First World War, and it is most interesting talking to the female partners of men who were married to them before they went to war. One that sticks in my mind was a man who had been through the Second World War and had had the most terrible experiences and I talked to his wife later on. She survived many years of domestic violence from this man after he came back and she said, "They took away my beautiful young man and sent me back a monster". So the gendered approach that says looking for illness in perpetrators of domestic violence is some sort of a cop-out I find really repellent.

The Hon. HELEN WESTWOOD: Just to pick up on that issue, earlier we had Don Weatherburn here and I remember specifically asking him a question about whether or not domestic violence policy approaches have been hijacked by feminists or by victims, and his answer—perhaps you could read the transcript—was, "Definitely not". It was his view that there is a gender issue. Are you familiar with Dr Weatherburn's work?

Mr HUMPHREYS: I certainly am.

The Hon. HELEN WESTWOOD: Do you disagree with that?

Mr HUMPHREYS: Yes, I do.

The Hon. HELEN WESTWOOD: On what basis?

Mr HUMPHREYS: Just the things that I am suggesting here, that I have certainly observed in terms of, say, violence against children, violence against the elderly, violence against some men that women constitute significant numbers of perpetrators. The fact that they do not appear in the data is due to the very nature of the violence. It is less likely to be reported to police, just as the example I gave there. For example, in the last 18 months I have had three cases where the perpetrators of the domestic violence are teenage girls and the victims are primarily their mother, but in one case it was actually a younger brother. In none of those cases effectively was there any police intervention so it will not be in Mr Weatherburn's statistics.

The Hon. HELEN WESTWOOD: Do you think this is a recent phenomenon that men are not recognised as the victims or that it has not been gender issue?

Mr HUMPHREYS: I think there are aspects of it being a gender issue and there are certainly many clients I see where this is a most significant factor. What we are suggesting is that it is not all the cases. Whether the incidence has changed over time I think is very hard to work out when so many of these things are kept so secret. I would suggest that sexual assault, particularly of young men, is also something that is chronically underreported, and initially our services would not even see those young men. So the real incidence of this problem has not been ascertained. I have great respect for the work that Don Weatherburn does but I do not think that all the figures are in.

Mr ANDRESEN: If I could jump in? Obviously Mr Weatherburn is dealing with crime statistics, so he is only dealing with the cases that actually make it to the police. So if a man does not tell anyone about his abuse then it will not be picked up in those statistics. In the case of a lot of violence we have this mutual violence—often drug and alcohol related—so both parties are violent in their relationship, the police turn up and arrest the man and only the man is counted in his statistics. There are lots of points along the way where, unfortunately, male victims and female perpetrators are not making it into the crime statistics but they are making it into the

statistics of researchers that do broad community surveys where they ask men across the board. But even with those surveys they are often worded in such a way that a man does not admit his victimisation. The question might be, "Has your partner ever hit you in order to cause fear?" and a lot of men, because they are raised to feel that they should be tough, independent and strong, say, "My partner would never cause me to be scared", so they tick the no box, even though their partner may have broken their arm or poured hot water on them or has done all sorts of things.

The second part of your question about this being a recent thing: I feel that a lot of the reasons men do not come forward are around that traditional sense of masculinity—traditionally men were raised to be tough, strong, independent and resourceful and not to admit these sorts of things. But I feel that is changing. We have had men's health campaigns and a lot of public education around telling them they do not have to be this tough stone and that they can open up to their nearest and dearest and their mates at the pub about these sorts of personal issues. Why I think we are seeing this coming forward in recent times is because I think that traditional masculinity is being eroded and we have more men being prepared to actually say, "This is happening to me".

The Hon. HELEN WESTWOOD: The Opposition's time for questions has expired. We might put some things on notice if you could point us to those research documents and researchers with that data.

Mr ANDRESEN: I am happy to take that on notice.

The Hon. CATE FAEHRMANN: You mentioned in your opening statement, Mr Humphreys, a document of the Federal Office for Women that said that men cannot be victims of domestic violence they can only feel that they are. Could you table that document?

Mr HUMPHREYS: I tried to track it down. When the Office of the Status of Women transferred I spent some time with the Federal parliamentary librarian trying to track it down. I got the document in about 1995 and it was a major policy document from the Office of the Status of Women; it has a separate section in it on Aboriginal domestic violence. I will certainly continue to try and find it, but the librarian could not find it and the Office of the Status of Women, which has now changed its name, could not find it. I could not find it but I am happy to say on oath that that is as I remember the extract from it.

The Hon. CATE FAEHRMANN: It is quite an extraordinary statement; hence, that is why I was asking you to back that up with evidence of the document itself.

Mr ANDRESEN: I do have similar evidence from Western Australia and am happy to table that. It is a study done statewide and it was not as harsh as that statement but it basically said we have these men that come forward calling themselves victims and we are not really sure if they are real victims or not. I am happy to table that document.

The Hon. CATE FAEHRMANN: I understand that Family and Community Services and the Office for Women's Policy are spending more money on programs and services targeting women and children who are victims of domestic violence. Within Family and Community Services, for example, are there not any programs and services focusing or targeting men who are victims of domestic violence? Are there any policy officers or anybody within the Government that you know of that is working on the issue of men who are victims of domestic violence or family violence?

Mr HUMPHREYS: Not that I am aware of. I would like to quote a senior policy adviser to the police when I tried to raise the issue of male victims only within the last 12 months. He said to me, "Look, Andrew, when you drill down to it, these purported male victims just do not exist. You will find that people who dispute the feminist paradigm are usually supporters of the gun lobby or men who think they have had a hard time in the Family Court." That is where I was put.

The Hon. CATE FAEHRMANN: I thought I had seen programs, perhaps for gay men through the AIDS Council of NSW [ACON]. Maybe Mr Andresen can tell me that.

Mr HUMPHREYS: Yes, in Sydney. I think ACON has an outreach service in Wollongong but it does not operate as far down as my area or in rural areas.

The Hon. CATE FAEHRMANN: Where are you from?

Mr HUMPHREYS: Ulladulla. But I am unaware of any other programs that are operating for mainstream male victims.

Mr ANDRESEN: There is a single page on the New South Wales Government's Domestic Violence website which talks about the issue of male victims of domestic violence. That is the only thing I am aware of, in terms of anything for male victims, other than the ACON work that is being done—but that is only for gay men and excludes straight men who are the vast majority of victims. There is a distinct lack of programs. Federally, three quarters of a million dollars was recently pledged to MensLine Australia to support male victims of domestic violence. I am not sure if that amount has actually been given—it was a policy announcement. MensLine Australia is available to New South Wales residents so that makes telephone counselling available to men.

Mr HUMPHREYS: [Information suppressed by order of the Committee] [There was] a case where a man had been denied access to a safe room at court and issues like that. That was a client of mine. And it was not patriarchy that caused the assaults on that man but an acquired brain injury that his partner had suffered. There was no support I could get for him in the community, apart from petrol vouchers [Information suppressed by order of the Committee] and access to me.

The Hon. CATE FAEHRMANN: Thank you for your submission, it is comprehensive and a lot of work has gone into it one. Under the Executive Summary of your submission, one of your recommendations is that gender profiling of offenders and victims in legislation should be removed. Could you expand on your reasons for requesting that?

Mr ANDRESEN: I mentioned that earlier in our list of policy priorities. I am referring specifically to section 9 of the Crimes (Domestic and Personal Violence) Act 2007, which prefaces the entire Act by saying that domestic violence is predominantly perpetrated by men against women and children. The effect of that is to put a gender bias into the minds of judges and magistrates so that when cases come before them they are already thinking: this is a man—he is more likely to be a perpetrator; this is a woman—she is more likely to be a victim; this is a child—he or she is more likely to be a victim. Society would be astonished if we did this with any other area of legislation. Imagine if we had a preface to the Crimes Act that said that the majority of people committing the crime of drunk and disorderly behaviour are aboriginal and therefore that bias would be planted in the magistrate's mind that: this is an indigenous man, I will deal with him in a different way to the non-indigenous people I see. That is basically what I was getting at.

The Hon. CATE FAEHRMANN: When you refer to gender profiling in legislation you are specifically referring to that?

Mr ANDRESEN: Specifically, yes.

The Hon. CATE FAEHRMANN: Focussing on the lack of resources or government programs for men who are victims of domestic violence, if there was this change in focus which you suggest, do you have any idea as to the best way that prevention and early intervention services can reach men who are victims of domestic violence, rather than in terms of a shift of resources away from women's services?

Mr HUMPHREYS: Firstly I would like to see the services opened up for support of everyone. If workers are going to be working in this field, they should be prepared to support all victims.

Mr ANDRESEN: I should have mentioned earlier a great pilot study that is being run—it is small, so it escaped my mind. The Hawkesbury District Health Service, because they have a sympathetic Head of Police in the region, is sympathetic to this issue. Windsor Police have been referring men who are victims of family violence to the Hawkesbury District Health Service for counselling. Another reason this has come up is that Hawkesbury District Health Service has a very active men's health officer there, so what happens is that the Police attend a scene and they refer the man to Hawkesbury District Health Service. Once the service receives the referral, a male counsellor contacts the man to discuss how they may be able to support him in a range of different areas. Unfortunately, there are not many services they can be referred to but at least it is a start. That is a really great model for one way that early intervention services can reach men. I think the same sort of advertising that we do for women could be useful—flyers and posters in General Practitioner waiting rooms and GP offices. Of course, we need services for those posters to refer to. That sort of advertising may encourage men to open up to their GP, who is one of the health service professionals they would be most likely to confide in.

Mr HUMPHREYS: In so many areas we have had to change community attitudes to effect social change. Recently there was an advertisement for a credit card where a man is contemplating buying a new frying pan and the by-line was that if he maxes out the credit card, he is going to find out that his wife has a new use for the frying pan that he did not expect. It was seen as humorous and they are the sorts of things that we have also got to start to attack—that that is not funny.

The Hon. CATE FAEHRMANN: One last question on the Hawkesbury District Health Service pilot study you were just referring to, is that a pilot study funded by New South Wales Health or Family and Community Services, or is it an initiative of the health service itself?

Mr ANDRESEN: It is the local community health service, so it is receiving State Government funding but it is an initiative from the service and the police. I can check with the people running it and get back to you on notice but I do not believe it has any higher levels of approval, in terms of Government policy.

Mr HUMPHREYS: My understanding is that there were some funding difficulties after they decided to change their mission statement.

The Hon. CATE FAEHRMANN: You were saying that a male victim speaks to a male health officer there who is active in men's health, probably acknowledging that women who are victims of domestic violence access women's refuges or women's health services. You said, Mr Humphreys, that you believe they should be opened up and all victims should be able to access those services but you may have indicated that it is sometimes appropriate for male victims to contact male health officers and for female victims to have access to services that are just for women?

Mr ANDRESEN: A well-trained counsellor could be a man or woman for either male or female victims. Unfortunately, many of the service providers who hold the feminist model are not going to be sympathetic to a man who approaches them, not because they are women, it is because they hold a particular viewpoint.

Mr HUMPHREYS: Most of these services have exemptions under Equal Employment Opportunity legislation. It is almost impossible for a man to be appointed as a sexual assault counsellor and almost impossible to be appointed as a domestic violence counsellor. But I have found I have been the first point of disclosure for dozens and dozens of women victims of sexual assault and have carried them right through to prosecution. I think gender should be irrelevant.

The Hon. CATE FAEHRMANN: Or up to the choice of the victim.

Mr ANDRESEN: Yes. Ideally we would have both a male and a female counsellor available so that the victim could choose.

The Hon. CATHERINE CUSACK: I think the question is, do you think a gender-specific service is desirable?

Mr HUMPHREYS: I cannot see any other way around it, given the political paradigm the current services are operating under but I think that is unfortunate. Because I think one of the things that we are seeing there is that training particularly of social workers around the country is so inadequate, there are so few males doing it and there is such discrimination in the training that probably you are right that to start with we will need to select workers who could actually do the job. Most of the people I have seen in my industry are very unskilled at engaging males. They have never done any training on it. I did four semesters of training and got very high marks for women's health; there was not five minutes in my social work course on males. I use quite different methods to engage male and female victims.

Mr ANDRESEN: I think initially we will need to have gender-specific services until the paradigm shifts. I think ideally eventually we could have services that could be trained to appropriately service both male and female victims but I think initially we would need to have services just for male victims because there are specific issues that male victims face that female victims do not face—those issues around masculinity and those internal barriers, such as the shame, embarrassment and the social stigma. Yes, women are often embarrassed to disclose but for men it is around that sense of masculinity, that fear of being laughed at or ridiculed or being seen as weak or wimpy or less of a man. Men also have a set of unique external barriers

caused by the lack of recognition of this issue. They do not know where to seek help or how to seek help whereas for women I think it is pretty clear these days where to go. They feel there is nowhere to escape to when they are in a violent relationship and they feel they will not be believed or understood when they do seek help, so it is unique to men.

The Hon. CATHERINE CUSACK: I hear that. I am just interested in the outcome you are seeking.

The Hon. NATASHA MACLAREN-JONES: What is the current policy of NSW Health in relation to screening?

Mr HUMPHREYS: The screening tool, as I understand, is basically used with mental health admissions, antenatal; it not necessarily used very often in emergency departments. I have got a lot of concerns about that with both male and female victims, having worked in emergency departments and seen people just not picked up when it is quite obvious that they have been assaulted by their partner. So it is only used in specific circumstances. I think we mentioned those.

The Hon. NATASHA MACLAREN-JONES: So it is not gender specific? It is not saying that males are not screened and it is directed only at women?

Mr HUMPHREYS: No, it is only directed at women as I understand it.

Mr ANDRESEN: Specifically the policy is that women 16 years and over are currently screened in mental health services, drug and alcohol services, antenatal services and early childhood services as those are the areas where they feel that women are more likely to present as being victims. No men are screened officially. Some of our colleagues have got approval from their bosses who work in the NSW Health services to run the screening tool on their young male clients and—surprise, surprise—many of the young men presented with issues of family violence, not necessarily from their intimate partner but being victimised by an older brother or by a parent, this broader family violence.

We really feel that if that screening tool could be expanded to include men even on a trial basis it would actually be a great way that prevention and early intervention services could reach the men that are victims. It would capture data on the incidence and prevalence of male victims of family violence and it would alert health professionals to one of the possible contributors to the physical and mental health issues and substance abuse issues that their client is presenting with. Really importantly, it would increase the safety of children by identifying families in which exposure to violence is an issue.

My partner and I are currently expecting our second child in August. We went to the intake with our midwife at a NSW Health hospital and my partner was screened. I was ushered out of the room and my partner was asked the various questions as part of the screening tool about whether she is experiencing domestic violence. She asked the midwife, "Do you feel awkward asking these questions of the women that come in here?" The midwife answered, "Well, actually, more often than not the women tell me that they are the ones who are hitting their male partner," but that is not reported on the form as part of the screening tool. So we really feel that a lot is being missed.

The Hon. NATASHA MACLAREN-JONES: Do you see that there are any barriers not so much as to a change of policy for men to be screened but particularly in the case of the emergency department where you say it is not being done at all? Do you see that there are any barriers to it?

Mr HUMPHREYS: Use of the screening tool has actually been adopted very reluctantly in emergency departments. They feel, and I can understand it, that they have not got enough time necessarily to do some of these things and they very much see it as something about which they can just call the social worker and then you will find the victim shunted off into the plaster room or something like this. It is quite ghastly sometimes. So there are barriers, particularly in the emergency department, and they are practical barriers so they certainly need access to someone who is going to be skilled at using that screening tool in those circumstances and who is possibly available out of hours.

Mr ANDRESEN: Of course everyone who runs that screening tool has to have specific training in the use of it. Obviously in large casualty departments that is a lot of expensive training for all the workers. One more problem with the use of the tool to include male victims is that one of the main points of using this tool, besides data collection, is to refer victims on to appropriate services. At the moment there are not appropriate

services for men to be referred to, so if there was a trial of the screening tool it may have to be done in an area where on a limited basis at least there are some services for men.

Mr HUMPHREYS: In the case of where I am living I am effectively the only public health male counsellor for about 50 kilometres in either direction.

The Hon. NATASHA MACLAREN-JONES: I have a final question which I am happy for you to take on notice if you need to provide more detail. It concerns the research that you have done in relation to using the words "family violence" rather than "domestic violence". Why do you prefer the term "family violence"?

Mr ANDRESEN: Because it captures all those relationships in the home that can have all of the characteristics of an intimate partner abuse but which currently fall outside of the definition of domestic violence, which traditionally is violence from an intimate partner or an ex-partner, and a cohabiting one, so it even often excludes dating relationships. You have got to be living with your partner and they have to be your intimate partner for it to be considered domestic violence.

As Mr Humphreys mentioned, violence where a teenage girl is assaulting her mother or her younger brother or where an uncle is abusing a niece or a nephew—all of these different family relationships are not captured by the current term "domestic violence". Yet the health impacts on the victims and the perpetrators are the same sorts of dynamics and it is the same health impacts but they are not captured by that term currently.

The Hon. CATHERINE CUSACK: In your experience are there men who would be arrested as a male perpetrator of violence who you would claim were victims of abuse themselves?

Mr HUMPHREYS: Yes. Historically what I would suggest is that many of the male perpetrators that I have seen and worked with have experienced substantial abuse throughout their childhood in a whole variety of other circumstances. They may also be the victim of assaults in their current relationship. Sometimes—and very often—that is not picked up. That certainly does not mean I am trying to excuse male perpetrators either.

The Hon. CATHERINE CUSACK: I understand that. Can I say that I am having trouble formulating my questions because I am terrified of misinterpretation when I ask them.

Mr HUMPHREYS: That is all right. What would you like—

The Hon. CATHERINE CUSACK: I suppose the issue is perpetrators of abuse and I think all the research shows that a big indicator is that they are themselves victims of abuse, whether as a child or potentially later in life. I think there are some who would argue—I do not either support or not support this—that there might be have been issues in the relationship that triggered the violence that they would have considered were abusive themselves.

Mr HUMPHREYS: Yes, on occasion.

The Hon. CATHERINE CUSACK: I am just now trying to describe a category of people. What sort of services would you seek for that type of person which you believe would be effective?

Mr HUMPHREYS: That is certainly very much the role that I sometimes try to perform. In my role as a community health counsellor I like to think that I will do a holistic assessment. Certainly very often when I am working with female victims I will provide insights into their male partner's behaviour that they were often unaware about. I will start by asking about how this man was treated as a child, and you will hear horrible stories about them being beaten with a dog's chain and made to sleep in a water tank; terribly dehumanising experiences. That does not mean that I am then suggesting to this woman that she takes the perpetrator back or anything like that, but it demystifies this brutal behaviour. If you just come from this feminist paradigm and use that as the sole means of explaining some of this abhorrent behaviour, it almost disempowers the person. I would suggest that if we could—unfortunately a lot of my colleagues would be unwilling to do it—we need to work in a much wider way with both victims and perpetrators. Currently our service does not work with perpetrators.

The Hon. CATHERINE CUSACK: Can I put it to you that domestic violence is actually a symptom of other problems?

Mr HUMPHREYS: Very often.

Mr ANDRESEN: Absolutely.

The Hon. CATHERINE CUSACK: We are now talking about people trapped in a cycle of violence who are both victims and perpetrators?

Mr HUMPHREYS: Yes.

Mr ANDRESEN: In fact I would suggest that getting rid of the victim/perpetrator paradigm would be a huge place to start because a lot of violence is mutual. The relationship itself, often associated with drugs and alcohol and other things, is violence, there is mutual violence. In fact control and domination is often achieved without the use of violence whatsoever. You could have a scene where police attend a domestic violence incident where one partner is physically assaulting the other but the person being assaulted is the one who is controlling and dominating in the relationship. The one who is the so-called perpetrator is fighting back after years of abuse.

The Hon. CATHERINE CUSACK: I hear what you are saying, but that is after the violence has occurred.

Mr ANDRESEN: Right.

The Hon. CATHERINE CUSACK: When we talk about prevention programs one of the things I struggle with is that it seems to me domestic violence is an outcome; it is a symptom.

Mr ANDRESEN: Yes.

The Hon. CATHERINE CUSACK: If you are going to prevent that outcome, that symptom, you have got to deal with the veteran coming back from war before he gets returned to his family in that condition.

Mr ANDRESEN: Yes.

The Hon. CATHERINE CUSACK: Or deal with the brain injury. Again, I am going to make a controversial comment now but in my experience from talking to women—I am sorry, I have not spoken to men—but overwhelming they actually want the relationship to succeed and they want the violence to stop. We have this whole thing of once the complaint is made it is all about leaving and it is all about the children being ripped out of their school and their friends. You cannot have a mid point. You cannot have solutions. The reason I am saying that is that it seems to me from a male point of view that those mid-point solutions—which by the way are not available to women either—would be more effective in breaking that cycle.

Mr HUMPHREYS: My first exposure to family violence was when I was working with hardened young offenders in Victoria; typically these were young men who had committed very serious offences. They were typically living with mum in a single-parent situation. They had often been exposed to high level domestic violence as children. To me coming into their homes—very often I was the first responsible adult male they had ever met in their lives—these young men were at an enormously high risk of going onto be perpetrators of domestic violence. With so much removed, this caring, responsible male role in so many of their lives, and to show them the pro-social reason for male violence is actually the care and protection of women and children and society in general, these young men had to be shown actually how to behave.

CHAIR: Unfortunately time has beaten us this morning. I am sure Committee members will have further questions for you on notice. The Committee has resolved a time period of 21 days for the return of questions taken on notice and the secretariat will liaise with you about that. On behalf of the Committee I thank you for your time this morning.

(The witnesses withdrew)

(Short adjournment)

JANE WANGMANN, Lecturer, Faculty of Law, University of Technology, Sydney, affirmed and examined:

CHAIR: I have been informed that you have flown back from overseas to give evidence. We appreciate that.

Dr WANGMANN: I was coming back anyhow, but I flew in on Saturday, so you will have to excuse me if I am a bit tired.

CHAIR: Thank you very much. Would you like to make an opening statement before we go to questions?

Dr WANGMANN: I do not really have an opening statement, given the number of questions that you have and in the interests of time, but I would like to just say that I welcome the Committee's work and I very greatly appreciate the holistic approach that you are taking to the inquiry.

The Hon. HELEN WESTWOOD: You were present for most of the session before the break?

Dr WANGMANN: I came in during the process, yes.

The Hon. HELEN WESTWOOD: Do you have a view on the position put by the One in Three Campaign—that domestic violence is not a gender issue?

Dr WANGMANN: I will answer that question. I guess, just as a general statement at the beginning, I think you will find with some of the specific questions you asked me, around my doctoral research and so on, that it answers some of the comments that they were making. I think that we need to start being very specific about what we are talking about—whether or not we are talking about violence between partners, what I call intimate partner violence, which is the prime area of my research, or whether we are talking about violence between different family members. In naming what we are talking about, I think there is a problem by continuing to use all-inclusive terms like domestic and family violence in lumping everything together without pulling it out.

If we look at intimate partner violence, it is clearly gendered. We can see that in terms of the findings. In my research, while I did look at complaints where men and women were both making allegations against each other, there appears to be distinct differences in the type of violence that they use and the context in which they use it. This is what is important. It does not mean that men and women do not use violence; they do. It does not mean that there are not men who are victims of intimate partner violence, but that overwhelmingly it is experienced by women within a context of coercion and control. I think we need to start being very specific.

I think it is problematic that we do not have data in New South Wales that we can draw on. I have read some of the evidence, for example from Don Weatherburn and others, that it is a pity that we cannot look at relationships status. When we look at the statistics on men and women who are arrested, we do not know what the context was, whether the victim was male or female, and so on. I think that is problematic in making any decisions around policy and legislation and so on.

The Hon. HELEN WESTWOOD: Thank you. In the light of your research on cross-applications in New South Wales and apprehended violence order [AVO] proceedings, your submission focuses on the increase of women being proceeded against by police for domestic violence related assault. Obviously, that is one of the key areas of this inquiry. But notwithstanding that the research on this specific issue is relevant, what do you see are the dominant findings and implications from your research for this Committee's inquiry?

Dr WANGMANN: I will give you a brief summary of my research. I looked at cross-applications. Before becoming an academic, I had been a legal practitioner and I have been a policy officer, so I bring that to the work that I do. Cross-applications had been raised as an issue for a long period of time, as is what we have been talking about, women being arrested. They have a number of parallels in the sense that we are talking now about women being alleged to have performed domestic violence, whether it is an apprehended violence order [AVO] setting or whether it is in a charge setting.

My research as a PhD was quite small. I interviewed women victims of domestic violence who had a cross-application taken against them. It was very small. I interviewed 10 women in the study and a small number of professionals—domestic violence liaison officers, police prosecutors, solicitors, coordinators of

women's domestic violence court assistance schemes and magistrates. I did a documentary analysis of 12 months of court files from three large metropolitan courts in Sydney, and I did some court observations. A key limitation of my study is the fact that I was unable to interview men involved in cross-applications. I certainly think that that would be a valuable area to continue the research. If you look at the thesis in detail you will see that I tried a number of strategies and in the end I had to abandon that process being an unfunded PhD. I think that you can get a picture of men's experiences of both victimisation and perpetration by look at the court files that I examined. So it is not that there is no picture of men's experiences within the study but I did not get to do the in-depth interviews.

Certainly, I think that men who are first complainants—a cross-application is where both parties have applied against each other. Overwhelmingly women are first in time and overwhelmingly in police applications. So men predominate in the second, the responding application. I think it is worth having a look at those men who appear as the first applicant because I think that they may have some similarities but they are a very small proportion. We need to do some research around those men. So when we talk about, I think a gender focus is very important around work on domestic violence but that does not deny that there are not men who are victims, and that does not mean that we cannot have a response around it but if we do not name the majority of the issue then we will not have an appropriate response.

In terms of my findings, I conducted a two-prong process. One was looking at the types of allegations that people make, so looking at whether it is physical violence, threats, property damage and so on. This replicates what we term family violence research. The terminology becomes problematic. There is a group of researchers in the States that are known as family violence researchers. They have done large population studies where they have invariably found that men and women are equally violent and in some instances women are more violent than men. They use act-based instruments. What I mean by that is they simply ask "Have you used physical violence?", "Have you experienced physical violence?", or "Has someone done these things to you in the last 12 months?" It is asked nothing at all about the context of those things.

It is quite different to say whether or not you have experienced an act of violence to say whether or not you have experienced something that is called domestic violence where coercion and control are the predominant features. So we need to start unpacking those things. You can compare that to feminist research of violence against women research, which have largely been qualitative studies where they have asked in-depth questions not only about what types of violence you have experienced but how it impacts on you and so on and we get a very different picture around experiences. In terms of just looking at the court files I looked at, I just counted the acts. Invariably you can say that men and women use a wide variety of acts against each other. Yet there is very little that you can tell about gender differences by just looking at the acts that are used.

However, there were some areas of difference. This is all just looking at the summary I did in the article that I gave you. There are some areas of differences particularly in terms of second applicants. There was no statistical difference between women and men as first applicants but in terms of second applicants there were some statistical differences between men and women. So women second applicants—those who are more likely to be, I guess, labelled the perpetrator, if you want to term that—were more likely than male second applicants to make allegations about physical violence and other forms of abuse. They were more likely to mention fear and they were more likely to mention threats. So women second applicants start to look much more like women first applicants and male first applicants. So you are starting to see a picture where the majority of men who appear in my study as second applicants stand as a bit different.

Despite my study being quite small, and I suggest that the findings need to be approached with some caution, there are a number of similarities that give me confidence in my findings in terms of research from the US around women arrested for domestic violence, and that is around the types of matters that women are charged for. So you can see some areas where women are alleged to have perpetrated acts that are actually more defensive than offensive in nature. Scratching is a good indicator of a defensive action. Women were more likely to use weapons. Again, this has been found in the US research. However, if you look at the types of weapons that were used, this was much more likely to be what was on hand than something that is typically labelled as a weapon.

For example, in my thesis I give a detailed case study of a woman who used a tomato stake. If you read the charge fact sheet, it was an extensive experience where she was attempting to leave the relationship. She had a conversation with her male partner about leaving. He took her mobile phone and her wallet. They had a fight. He chased her with a knife. She went out in the backyard, which is where she picked up the tomato stake, which is where she stabbed him through the arm. It was quite an extensive injury. But when you read the facts

statement you see quite a different picture. It was not just one act by the male perpetrator over here and another act over here that were equivalent. We can see a very different context in terms of that.

Both parties were charged, and I am not suggesting that it was inappropriate for the police to charge in this case. It was a serious injury. What was unfortunate about it, however, was that she pleaded guilty at the first instance and I have some questions about the legal advice she was given, if indeed she was given any, because I think she would have had a claim of self-defence. But again the studies from the US indicate that women are more likely to plead at the first instance to get it over and done with. They admit what happened. They have child care issues and so on.

One area that requires further research is around the issue of threats. Most of the complainants I looked at talked about physical violence; very few of them talked about other forms of violence, which is problematic in itself. As a cautionary piece of evidence, women seem more likely to talk about threats, both pre-and post-separation, and they were also more likely to talk about coercive threats. What I mean by that is: 'If you leave me I will do these sorts of things'. That seems a distinct difference in the experience of men and women but again that requires further research.

When I looked at more qualitative information, you get to see a different picture. I should preface this by saying I think there is a problem with the amount of detail that appears in apprehended violence order complaints. We need to have much more detail and specificity. I understand this is a fine line between asking for strong evidentiary requirements when it is one party and the other party, but a number of complaints I looked at had virtually no detail. That makes it very difficult for the police to make a decision and very difficult for the magistrate to make a decision. I think we can do some better work with the types of matters that are alleged in complaints, particularly looking beyond single incidents.

Some key areas of difference between men and women were the presence of criminal charges. Men had many more criminal charges against them and only men had been charged with breaches of apprehended violence orders. No women in my study had a breach charge. That suggests a repetitive form of behaviour on the part of the men in the study. Another area of difference was around fear. Many more women talked about fear. As I am sure you are aware, the legislation requires a finding of fear. I was suggesting the nature of our courts setting, where it is under resourced, that is decided in a very routine fashion. You can see the complaints just routinely conclude that the person in need of protection is in fear, often not making a strong link to the evidence in the body of the complaint. The court usually will just ask the question: 'Do you fear the perpetrator or the defendant in the matter', and they will say 'yes'. I think the court approaches it as there is an incident, there must be fear, rather than unpacking it. Fear is a different criterion and is a contextual criterion and you have to ask them more fundamental questions. [Dr Wangmann requested that a clarification be made to this evidence and it has been published by resolution of the Committee. To view the correction click here:

<https://www.parliament.nsw.gov.au/lcdocs/other/8069/Dr%20Jane%20Wangmann%20supplementary%20questions.pdf>

In the complaint narratives, a small number of men second applicants in their complaints provided a narrative that resulted in denial of what took place, minimising what took place or blaming the woman for what took place. This type of remedial work in the work of Goffman does not appear in women's narratives at all. There were also matters in some of the men's complaints that rather suggest there is a problematic characterisation of some acts. Terms like harassment can be used to describe a range of acts that are not meant to be captured by the legislation. For example, some men complain about being provoked into breaking the apprehended violence order or she is harassing me by talking about her apprehended violence order. That is not harassment; that is about a woman using her legal rights, and there are some matters where these terms are being used in a way that asked questions about whether they are characterising violence or just simply characterising something they do not like.

The Hon. GREG DONNELLY: Earlier today we had representatives from the Government talking about the Government's policy and related matters to do with domestic and family violence. They spoke about the importance for them and the current Government of evidence-based research to underpin decision-making in policy making and implementation strategy. As a social scientist, and with the research you have done, you would be well aware of the importance of methodology particularly in domestic violence. Is there some benchmark methodology we should be looking at to try to accurately understand as best we can the nature and various aspects of domestic violence? I raise that to distinguish it from research in other social policy areas. Is there some specific aspect of social science research we should apply to domestic violence research that is not applied elsewhere?

Dr WANGMANN: I would not say there is something specific for domestic violence but I think we require both quantitative and qualitative information. I think studies that simply look at numbers fail to tell us much about what is taking place. You have given me some of the Bureau of Crime Statistic and Research statistics and I will talk about some of the questions I have about that. Numbers tell us about a small proportion of the picture, to ask you things about questions. I know you have talked a bit in previous evidence about findings around the success of perpetrator programs. If we only ask questions about recidivism and we only look at police and court records, we are not finding out what is taking place, because we know that victims of domestic violence do not report everything that takes place, and it does not show whether there is a change in the nature of the violence. Forms of violence might continue but it might get less serious or it might get more serious. We need to unpack. You need to have both strands in your research, otherwise you are not going to get a complete picture of what is taking place.

The Hon. GREG DONNELLY: In your assessment, are we poorly served by quantitative research in this area in trying to understand the causes and consequences of domestic violence that underpins decision-making?

Dr WANGMANN: I do not think we are poorly served by it. I think quantitative research is incredibly important. It tells a lot about the prevalence and need. It is just that it only tells us part of the picture. You need both. Without both you are getting an inadequate picture on either side. Good research costs money and that is the other thing we need. We need money to go into good research and we need to have longitudinal studies. Part of the problem is, one, we often fund research inadequately so you have a small sample in this area so it is hard to talk about how you might extract it, particularly around qualitative research that does cost. If you interview someone for an hour, it costs much more than just looking at police data, and so on. So, you need to put enough resources into doing a good qualitative study with some quantitative research and it should be longitudinal.

For example, we have a number of pilot projects that have looked to be successful. They operate for 12 months and an inadequate amount of that goes to evaluation, which is research effectively, so again for six months you are setting up the project. I suggest you get very little around findings in the setting up period. You get another six months where it might be working properly but you cannot see where it is going. So, we need to put money to evaluation and research, otherwise we end up having projects that look promising but we do not really fund.

The Hon. GREG DONNELLY: To the extent that there have been shortcomings with respect to the approach of State governments—this is a very broad question—from your bird's eye view as a researcher, are there some obvious shortcomings that you are prepared to put on the table, that you have identified when looking through this area?

Dr WANGMANN: I will give you an answer but I am not sure it entirely answers your question. One of the questions you asked me was around priority issues and this probably answers both. I know you have heard from a number of witnesses who emphasise the importance of integration, and I would share the need for effective integration. The problematic feature is I think governments talk about integration a lot, it is one of those buzzwords, and we need to unpack it. We need to talk about whether we are talking about integration or coordination or collaboration or communication. Merely sitting around the table together is not integration. It is a harder process and involves honesty and difficulties and long-term commitment. I do not think we have got there yet. That is one of our real needs.

Implementation continues to be an issue that dogs this area. We have very good laws. Certainly we can tinker at a number of edges but implementation issues continue to go through. Your questions largely talk about implementation issues: What are the issues of court processes, what are the issues with police, and so on. It is largely about implementation rather than intricacies with the law. That is not saying we cannot make some changes there. We are at a point in time where we need to deepen our understanding of what is domestic violence. We have come to the point when we talk about physical acts of violence and we are starting to look at other acts of violence, but we look at them as acts, rather than context. To look at context is a much more difficult feature and I think we can extend ourselves into this deeper, more nuanced understanding.

In that area I suggest that the definition that the Australian Law Reform Commission and the New South Wales Law Reform Commission have proposed is a common understanding and it will be in the Family Law Act from June this year with the legislation passing at the end of the year. I suggest that is a very promising definition because it takes this two-pronged approach that attempts to talk about context. It sets up coercion and control as the first aspect. This is what family violence means. As a separate component it talks about the acts.

Rather than simply saying there is an intimate relationship and there is an act of violence and that must equal domestic violence it is actually saying something different. It is saying there is an act of violence, there is an intimate relationship or whatever relationship you are talking about, and there is coercion and control, and it is that which is intimate partner violence. That does not mean there are not acts of violence that take place between intimate partners that do not require some legal response. That is different from an intimate partner response where there has been coercion and control and it has been longstanding. I think we need to start being much more sophisticated and nuanced in our responses.

The Hon. CATE FAEHRMANN: I have some questions about the increase in women being arrested for domestic violence. Obviously that is where a lot of your research is focused. Can you expand on whether you think the increase is largely as a result of the limiting of police discretion under the Crimes Act or whether there is more to it in recent years? That is one of the terms of reference of the inquiry. Is it as a result of police tactics following the change in the Act or is the training of officers and there is more to it?

Dr WANGMANN: I certainly think there is more to it. It is a complicated question. Firstly, the evidence we have about the increase is anecdotal, which is unfortunate given that people have been talking about it since the early-mid 2000s and we still have only anecdotal evidence. I am aware that Professor Stubbs, Dr Lesley Laing and Betty Green have all spoken to you. I know that Professor Stubbs talked about it but we put in a grant application to the Criminology Research Council to look at this specific question. That was unsuccessful, however Professor Stubbs has been successful in getting a grant from her staff faculty, as have I, and we are starting now on a preliminary project looking at women and men arrested for domestic violence—women and men arrested as sole defendants and also in dual arrest situations— in order to unpack whether there are differences.

Certainly the research from the United States suggests that with the advent of pro-arrest or mandatory arrest policies there has been an exponential increase in arrests both for men and women, but the increase for women has been much greater. There is a sense that taking away the discretion has meant that police feel they have little choice about whether or not they arrest a party if there has been an incident of some kind. That is one of the questions we are attempting to answer in this research: with the formalisation of a pro-arrest policy in New South Wales has there been a significant change in the arrest of women?

My research on cross-applications raises some other interesting questions. For example, there were a small number of dual applications, where the police have applied for both parties arising out of the same incident, and largely with the same complaint text. Actually, all of them have the same complaint text, so it is copied and pasted from one to the other. That on its own is problematic because it suggests they are not doing any separate inquiry about what happened to either party. Yet for some there were charge matters attached and if you looked at the charge fact sheet there were clearly differences between the types of acts that were used by both parties. The nature of the complaints in those dual applications stood out as being of even poorer quality than some of the other complaints I looked at. So the sense is that police only encounter a very complex situation and they do not know what to do. Some of the cases I looked at raised questions about whether or not they were bothering to ask the questions that they should ask, so I think that is a training matter.

I also suggested that this is very variable across the State. I do not think you see dual applications or dual arrests in every police local area command but you might see it in particular ones. Again, I think there are similar findings in the United States where it seems there are particular cultures within different locales and there is a different type of practice. So I think it is both the policy—having pro-arrest certainly increases the numbers of matters coming before the courts for arrest—and a training issue. Again, it is about whether or not we look at incidents or context. This is not an issue only for police. The criminal law system is based on incidents; it looks at incidents—that is what it is interested in. Domestic violence is a process—it is not about incidents—and so we are asking the criminal law to grapple with a much more complex problem and we need to do more than simply put policies in place without training.

The Hon. CATE FAEHRMANN: Are you comfortable expanding on your comment about the culture of some local area commands where I take it you are suggesting some may apply for dual applications more than others. Can you say which ones they are or why that is the case—give us a bit more information?

Dr WANGMANN: I should indicate that a very small number of dual applications came up in my research, so in that sense it is tentative.

The Hon. CATE FAEHRMANN: In your research they were all cut and pasted—is that right?

Dr WANGMANN: They all had exactly the same complaint narrative.

The Hon. CATHERINE CUSACK: What was the narrative?

Dr WANGMANN: I can send you a copy of my thesis. There is one chapter just on dual applications and it shows you some of those complaints. Some of them were very short; we are talking three or four lines basically saying there was an altercation. Sometimes there was a bit more specificity: "He hit her and she scratched him back." Again, it is putting the same details around both defendants in the same matter and I think that is problematic. I looked at three large Sydney metropolitan courts. For some there were hardly any dual applications and in one of them there were more. That is suggestive of a police practice. When I looked at some of the research from the United States, for example Martin's research, she again found a predominance in some police locales compared to others. That is why I am suggesting there is perhaps a cultural issue, but there certainly needs to be more research as to whether you can definitively name some rather than others. Some of the police I spoke to said it was much more about the complex nature of the matters they were coming across. To me the complaint narratives were not entirely suggestive of that because of the lack of detail in them.

The Hon. CATE FAEHRMANN: Some witnesses have talked about the addition of a fairly simple primary aggressor assessment tool to aid police in their questioning. Could you explain what you understand that tool might be and how it would assist police in their questioning?

Dr WANGMANN: I will forward you the chapter on my thesis because I talk about the primary aggressor policies in that chapter on dual applications and there are clear comparisons. They ask a number of questions. In the United States because they started to experience an increase in the number of women being arrested following the introduction of pro- and mandatory arrest policies—a number of areas introduced primary or predominant aggressor policies—they ask a number of questions. They vary; sometimes they are in legislation and sometimes they have policy frameworks. They ask police to go beyond the presenting incident—they arrive and see a presenting incident—and ask whether there has been a history of violence perpetrated by one party against the other, the nature of the injuries sustained by both parties, the likelihood of violence in the future and who is likely to be the victim and who is likely to be the perpetrator, and whether one person was acting in self-defence. You can see that it is about asking some wider contextual questions when police attend an incident.

Research in the United States indicates that following the introduction of primary or predominant aggressor policies the results have been variable. Some jurisdictions have seen a decrease in the number of women being arrested but in others the number of women being arrested has continued to rise. So whether or not they are a panacea for what is happening I think is open to question. I think there are some issues around the questions they are asking. For example, some work by Trish Irwin, who worked for the Battered Women's Justice Project, talks about some problematic features of primary and predominant aggressor policies. One of the things she points out is that putting the question of self-defence within the primary or predominant aggressor context is a first legal question because the issue of self-defence means that whatever took place was not an offence. That is an initial question before you get into any deeper contextual matters, so there are some problematic features. Just looking at injuries and physical violence means you are not necessarily going to look at what is taking place.

So for me, given both the mixed results from the United States and also the nature of the complaint narratives that I saw for dual applications, that suggests that it is much more than simply introducing a policy. If police do not understand why primary and predominant aggressive policies are being introduced to add context to move beyond incidents, then it is not going to have the effect it needs to have. So we come back to training. To get the police to move beyond simply looking at incidents is a training issue. It is not just about introducing new policies and new legislation.

The Hon. CATE FAEHRMANN: Is best practice training taking place within the New South Wales Police Force?

Dr WANGMANN: I am not aware of what police training is taking place at the moment around these types of issues.

The Hon. CATE FAEHRMANN: Regarding your suggestions about the questions around the primary aggressor assessment tool, it surprises me, for example, that police would not ask those questions at all. Surely

there are instances and examples where they are asked? You are suggesting that some LACs are not as good as others, but do you know whether any LACs are asking those questions and getting it right?

Dr WANGMANN: As a general response, having seen the police standard operating procedures at some stage, they are meant to ask about whether there has been a history of violence and they are meant to talk about that in the AVO complaint narrative. They are informed of that when they go to visit an incident: whether there is an existing AVO and so on. Yes, there are some of those questions. The concerning feature of some of my research—and this certainly is not isolated to the police I spoke to; I would suggest that it goes across professionals who work within the system—is that when I ask them a general question about how they understood domestic violence, most of them gave me very, broad, nuanced, well-developed understandings of violence. So this is good. This is something to tap into. But when you start to ask practice-based questions, police, magistrates and so on return to incidents. In the chapter on dual applications you can see that police were almost saying, for example, regarding the incident around the tomato stake, "Well, here was this incident in the house where he was the offender. Here was this incident outside the house and we can cut them off where she was the offender"—so cutting them into discrete incidents rather seeing them as a chain of events. The criminal law works in this fashion. It is actually quite a hard step to step back and look at the process and not cut off these incidents. That does not really answer your question directly, sorry.

CHAIR: Are you aware or can you point to a jurisdiction that has a very good assessment tool for the police to utilise to ask those right questions?

Dr WANGMANN: I have not done specific research on primary or predominant aggressor. I know the questions they ask and a risk assessment tool is another type of tool that ask questions. I guess the thing is that there are key advantages to having these tools. But asking them once is not going to necessarily give you the answers you need. Whether it is at the time of the incident or whether it is a bit later, at the time of the incident you are going to get a certain picture of what has taken place, people are agitated and upset: both parties I am talking about. You need to ask them again and you need to build some trust and rapport. A key issue around this is sexual assault. We do not see that mentioned in AVO complaints. If you simply use a risk assessment tool once, I would suggest that you are not going to get those answers you require to know whether there is a primary or predominant aggressor or what is the risk assessment, if I can make that general statement. They are very important tools, but they do not replace asking more questions and building some rapport.

CHAIR: Through your research you said you had contact with domestic violence liaison officers. Would you like to make any comments or recommendations about their role?

Dr WANGMANN: Domestic violence liaison officers are a vital part of the system and consistently ever since we have had reviews people talk about the need for them to have a higher profile and a higher position within the Police Force. I certainly would endorse those recommendations. Equally important is that the command they sit in supports domestic violence because without that the domestic violence liaison officer is not going to have as much pull. I have done quite a bit of research as well as work in the Sutherland shire area and I know that that has been raised with you at certain periods of time. We see some very positive things coming out of Sutherland I think because the command has been very supportive of it. They ask and demand questions of their general duties officers. So it is not just domestic violence liaison officers; they are being supported in their work. Without that you will not get change either.

The Hon. NATASHA MACLAREN-JONES: Can you elaborate on your research into the definition of domestic violence and its impact on people's ability to report or in getting ADVOs?

Dr WANGMANN: Research needs to be very specific about the definition it is using. If you are just looking at acts and that is all you are looking at—an act plus the intimate relationship—then you are only looking at a certain picture. It is very important to have a contextual understanding of domestic violence. It is important that our legislation talks about fear. Its implementation is another issue, but it attempts to drive a contextual approach. The changes that took place in Victoria and at the Federal level around inserting some understanding of coercive control also are very important and I endorse those approaches, particularly the one that is going into the Family Law Act. However, at the same time I have some concerns and I have seen research that talks about coercive control as though it is separate. You then look at economic control and verbal abuse and emotional abuse as though they are the features of coercive control—yet it is everything together. It is the physical violence plus the sexual violence plus the economic and so on. They are all part of coercive control. It is the encompassing feature, not something you can separate off as isolating tactics for someone, although they are clearly indicators of something more.

The Hon. NATASHA MACLAREN-JONES: Do you find that the victim understands the definition or is that an education issue as well?

Dr WANGMANN: Certainly a number of victims will talk about the fact that they did not quite appreciate the situation they were in at the time and it is only when they have managed to make a separation that they finally can piece together everything that took place—particularly some of those acts and behaviours that can be cast as romantic and yet are really very much about isolating and controlling a person. Often it is only later on that they have seen the very slow process of isolating them from family and friends. Sometimes, yes, I think it is true that women do not appreciate fully the context of what is taking place. Sexual violence also is another good example. It is very hard to talk about your partner being sexually coercive to you and labelling it as sexual assault. So I think there is still an issue with victims recognising some of their experiences at the time it is taking place. On that point I should say also about coercion and control that when I asked the women I interviewed about their experience and violence, they volunteered control as the worst feature of their relationship yet it did not appear in their complaints for AVOs because AVOs do not ask about control, but it was definitely the way in which they saw what had taken place to them.

The Hon. NATASHA MACLAREN-JONES: Do you have an opinion on the terminology "family violence" versus "domestic violence"?

Dr WANGMANN: I think the terminology is a very fraught area. Certainly, I have a preference now to talk about intimate partner violence and my research is largely about intimate partner heterosexual violence. That is not to say that it does not take place in homosexual relationships: It does. I just really think that we need to start being very specific rather than extrapolating. Domestic violence has long been used in New South Wales as the term we use and in the legislation it encompasses a wide variety of relationship types—family members, carers and so on. We need to start to be specific about those things. The dynamics and nature of child abuse, for example, are different to what takes place in intimate partner relationships. What takes place in a same sex relationship may have some different dynamics to what takes place in a heterosexual relationship. Saying this does not mean that they are different in terms of seriousness, response or so on, but we might have a better, more dedicated targeted response if we start labelling them as different types.

The Hon. CATHERINE CUSACK: In the eyes of the law, the use of a weapon aggravates an offence. Would you like to comment on women using weapons and what impact that has on the outcome of a case or how the case is viewed by the police?

Dr WANGMANN: In my research only a small number of women used a weapon or an object against the other person. However, research done in the United States confirms that women are more likely to use weapons. Two women in my study used knives, but the others used a stapler, a piece of wood and a tomato stake—clearly things that were to hand, and the United States research confirmed that. Obviously there was an altercation and they grabbed something that levelled the playing field. Men are much more likely to use their hands. I fully appreciate and do not suggest that if that is the situation that the police have any discretion not to charge the woman depending on the nature of the incident. However, the court system could do much more around leading some evidence about self-defence and so on. I do not suggest that the police are necessarily best placed to exercise discretion in every instance. Their role and the amount of information they have at the investigation stage means it is difficult. However, we need to start talking about it at the court level.

The Hon. CATHERINE CUSACK: When an emotional situation blows up and people are in a physical confrontation I can well understand why a woman would be more likely than a man to feel the need to grab a weapon. In the eyes of the law that immediately puts her in a very difficult position.

Dr WANGMANN: It immediately makes it look as though her actions are more serious than his.

The Hon. CATHERINE CUSACK: In fact, the law requires that it be treated as such and there are additional charges.

Dr WANGMANN: It does.

The Hon. CATHERINE CUSACK: Did you look at how many times a matter had been before the court?

Dr WANGMANN: I did. It was a very difficult manual process of going through the papers and I had to track them across the years. There are few cross applications. People thought they were increasing like they thought more women were being arrested. We will see whether that proves to be the case. They are between only 5 per cent and 11 per cent of the cases. However, they are complex and they take up a great deal of time often because they appear on multiple occasions because there is not necessarily an agreement that they might be adjourned for hearing and so on. There are also likely to be criminal charges and continuing family law matters. They are more complex and time-consuming cases. I can provide figures for how long they take or how many times they appeared before the court, but that was certainly the view of the professionals involved over a long period.

The Hon. CATHERINE CUSACK: Do you think that might be having an effect on the attitude of police to these complex cases? When police officers are required to attend the same premises 15 or 20 times, do you think that impacts on their attitude to their investigation and their reporting of that case?

Dr WANGMANN: I cannot answer that question directly. However, we need to acknowledge that that is probably frustrating for the police. There is a difference between talking about something being frustrating and it impacting on the work. I know from anecdotal evidence that the police have done a lot of work in addressing this issue. I have spoken to domestic violence liaison officers about this. They talk to general duties police officers about it and tell them that it may take a woman 10 times to follow through with action. A lot of work has been done within the Police Force in talking about the fact that officers may need to go back a number of times.

I recently did an evaluation of the domestic violence pass project being implemented in Sutherland. I think the committee has heard about yellow cards and so on. The domestic violence pass scheme is one of those projects. One of the key benefits of that is that the police and a civilian service are working together doing some of that work encouraging people to follow through with legal action and linking them with a service so that next time they will follow through. It is about eliminating the continual reappearance.

The Hon. CATHERINE CUSACK: You said that the court system deals with incidents and it is its job to find a person guilty or not guilty. I do not think you are suggesting that there is any other approach that the law can take. That is what we require of our legal system. I put it to you that many of the things you are asking of the system will probably never happen and we may not want them to. Is there scope for intervention at a level before the situation has erupted and a crime has been committed? I emphasise that it is very important that domestic violence be seen as a crime. That has been very important to women over decades and that is why there is so much emphasis on it. Without wanting to detract from its being a crime, is there a mid point at which some of these violence issues could be addressed before the situation escalates to someone seriously injuring another person?

Dr WANGMANN: I will answer that in two parts. First, the court does have scope to look at context and it can be separated. With criminal cases they clearly look at incidents and that is what the offence is about. However, context comes into understanding self-defence and sentencing. So there is room to look beyond that. Apprehended violence orders, as a civil process, are different again. They ask about fear, so they are already asking about context. I noted some cases in my research where they have gone back to incidents when they were meant to look at context. Just because something has happened to you does not mean that you require a domestic violence response. It does not mean that there might not be a criminal charge because there was an act of violence requiring a charge, but we are talking about domestic violence and asking a different question of the legal system. We introduced apprehended violence orders to ameliorate some of the bluntness of the criminal law and to be able to look beyond incidents and for someone to be able to complain of multiple things within one the complaint. I think the law can do some of that work.

The Hon. CATHERINE CUSACK: But an apprehended violence order is protective; it does not really solve anything. It does not sort out housing problems or the fact that many people who have obtained an apprehended violence order end up going back to their partner and the police become more frustrated. I totally agree with what you are saying about the complexity.

Dr WANGMANN: Despite being a lawyer, I agree. I know that the law is not the only response; it is a very small part of the response and it is a difficult tool to use. Some of the things that have happened in New South Wales—for instance, the court assistance schemes—are a vital component of linking women into those types of services and making sure that someone talks to them about their children or accessing housing and so on. The domestic violence pass that I evaluated is a very good example. I was going to call it "early

intervention", but that is a very complex issue in terms of domestic violence. One of the striking features of my research on that was the number of people for whom the police took no action. I am not criticising them for that because they took no action for legitimate reasons—there was no offence or there was nothing on which to ground an apprehended violence order. However, they had contact because of something that had taken place.

The police offer the yellow card and people consent or do not and they are referred to this service. I interviewed people and examined a number of matters. A number of the people for whom there was no response were linked into services earlier. The event was minor and it did not require police action. However, someone said, "You need some assistance with finances, housing and so on." The victims I spoke to felt gratitude that they were being asked questions about things other than the law. One worker spoke about a woman who was grieving—she had lost her mother. Even though she had experienced a violent incident involving her partner, or something else had taken place, she had not resolved these other things. To get her to talk about the violence, she needed to talk about her grieving. This is a key project and it is very important to do things outside the law.

CHAIR: The committee will be attending a listing day at the Sutherland court next month. You mentioned the yellow card. What other areas of that court would you draw to the attention of the committee as being best practice in New South Wales?

Dr WANGMANN: I worked as a solicitor on the list there when the court assistance scheme first started. I saw it develop from a very small scheme to a well-established scheme. They have established very good relationships with the court and that takes a long time. They have a separate court that hears the domestic violence matters. It is important that there be a magistrate who listens just to those cases on the day. They have a number of very dedicated police prosecutors who within their resource limitations seek to have some discussions with the victims. That is one area that victims continue to complain about—that is, they do not get much time with the prosecutor.

That is not a criticism of the prosecutors themselves, I think there are serious resource issues for the prosecution. The court assistance scheme is well established and staffed with consistent workers. I understand that they still have a worker that focuses on children. I know a number of schemes have culturally and linguistically diverse workers or an indigenous worker, but this scheme has a children's worker as well. Women do often bring their children to court and it is often a good time to gain access. The Sutherland shire family support services, which auspices the court assistance scheme, runs a number of innovative programs out there. They might be able to get women to come into the play group and by focusing on the children they are able to tap into other types of positive parenting.

CHAIR: One of the issues that we have heard particularly occurs in the regional areas, particularly if the domestic violence liaison officer is in an area where they do not have specific list days, is that that officer could be deployed elsewhere and not be able to attend court. Focusing on that issue, do you have any comment on areas where it is difficult to run full list days?

Dr WANGMANN: That is a difficult question to answer because it is a question of resources and support and so on. I think that one of the difficulties that women face is repeating their story. Even if the domestic violence liaison officer cannot be there, there must be a way to communicate the information so the victim does not have to repeat it again to someone else. There must be a way to fill in some of the gaps, even if that specific worker cannot be there. Obviously it is ideal if that worker, be it a domestic violence worker or support worker, can be there because of the rapport and trust they have built. I cannot answer concerning the resource implications for courts in rural areas.

CHAIR: It is the actual message that needs to be consistent without the victim having to repeat it over and over again.

The Hon. CATE FAEHRMANN: I do not know whether we have talked about breaches of apprehended domestic violence orders [ADVO].

Dr WANGMANN: No.

The Hon. CATE FAEHRMANN: A number of inquiry participants have expressed frustration at the way that breaches of apprehended domestic violence orders have been handled. Do you have any concerns or recommendations around the different ways that breaches of ADVOs have been handled by police?

Dr WANGMANN: I did some research on breaches a very long time ago, so I would not suggest it is current. Breaches remain an area of criticism. This is all now purely anecdotal. You still hear some people being referred back to the police to vary their order—rather than acting on the order—or being told it is a technical breach. That is an interesting phrase in itself because either it is a breach or it is not. The victim may be blamed for precipitating the breach. There is still work that we can do on breaches. Police complain about the fact that when they do charge a defendant for a breach the court dismisses it and gives a minor penalty. We have a number of interacting features which mean that breaches appear not to be taken seriously, yet there are clear requirements to do so. If they are not taken seriously the defendant in the matter then gets the impression that the apprehended domestic violence order is not worth anything and they can continue to breach it. Breaches are the crux of the matter. For a lot of people the apprehended domestic violence order works. For many people simply going to court, even if the apprehended domestic violence order is withdrawn, works. We know because people break the criminal law all the time that some people need more consistent messaging, and that is charging them for breach as well as the substantive offence.

The Hon. CATHERINE CUSACK: You said your research was in three metropolitan areas. Are you aware of any rural research?

Dr WANGMANN: On cross applications?

The Hon. CATHERINE CUSACK: Yes.

Dr WANGMANN: No. But I am aware, because I encountered her at the conference I went to overseas, that Professor Heather Douglas is doing a study on cross applications in Queensland. I am not sure of the scope of the study beyond metropolitan areas. Professor Douglas has found similarities and differences in my research. I do not think that Professor Douglas has published anything yet. Dual applications have come up in her research. In terms of rural areas; I did interview some women and workers from rural areas—there were only two or three—so I would not suggest the research was expansive.

The Hon. CATHERINE CUSACK: I visited Wilcannia once, which is a very different world, if I can put it like that. It is a closed community of about 2,000 people. The police there said to me that it was not just the main form of crime but it was the only crime committed in Wilcannia. There are huge alcohol abuse issue and every court day that is all they do—the same cases over and over again. Is there scope for a differentiated approach to domestic violence in communities that have problems? To me the problems in Wilcannia are a different situation to what I would normally encounter in the city. The current solutions are modelled on what goes on in the city and are irrelevant and not working in Wilcannia. That is my observation. Is there an opportunity for a differentiated approach, realising that the law needs to be the same everywhere in the land?

Dr WANGMANN: I would not suggest a differentiated approach in terms of law but a recognition that models that work in the city are not going to work in the country. Refuges are a classic example. You can have a refuge in the city and no-one knows where it is, but in rural areas where they do exist they are going to know where it is. We need to talk about different models of service provision. I would suggest that part of the dominance of legal responses to domestic violence—for example you said quite high levels of domestic violence in terms of criminal records and apprehended violence orders in rural areas—is because that is the only service that is available there. We need to do some work around other services such as counselling and refuges for those towns and talk about an integrated response. At the moment in those rural areas the only response is a legal response and I do not know whether it is a differentiated response or a response that is appropriate to the locale.

The Hon. CATHERINE CUSACK: I believe the police would say that the alcohol abuse is such that everything is a waste of time. The government can keep having inquiries, calling in people and doing investigations but at the end of the day there is so much alcohol abuse in that community that responding to the domestic violence can go on forever.

Dr WANGMANN: I guess that is what I am talking about; there needs to be an alcohol and drug counselling service. There needs to be some other service there. I am not suggesting that alcohol and drug abuse is causing domestic violence but it is exacerbating it. You do need to have other services that do other things. The police and the law do one part of the project, but it is not just the individual family, it is the community, society and services and how they interact and focus on addressing the issue that forms the other party of the project.

CHAIR: Thank you for your time. We do appreciate you coming back early for this hearing. The Committee resolved a time frame of 21 days for the questions you took on notice. The secretariat will be in touch with you to facilitate that. You have offered to send in your thesis, which will assist us.

Dr WANGMANN: It is very long. I will point you to the chapter you might like to read.

(The witness withdrew)

(Luncheon adjournment)

SHARON WALKER, Police Prosecutor, Sergeant of Police, NSW Police Force, and

ALLISON GUTHRIE, Sergeant of Police, Principal Tutor, Domestic and Family Violence, Education and Training Command, NSW Police Force, and

MARK JOHN MURDOCH, Assistant Commissioner, Commander, Central Metropolitan Region, NSW Police Force Corporate spokesperson for Domestic and Family Violence, and

WAYNE MICHAEL COX, Superintendent of Police, Local Area Commander, Mt Druitt Police Station, NSW Police Force, and

BRIAN GAVIN JOHNSON, Senior Constable of Police Mt Druitt, Domestic Violence Liaison Officer, NSW Police Force, sworn and examined:

CHAIR: Do you want to make an opening statement?

Mr MURDOCH: Thanks for the opportunity but I think not. I have provided a 30 page written submission in which I not only make comment about the terms of reference of the committee but I also address a number of issues which I wish to bring to the attention of the committee which I feel are important in better protecting and supporting victims. They are matters of importance to the NSW Police Force. I would propose to use my time answering inquiries from the committee.

The Hon. HELEN WESTWOOD: The committee has heard from nearly every witness so far is the status of the domestic violence liaison officer [DVLO] within commands. We have heard concern expressed very high up with the hierarchy in command that there is no additional pay, no incentive for senior officers in particular to take on those positions unless it happens to fit with their family circumstances. That is what we have heard consistently from government, non-government organisations, academics et cetera. Has the force identified that issue? Has there ever been any attempt to actually increase the status and pay of the domestic violence liaison officers within the force?

Mr MURDOCH: In answer to your first question: have we identified that as being an issue and have we considered it—most certainly. It has been one that we have grappled with for some time. However, I suppose in terms of elevating the status of the DVLO examining pay scale options, trying to attract the absolute best people into those roles, it is a very difficult proposition for an organisation that needs to operate 24 hours a day, seven days a week. You quite rightly point out that a number of people, not all but a number of DVLOs choose that role because it suits their personal circumstances. The DVLO role is one that essentially works 9.00 a.m. to 5.00 p.m. Monday to Friday. They do not do shift work. They do not work weekends. They are not in many instances frontline operational police officers, or should I say, they do not undertake frontline policing duties.

In the 80 local area commands across the State, whilst we have at least one DVLO position allocated to each of our 80 local area commands domestic violence is not an absolute priority in each of those 80 local area commands. Our local area commanders need to be equipped with a certain amount of flexibility so that they can best structure their commands to meet their individual operational priorities, whether that be alcohol-related crime, drugs, organised crime et cetera. I am sure that Mr Cox, the Local Area Commander at Mt Druitt will tell the committee how he has structured his command to meet the operational demands domestic and family violence have created for him.

But if we go to then paying an allowance to DVLOs to attract the best people, paying them for their skills and expertise, where does it start and where does it finish? Do we pay licensing police the same sorts of allowances? Do we pay our specialist youth officers, our crime prevention officers and our education and development officers the same sorts of allowances? We do not believe by paying an allowance is the most effective means to supporting these people in the job they need to do because it creates a whole range of issues for us we would then need to deal with as a consequence.

The Hon. HELEN WESTWOOD: You state in your submission that domestic violence is the largest volume crime type with which the NSW Police Force deals. You also identified the problem with the position of domestic violence liaison officers within commands. What has the force looked at in terms of addressing that issue? Am I right to assume that because it is such a large-volume crime that it has been looked at in terms of resourcing? What strategies have you devised to address that?

Mr MURDOCH: There is at least one—and again Mr Cox will tell the committee how he has structured his command to deal with domestic violence—DVLO in each of our local area command. In some commands there are many more than one. Sitting on top of that, and I have alluded to it in my submission, are regional domestic violence coordinators which sit at the regional level. There are regional domestic violence sponsors which are superintendent local area commanders who have responsibility for, I suppose, conveying, promoting the corporate message, expectation, standards of performance et cetera across each of our six regions.

Sitting above that is myself, who represents the Commissioner and his objective team. And, acting to support me is a dedicated domestic and family violence team, which has six members, working in our operation programs command. They include a specialist domestic violence prosecutor, a senior programs officer, a couple of constables positions, an inspector in charge, and a sergeant's position. So I would argue that no other particular field within the NSW Police Force—with the exception of alcohol and drugs, which is a combined area within our organisation—would have the level of support corporately, right down to the coalface, that domestic violence does.

The Hon. HELEN WESTWOOD: One of the other issues raised with the Committee by witnesses who have given evidence to this inquiry is that often it is the culture within a command that really has the greatest impact on dealing with domestic violence in a way that is seen by victim organisations, or organisations advocating on behalf of victims, as most appropriately in terms of response and prevention following a domestic violence incident. What is the force doing to address that matter? I assume that it is about leadership in commands. Is there some specialist education program directed at commanders, or are certain commands identified perhaps as needing additional resources or where the culture may need to be addressed?

Mr MURDOCH: What you say is right: leadership is crucial to everything we do. But domestic violence is absolutely no different. Without leadership, nothing happens, particularly in terms of domestic violence. We are an organisation of 16,000 sworn members. We have 80 local area commanders at superintendent level. Without doubt, some take domestic violence more seriously than do others. Some deal with it a whole lot better than others. My ultimate challenge is to get the same level of consistency and service delivery in protection and support of victims right across the organisation.

In terms of specialist training in domestic violence for commanders to identify what the issues are, no, we do not do that. There are, as I say, the six region domestic violence sponsors, who are local area commanders themselves. As I said in response to an earlier question, they are charged, as myself, to get the message out there about promoting the corporate position, ensuring compliance, maintenance of service delivery standards, et cetera. Is it working the way I would like it to work? No. But, certainly, we are doing our best. That may well be potentially an area where we could improve by delivering specialist training, or at the very least raising awareness of the significant problem that domestic violence is. We can talk more about this later when we discuss training. But, if we are to provide this level of training, it is also a matter of time, accessibility and delivery.

The Hon. HELEN WESTWOOD: Just to follow on from that: Do you think there are recommendations arising from this inquiry that we could make to assist you to achieve what it is that you think should be achieved in terms of changing the culture?

Mr MURDOCH: Deputy Chair, I am biased. My answer to that is: most certainly, yes. I would appreciate that. However, I am also a realist: I know that all of my colleagues who have responsibility for the other corporate priorities that we deal with,—whether it be drugs and alcohol, youth, multiculturalism, or whatever—would expect to have that same availability of specialist training for commanders also. I appreciate those comments and would appreciate that support of the Committee. But, again, our ability to deliver on that may be a challenge for us.

The Hon. GREG DONNELLY: Thank you all for coming in this afternoon. I will direct my first question to the Assistant Commissioner, who may direct it to somebody else who thinks they need to contribute. It is on the issue of definition. I note at page 26, going over to page 27, of your submission you make some comment about the importance and significance of definition and the extent that it should be distinguished. On distinguishing the difference between domestic violence and family violence, in your opening comments you used the phrase "domestic violence and family violence". Are we talking about matters significantly overlapping, related on the edges, or completely overlapping?

Mr MURDOCH: We are trying to be all-encompassing in the use of that phrase. I know that Victoria uses the term "domestic violence", not "domestic and family violence". We are trying to use that term as very much a catch-all, in my view. I have strong views that we are probably, as a consequence, not making best use of our resources, because we are not focussing on where I believe the most significant problem is—that is, the violence in intimate partner relationships and family members, siblings. We do not need to focus our attention on violence between flat mates, people who live in the same boarding house, or in dormitories at universities or colleges: that is not intimate partner or family violence. That is something that can be very well addressed under the umbrella of personal violence. It is not domestic violence.

I was going to try to weave this in somewhere else in response to a question, but I will say it now. One of the biggest challenges we confront, not only as the NSW Police Force but as a community—and I am talking here of a whole-of-government response to this problem—is the something of a scattergun approach to it. We are not focusing or homing in on the issue of intimate partner and family violence. We are trying to do too much. Statistically, if you look at the volumes of what we address under the umbrella of domestic and family violence in New South Wales, it is absolutely far and away in front of every other State in the Commonwealth—very, very significantly so. Our nearest jurisdiction in terms of volume is Victoria, and they are miles behind us because we count stuff that they do not as domestic and family violence.

The Hon. GREG DONNELLY: If I could interrupt you there. Is that because of, specifically, the way in which domestic relationship is defined in the legislation? Is that your submission?

Mr MURDOCH: That is my submission. We really need to tighten it up.

The Hon. GREG DONNELLY: If I could follow up that line of questioning. In regard to focusing on intimate partner and family, within "intimate partner" you would include a heterosexual married couple?

Mr MURDOCH: Yes.

The Hon. GREG DONNELLY: You would include within that definition a de facto heterosexual couple?

Mr MURDOCH: Yes.

The Hon. GREG DONNELLY: What about a cohabiting heterosexual couple who may not actually be in a de facto relationship? Would such a couple be encompassed by the boundaries that you would be looking to place on the definition?

Mr MURDOCH: No. I would suggest that that would fall fairly and squarely within the realms of personal violence. We have apprehended domestic violence orders and we have apprehended personal violence orders—AVOs and PVOs. I think that that latter example that you make, a heterosexual couple living under the same roof, not engaged in an intimate relationship, is personal violence from one. I am not about manipulating statistics or cooking the books to try and get our numbers down because the rate of domestic and family violence here is so high in New South Wales, it is making better use of our resources. If we are going to make a meaningful impact on this problem we need to better focus our resources—whole of government.

The Hon. GREG DONNELLY: Following that through: Let us assume if your definition was adopted in the terms we have just discussed and it was quite specific and clear, if a person, a male or female, as the case may be, who was in a situation under the one roof with another person, male or female, as the case may be, and there was a claim of violent activity or imminent violent activity and that person rang triple-0 for assistance, what would be the practical effect of the definitional arrangement that you just described of dealing with that matter?

Mr MURDOCH: As we sit here, it would most certainly initiate a police response. Police would deal with it somewhat differently than they would currently. The Crimes (Domestic and Personal Violence) Act creates a number of responsibilities for police in responding to domestic violence where the legislation is couched very much in terms of "must", "will" and "should" rather than "may", "might" or words to that effect; it creates a very significant onus on police to take action. If the definition were changed and that same level of emphasis was not placed on personal violence as it is on domestic violence it is probably something that the legislators would need to be mindful of and potentially address, otherwise you would have people falling

through the cracks. What I suggest I know is not easy, but it is a problem that, in my view, is well overdue and needs tackling.

The Hon. CATE FAEHRMANN: What you were just referring to, Assistant Commissioner, would still have problems though in relation to intimate partner violence. I am just interested in exploring the implications of the words "must" and "will" within the Act in relation to the pro-arrest policy that we are hearing about from a number of participants. It would be valuable for the Committee if you could expand on the problems you see that that has created for the force.

Mr MURDOCH: We operate very much so, and have since 2008 with the advent of the Crimes (Domestic and Personal Violence) Act 2007, with a pro-arrest policy. That has, as I have just indicated, created a number of responsibilities for police when they turn up at a domestic. In essence, they need to take action where evidence exists to support action to be taken. We have seen our legal action rates or our prosecutions for domestic violence rise as a consequence. That is one of our corporate performance indicators in that it currently sits at 62 per cent. So we would expect to see that in 62 per cent of cases or more an officer will take action when they attend a domestic. That, as you rightly say, creates or has potentially created a number of problems for us where police feel pressured to take action where the evidence does not support them taking action.

It has also raised the spectre of an increase in the number of women that have been arrested and charged with a domestic event, and we are undoubtedly seeing an increase in the number of women prosecuted for domestic violence. I cannot say, and I am certainly not willing to concede, that that is a direct consequence of our pro-arrest policy. More research certainly needs to be done in relation to that and we can talk more about that later. But what it has done is that since 2008 police need very good reason not to take action when they attend a domestic incident rather than the reverse, whereas it could have been argued previously, before 2008, that there was not sufficient to hold police to account for their actions at a domestic and that a proportion of victims who should have had orders applied for on their behalf by police or offenders who should have been arrested and charged by police were not.

I suppose by holding us more accountable we have sought to eliminate that problem but in doing so we have probably created another problem that we had not anticipated. There is research that has been done overseas, predominantly in the United States, on the effectiveness of pro-arrest policies. A number of jurisdictions in the States have moved away from pro-arrest policies. What we do in trying to make sure that we get it right more often than not is in our standard operating procedures, and indeed in our code of practice we talk about the need for a thorough investigation, a thorough evidence-based investigation, and we have a number of layers of quality assurance, if you like, in our work practices to try and make sure, insofar as it is possible, that we get it right. We do not get it right all the time but we try and get it right as often as possible.

The Hon. CATE FAEHRMANN: In relation to determining the primary aggressor in a domestic violence dispute we have heard a little bit about primary aggressor assessment tools, for example. A witness this morning suggested that there has been some use of those in some United States jurisdictions but was not able to say whether there were any primary aggressor assessment tools being used in New South Wales. Is there any application of such a tool, even in a pilot project way, and if there is not a tool defined as such I am interested to know what types of approaches the police take in that situation to determine the primary aggressor if it is not clear? But if you could start with the tool itself, if that is used—or tools.

Mr MURDOCH: I can certainly answer that and what I might do then is throw to Senior Constable Johnson, who can talk about the realities as a DVLO at Mount Druitt. Just to paint the picture—and I do not mean to steal either Superintendent Cox's or Senior Constable Johnson's thunder—the statistics that are included in my submission that the Deputy Chair alluded to previously, on average the last three to four years we have responded to in excess of 121,000 incidents of domestic violence a year. That works out to be more than 385 a day across New South Wales. In January this year at Mount Druitt they attended 486 domestics.

They are well above the average I just spoke about. These two gentlemen know their business. Primary aggressor tools in New South Wales? No. Have they been considered to date? No. Our Standard Operating Procedures and our Code of Practice talk about the need for a thorough evidence-based investigation. But in terms of dealing with police officers around New South Wales about domestic violence, we have 16,000 sworn officers, about two thirds—12,000—wear uniform. They are our front line cops. Their standards of performance differ. Some are absolute champions; some are just out there doing their best; and some clearly need to improve.

We are not a McDonalds franchise. We operate over 80 local area commands with all their distinct challenges. For us, what works at Bondi has to work at Bourke and vice versa. So we need to develop policies that are consistent around New South Wales, because victims at Bourke should have the same expectations of protection support service as those at Bondi and we try our best to do that. But when you are dealing with the numbers at Mount Druitt, they are very much incident-driven. 486 domestic violence incidents a month is a lot each day and police officers are not looking so much at what is standing in front of them, because they do not have the time to do that. I will throw to Senior Constable Johnson and get his perspective on what it is like at the pointy end of the business.

Mr JOHNSON: When we touch on the primary aggressor, it comes in two definitions: primary aggressor of the incident at hand but also the primary aggressor during the course of the relationship, which can be decades. Firstly, we look at the primary aggressor of the incident at hand. Your question was, how do we investigate and how do we ascertain who we are going to take action against? I am not a fan of the term the "pro-arrest policy". We tend to lean a bit more to a pro-investigation policy and it is exactly that—investigating the incident at hand. So looking into the basics of who contacted the police; who is telling us what; what witnesses are available; the demeanour of the parties; and from those pieces we break it down. Then, from what is in front of us, we will identify the primary aggressor and take the appropriate action for the incident at hand.

Secondly, we look at the primary aggressor over the length of the relationship—over a protracted period of time. In Mount Druitt we touch on that more when we are looking at an incident where we are going to a property and we cannot ascertain who is at fault at the particular time or what has actually occurred. In that case we will drill back and look at the history—how many times we have been contacted and who has been nominated as the person of interest in previous police attendances. That is normally what comes into play when we are looking at leaning towards an apprehended violence order, as opposed to preferring criminal charges.

The Hon. CATE FAEHRMANN: I might ask some questions around apprehended domestic violence orders [ADVOs] because a number of witnesses have highlighted the inconsistency in police responses to breaches of ADVOs, for example, in whether breaches recorded by victims are recorded and responded to, the choice of charges laid and the facts sheets prepared for prosecutors. The committee understands that significant progress has been made and that there are issues in relation to evidence. However, we understand that poor practices still exist. I am interested in the response to these concerns, which I am sure you are aware of.

Mr MURDOCH: We all operate at different levels and my main challenge, as the corporate spokesperson, is to ensure that the consistency of our service delivery improves. We still have a way to go to improve but I would like to think that there would not be too many local area commands around and local area commanders about whose police do not act on breaches, where there is evidence of a breach. A lot of the time the evidence of a breach may be pretty skimpy, in terms of it boils down to one person's word against another. Those matters are investigated to try and find evidence in support of each of those versions. But I accept that not all victims are going to be happy with the response they get from us 100 per cent of the time. But I would also suggest that, in the vast majority of cases, when a breach is reported it is investigated and where there is evidence to support that breach, action is taken.

The Hon. CATE FAEHRMANN: In relation to breaches, you suggested that it is one person's evidence against another. Is there a weight towards the victim's evidence of a breach of ADVO, compared to the perpetrator or do the police give equal weight to the perpetrator saying, "I didn't do it" and the victim saying, "he has breached"?

Mr MURDOCH: Each case needs to be assessed on its merits and I would be disappointed if the police did not do that. One thing I have learnt since I have been in this role is that there is no such thing as the generic domestic. Police attend a lot of domestic incidents but they are all different in their own way in the level of violence, the actual players, the allegations et cetera. Decisions need to be made on their merits and no-one's word is taken as having greater weight than anyone else's. What is important—and Brian has just referred to it—is what the evidence tells us.

The Hon. CATE FAEHRMANN: I assume that is very difficult in, say, a phone call. I am trying to work out how it works. Let us say there is a phone call by a female victim of domestic violence alleging that her de facto partner has breached his ADVO. She phones a local area command and says, "He keeps calling. I know he is just down the street". That evidence is hard to get, is it not?

Mr MURDOCH: Phone records are available so, depending on the allegation, it is difficult if not impossible to prove exactly what was said but we have no problem at all proving that the calls were made. They are all different, but I suppose an "out" for the perpetrator may be to say, "I didn't make the call. My phone was on the desk at work and someone else might have made the call." Who knows? But we can certainly provide evidence that the call was made. In those circumstances I would probably suggest that, if the phone had not been reported stolen or lost prior to the calls being made, the perpetrator would wear the breach in that instance.

The Hon. CATE FAEHRMANN: So, does the force have any recommendations around ways to improve compliance with ADVOs or recommendations around ways to reduce breaches specifically? Have you any views on that?

Mr MURDOCH: If you do not mind I might throw this to my two learned colleagues Mr Cox and Mr Johnson. They might have a view here. I have certainly got a corporate view but I would like to hear it from the police force.

Mr COX: Could I have the question again, please?

The Hon. CATE FAEHRMANN: I am interested to know any recommendations that the force may have around how breaches of ADVOs [apprehended domestic violence orders] could be reduced. In other words, what is your view of how to increase compliance with ADVOs in terms of working with them on the ground?

Mr COX: Out at Mount Druitt Local Area Command we actually run a perpetrators program for Pacific Islanders working with probation and parole. Most of those people in that system are usually on parole and have ADVOs in place. So Mr Johnson and his team of domestic violence liaison officers [DVLOs] actually lecture to this group to give them the ins and outs of the judicial system and what it means to breach an AVO [apprehended violence order]. That is something we are working on in the background that is happening that way and that is certainly becoming effective because we are building those community ties with the Pacific Islander community out there on what the right and wrong expectations are with domestic violence.

I think those types of programs are probably valuable to try to get to the root of the problem being the perpetrator and trying to target that particular group. But doing all that type of work obviously involves resourcing and all those types of commitments as well. So that is certainly one view I would put forward in respect of it.

Mr JOHNSON: I suppose toward reducing breaches—which is what we are looking towards—we do a lot of work with the Polynesian-Pacific Islander community just making them aware of what you can and cannot do when the order is in place. We actually have a lot of genuine breaches but people do not realise what the restrictions are, so it is to try to get that awareness through.

The other one which we are starting to spend a lot more time with is actually at the court process trying to get a little bit of history of what the family dynamic is without going into too much detail. Having an order with no contact is going to be totally unworkable if there are three children to the relationship. It is setting everyone up for failure and you are going to have problems. So we are just trying to make the orders workable at the start so therefore we do not end up having the inevitable breach down the track. We have actually been working quite on hard on that lately.

Mr MURDOCH: Just at the corporate level if I could add a couple of things, and I mentioned them in the submission. Bail compliance is one. I just do not know what the appetite is within government to support additional bail compliance measures, particularly for domestic offenders. There was something in the media over the weekend about it.

Sometimes we go and knock on someone's door at 10 o'clock at night, a domestic violence offender, to make sure that they are complying with the conditions of their ADVO or indeed their bail conditions, that they are at home, they are not abusing alcohol and/or drugs, if they are applying by any no contact provisions that may exist, et cetera. And, as Mr Johnson has just said, if the no contact provisions have been deleted from the order because there is a need for the two parties to cohabitate because of housing, welfare, childcare type issues. It not only provides us with an opportunity to check on whether the offender is complying with the conditions of his order or bail, it also gives us an opportunity to do some victim follow-up. As Mr Johnson said, a lot of the time that we find these breaches occur, and I suppose why police may become a little bit hesitant to prosecute

them as vigorously as they may, is that a lot of them are constructive breaches brought around by the parties just not knowing exactly what the conditions of the orders are.

If we can work more closely with the parties right at the front end so that everyone is acutely aware of what they can and cannot do, what would constitute a breach, the consequences of that breach, the potential ramifications in terms of fresh orders being made with more stringent conditions, refusal of bail, et cetera, that would potentially be more helpful, but again it is pretty resource intensive. We are currently not set up to do that. We have domestic violence operatives, certainly at Mount Druitt they have a couple, as distinct from domestic violence liaison officers who work with high-risk offenders and victims going out and doing that type of work. Perhaps we may need to draft some policies and procedures around that which creates a level of responsibility for them in terms of engagement with our high-risk offenders and victims. There was one other thing I was going to say but I cannot remember what it was now so I will close.

The Hon. NATASHA MACLAREN-JONES: It has been said to the Committee that about one-third of incidents are not reported. Do you think that is accurate?

Mr MURDOCH: From talking to victims' groups, support services and indeed victims I would probably say yes. There is a fair body of research out there that says that before a victim of domestic violence reports for the first time they have on average been a victim on 24 prior occasions. Domestic violence, like sexual assault, is dramatically underreported. I have no doubt about that. Why victims do not report, they do so for a whole range of good and valid reasons to themselves. I have a view on what we could potentially do to improve that but underreporting is a big problem and we really cannot do too much about it unless we know about it.

The Hon. NATASHA MACLAREN-JONES: Can you elaborate on any recommendations that you could make to this Committee that would improve reporting?

Mr MURDOCH: We need to streamline our whole process from the ground up. I am talking about our response, how we apply for orders, how the courts deal with victims and even in terms of penalties. I will try to be really brief, and I know you have got information on this, but part of my submission dealt with police-issued apprehended domestic violence orders.

New South Wales is currently the only jurisdiction in Australia where police officers cannot of themselves initiate an order in a domestic context requiring an offender to comply with certain conditions and appear in court. We still need to apply to a justice who will make that order which then imposes those conditions and creates the requirement for an offender to appear in court. We are advocating that a police officer at the rank of sergeant be given the authority to issue an order upon application by a police officer. We say at the level of sergeant because currently under the Bail Act a sergeant is an authorised officer under the Bail Act and they have the ability under the Bail Act to deny someone their liberty. So if they have that heavy responsibility and they can make an assessment of someone's ability to be at large or someone to have their liberty, they can make an assessment on a domestic violence order.

When you consider that the NSW Police Force annually makes application for around, in round figures, 45,000 apprehended domestic violence orders annually and that 96 per cent of those 45,000 are granted at first application, our failure rate is very low. So the quality of our applications and the evidence base of our applications are extremely high. Eighty per cent of the 45,000 applications we make are outside court hours. So 80 per cent of the applications we make are after 4.00 p.m. and before 9.00 a.m. the next morning. The Attorney General's department will tell you they add no value to the process. So all we are doing by persevering with the current system is adding a level of bureaucracy that does not need to be there.

The current system also creates risks for us because we use an online reporting system which gives us that high level of quality and that high level of accuracy in our applications. It creates a lot of prompts for officers that they need to input certain data and if they do not meet those thresholds the application does not proceed. We do not want to deviate from that, but to do that we have to come back to the police station to make the application. If the perpetrator is left is currently at the address where the domestic incident occurs and if we leave the perpetrator and the victim together and come back to the police station to make the application, by the time we get back to the house to serve the order, the perpetrator, on many occasions, has gone. The order is not enforceable until we can serve it, so we would be advocating for the power to detain the perpetrator for the purpose of making that service. So we would arrest him at the scene, take him back to the police station, make the order, serve it, and off he goes.

Number one, that affords the victim immediate support and protection that the order provides. Number two, it takes the sting out of the incident straightaway because we have the power to take the perpetrator out of the home, ostensibly, so it lets things settle down and gives the victim time to clear her head and decide whether she wants to be there when he gets back, et cetera, et cetera. So there are a couple of benefits there. It would mean that we would currently detain, on average, about 10,000 more people than we are currently per year, but I have a very firm view that we need to start to put some onus back on the perpetrator. Currently the whole system is skewed in favour of the perpetrator, not the victim.

The victim has to do everything. They need to make the complaint, they need to go to court and prosecute the matter, and if they want their order registered in another State—they move interstate to avoid the perpetrator—they need to register the order. If they do not, it is not enforceable. Everything falls to the victim to do. The perpetrator just goes about their merry way. We need to get the balance right. In my view the balance is very much slanted currently in favour as the perpetrator, as I have said. You need to swing those scales of justice and a little bit more in favour of the victim. That is not to say for one minute that the presumption of innocence shifts—not at all. But if we want victims to report, they need to feel supported. They need not to be the ones who have to go to the trouble to do everything.

In terms of the court process, they need to turn up all the way along. They need to continually retell their story. They need to continually confront the perpetrator. There are ways—and we have the means to do it in the twenty-first century—of videorecording evidence in chief. People are then cross-examined by audiovisual link. We should not be forcing people to continually confront the offender in court. We have the means to do them that courtesy. If the application process was streamlined and if there was not a need for them to turn up in court until at least the hearing date, if there were means by which they could give their evidence electronically and they were not confronting the perpetrator, all those obstacles being taken out of the way would increase reporting, I have absolutely no doubt, and would start to shift the balance back a little bit in favour of the victim compared to where it is currently. The perpetrator still gets their day in court. They can still elect to defend the orders or the criminal charges preferred as a consequence. All that stuff stays in place. Even with the police-issued order, we are not denying the perpetrator their day in court. They still get to go to court. The police just issue the order to get them there. That is the only difference.

CHAIR: Thank you, Assistant Commissioner. It is interesting that you raise that point. One of the pieces of evidence that we received this morning was looking at ways that victims can provide the evidence and ways to prevent them from having to keep telling their story. We also had evidence that the domestic violence liaison officers [DVLOs], particularly in regional areas, may not be able to attend some of the courts on listing days. There are not separate listing days for domestic violence.

Mr MURDOCH: That is right.

CHAIR: They could provide some good information. I will ask a couple of questions, first of all around the yellow card program. This may be something that Sergeant Walker can respond to because I believe she has had some experience at Sutherland. Can I confirm that the yellow card is something that is offered by police who attend any incident, and if it is taken up, it can result in a domestic violence [DV] Pro-active Support Service [PASS]? Is that how it works at Sutherland, or are they two separate things? I am just trying to confirm that.

Ms WALKER: I understand that they are separate things, sir. But as I understand it—and I am not a uniform police officer at Sutherland; I am the prosecutor—when the police officers attended their domestic violence incidents, they hand out the yellow card. The yellow card is the card that provides the consent by the victim to be contacted post at the event, and contacted by the Women's Domestic Violence Court Advocacy Service [WDVCAS] team who prepare them for their court appearance. As I understand it, it forms a buffer or, if not a buffer, the in-between from the moment in time that the police come in contact with the victim until the time she comes to court. There has been a recent study done at Sutherland regarding the success of that program. They found it to be very successful in filling the void between first contact with a police officer coming to court. As I understand it, that period of time is when there can be influence by the perpetrator and the questions going around in her head as to whether she is going to continue with the process.

Within 48 hours she is contacted by the Court Advocacy Service [CAS] team. There are introductions made. They are a referral service, not a counselling service, and they can provide instant referrals if need be. They set up their own contact base with her. When she comes to court on the first day, they are the first people

she comes to meet. They have a familiar voice and a familiar face, if they have met her before. That is how the yellow card system forms a relationship with the victim from the beginning. At Sutherland I was asking my team last week. Of the people they contact, almost 100 per cent of those who consent when they contact them come to court. We have them coming to see us, and we have them in phone contact. If they are at work or they have children, they can bring their children to our court complex. We have a very large room—a brand new room that has only just been renovated—and we have the facilities there to look after the kids while they come into court. If that is not possible, they are in phone contact.

There is a group of women with whom I work with at Sutherland in the Court Advocacy Service [CAS] section to fill that void for the victim from the moment she comes in contact with the police. The very busy police officers, who have so many other things to do, have that system at Sutherland and they use it. The three commands that come to my court are Sutherland, Hurstville and Miranda, and they all use it. As I understand it, it has been very successful.

CHAIR: Is the yellow card system operating right throughout every area command?

Mr MURDOCH: I will throw to Senior Constable Johnson, sir, just to talk about how it actually works at the front end or at the coalface, but in terms of answering that question, no it is not. It operates in the majority of commands. The actual yellow card is part of the domestic violence pro-active support service [PASS] initiative, and the card that we use them to get them to the support service is yellow, so that is where we get the yellow card. We got funding to operate it in five local area commands some time ago. It has grown informally into the majority of other local area commands. While the funding exists in five, it has grown informally, as I have said. But while we think it is very, very beneficial, it has delivered some good outcomes for us and for victims, more importantly. We really need to conduct a robust evaluation so that the Government has an evidence base upon which to potentially allocate some more funding. But in terms of how it actually rolls out at the front end, I will throw to Senior Constable Johnson.

Mr JOHNSON: Thank you, sir. At Mount Druitt, we also have the yellow card system. It is slightly varied from the Sutherland system. We work in with five non-government organisations and government-based support teams out our way. The police on the front line go to the domestic and they provide the yellow card. Basically the yellow card is a consent to being informed and that their information may be passed on, and are they willing for contact to be made. We meet daily—when I say "daily", that is within the constraints of a Monday to Friday week—with our partners every morning. Our police who attend the scene basically fill out an internal referral form back to us. Then what we will do with our partners is a breakdown and try to work out where each person would be better off being referred to.

Instead of just having a blanket referral to one organisation, we are trying to narrow it down and target to the appropriate one. For Domestic Violence Court Advocacy Service [DVCAS], for instance, if there is an apprehended violence matter before the court, they will pick up the referral. It may have been that there is fear at home and we feel that immediate action needs to be taken, so we will pass that on to the Staying at Home Leaving Violence team. We refer them to the family referral service if children are involved or the western area adolescent team. So we try to target those referrals to the right people. They make contact and get things moving along prior to the court date and also get us working to try to get the best possible result. It works very well.

CHAIR: It sounds to me like a good system that was a pilot; word has got around and has now spread to other areas commands and if it is about getting the policy from Bourke to Bondi consistent, it is probably a good time for it to be reviewed and consider going out further.

Mr MURDOCH: Very much so. It basically gives us a leg in to referring victims to a support service. We can talk about risk assessment, if you like, but police are a 24/7 service, jacks of all trades in many respects. We are available when a lot of other government agencies are not. But we are not social workers. We are not mental health professionals. We are not medical professionals. We are a law enforcement initial response outfit that gets in there and does their absolute best at the time to protect and support victims, but we need the ability to refer them off to a specialist support service. The yellow card allows us to do that. In that respect it is very beneficial.

CHAIR: I will probably touch on your role at Sutherland, Sergeant Walker, a bit later. We will be going out there next month to have a look as well. Sergeant Guthrie, I was interested in the role training plays and particularly your section. If the general duties officers are the first to make contact, what sort of training

around domestic violence is included at the academy and what ongoing support and training is provided to officers throughout the course?

Ms GUTHRIE: I belong to the field support command, so my specialty is with police who have already left the academy. However I have a rundown of the type of training they get at the Police Academy. There are two sessions. In session one they get approximately four hours of training which covers the basics of power of entry, sort of introducing them to domestic violence, and they also have self-directed learning. They have nearly two hours of face-to-face tutorials. Moving on to session two, they are getting a bit more information. In session two there is approximately 20 hours of training. In this part they talk about powers of entry to investigate and domestic incidents, power of arrest, powers to search for and seize firearms and police responsibility. So they are starting to be introduced to the complexities of domestic violence and starting to learn the domestic violence Act. Stalking and intimidation offences and apprehended violence order procedures are also a big part of academy training.

What is important to mention here is that at the simulated patrol assessment centre, which we nickname SPAC, basically there is a role-play where the students are put through a scenario. This goes for two hours and they are assessed on how they would respond in real life to a domestic violence incident before they go out into the field. They do get quite good training. What is great about that is by running further training in the field we complement what the Police Academy has already trained. So, they get the basics down there and once they are attested and become police officers they get exposed to real-life domestics. That is where our training comes in. The main training we offer is a two-day investigation and domestic and family violence workshop. All up that is 16 hours of training, and that is quite intensive.

CHAIR: You might get to this, but is this something that all officers will go through or is it something they must apply for it or is it depending on rank or only a certain number in an area command? What are the criteria for this training?

Ms GUTHRIE: It is open to all police from probationary constable up to sergeant. It is also open to region domestic violence coordinators, our Aboriginal community liaison officers and for civilians who have an interest in domestic violence as well and domestic violence prevention. It is not a compulsory course but we run it regularly through a customer development program, which is four-day training and that is targeted at our junior police, usually police leaving the academy within 18 months. They get two days of general powers of police, then investigative issues; investigating coroners matters, major motor vehicles, et cetera. The last two days of that is domestic violence training and that is the two-day training I deliver every month. I find that is the best way for the junior ones and there are usually full classes. That is how we get along with our domestic violence training, but again it is not compulsory. It is done on a needs basis when the command sees there is a demand for it.

The Hon. HELEN WESTWOOD: Sergeant Guthrie, if I can continue along the same line of questioning, the training that you deliver, are there non-government organisations involved in that training as well?

Ms GUTHRIE: There can be. I also have facilitators in the field so I am not the only person training throughout the State. When the two-day workshop is run in the field I find a lot of the domestic violence liaison officers will invite along, say, a WDVCS worker or a DVPSS worker to come and talk about their service to police, which helps police sell the DV card. So we work hand in hand but that is up to each individual local area command to decide whether they will bring them along as guest presenters. I find that most of them do. That is the feedback I get.

The Hon. HELEN WESTWOOD: What about the victims? Have you ever had victims come along to talk to police officers as part of the training of police officers about their experience?

Ms GUTHRIE: Yes. Some commands are really lucky that they have victims willing to talk about their experiences. It is very powerful. I know Sutherland is one that runs a two-day workshop quite frequently. It has a victim come along with a DVPSS worker to talk about their experience. On the domestic violence liaison officer course, which I can talk about a little later, I have two victims who come along and talk about what happened to them. It is hard to find a victim who is strong enough to want to do this but we are fortunate enough to have a contact with some.

The Hon. HELEN WESTWOOD: Do the non-government organisations include the court assistance programs out in the field?

Ms GUTHRIE: Yes, they do. We are talking to general duties police, mostly quite junior. Some of them have not had the opportunity to go over to court on a domestic violence list day to see what happens over there. They come and introduce themselves and what is in it for general duties. We are working with these women so hopefully you do not have to keep going back to their jobs. That is how they promote themselves within the command.

The Hon. HELEN WESTWOOD: Senior Constable Johnson and Superintendent Cox, you described earlier a scenario of domestic violence where you arrived on the scene and investigated, and so on. We had some evidence earlier today of similar scenarios. Looking at the whole issue of primary aggressor, I was wondering in your experience in your command whether you have seen an increase in the number of women as the perpetrators?

Mr COX: There has been a slight increase in respect of women perpetrators. From speaking with the domestic violence team, Brian and his colleagues, it is evident when the police go to an incident they are looking at the incident as a whole and making investigations. They would be gathering the most appropriate evidence at the time, whether it is injuries, whether it is bruising or whatever. They look at the version of events and from there make the appropriate assessment in line with appropriate legislation. If that happens to be a female perpetrator, that person ends up being brought back to the station and charged with the offence.

I suggest we have a fairly strong community out there with respect to domestic violence, which is given by our figures, and we do a lot of work externally with our agencies to get the message out there to report these crimes to police. I take on board what Mr Murdoch said in relation to underreporting but I feel we get a higher presentation of victims reporting to police, both male and female. So, in answer to your yes, there has been an increase in female perpetrators and they get treated exactly the same as male perpetrators as we find the evidence to support it.

Mr JOHNSON: Like sir said, we tend now to investigate the matters fully. I think you will find that in times gone past if there was a visible injury, action would be taken. We find now we are drilling down further. Offences like intimidation, use carriage service to harass, contravene AVOs, things like that, which may have slipped through before, we are picking up on them. Like sir said, if it happens to be a female offender, then we will be taking the appropriate action.

Mr MURDOCH: The New South Wales Police Force has only recently entered into a partnership with the University of New South Wales to conduct some research in relation to this primary aggressor phenomenon. It has not been done anywhere in Australia before and even internationally it has only been done very scantily. Really, the research that has been done primarily has been in the UK and it does not really have application in Australia and, more specifically, New South Wales. But Professor Julie Stubbs, whom I know you have heard from in relation to this, is leading that research. It will be interesting to see exactly what comes out of it because it is something that is continually spoken about. It is something that we know very little about. So it will be interesting to see what Professor Stubbs and her team come up with.

CHAIR: What is the time frame for that research?

Mr MURDOCH: It has only just started, and I mean just started. I suppose, like most things, we got waylaid over the Christmas holidays but certainly the relevant agreements were entered into before Christmas. Our role in that research is to provide Professor Stubbs and her team the access to our COPS data. We have provided that and also given a researcher access to our COPS database.

CHAIR: Has a reporting date been set?

Mr MURDOCH: We are hopeful of having something by the end of the year, but I suppose that is a matter we need to talk to Professor Stubbs about.

The Hon. GREG DONNELLY: My question may be linked to some degree to the Assistant Commissioner's last answer. Do you think we—when I say "we" I mean the community, the society—have a good or adequate understanding of the root causes of domestic/family violence?

Mr MURDOCH: That is a really difficult question.

The Hon. GREG DONNELLY: Perhaps I can reframe it. As we have proceeded through this inquiry—I say this as an observation, not a criticism—it has become apparent that we are looking at a range of ways and means of tackling domestic/family violence to, ideally, prevent it/stop it if we can or, in the least satisfactory circumstances, mitigate its effect, but there seems to be precious little discussion about the causes. My question might seem to be naive, but I cannot help but wonder that if in our best assessment we do not understand the causes or likely causes of domestic violence, thereafter what seems to flow in trying to prevent, mitigate et cetera is built on a pretty sandy base. From your point of view, and I am not suggesting that the police need to do the research and all the rest of it, but what is our fundamental almost threshold understanding as a society in 2012 in Australia of the causes of domestic violence? I welcome your comments.

Mr MURDOCH: That is very important. To solve any problem you need to know the causes but, equally, we need to be very much aware and raise the level of consciousness about what domestic violence is, how it manifests itself and what the consequences are for victims. In New South Wales, as I have said, there are 121,000-plus instances reported to us each year. If only one in three of those is reported, that is 360,000 we are talking about. That is 1,000 or something a day, which is absolutely ridiculous. We need to get out there, I agree. What are its causes and there are many, depending on people's particular circumstances. But again, the complexity of the problem is such that domestic violence, as you have no doubt heard, does not discriminate. It cares little for socioeconomic circumstances, race, religion, sex, whatever. It does not discriminate.

I hate saying this but, for want of a better term I will use it: if you treat domestic violence as a business, we are finding quite disturbingly that the fastest growing segment of our business is young people. More and more young people are being put before the court as defendants in domestic violence matters. We are getting unprecedented demand from children's courts to support their operations on their DV list days. Our major children's courts now have specific DV list days. So our young people clearly just do not grasp the consequences of their behaviour and how they engage in relationships. We also know that 99 per cent of referrals police make to our child wellbeing units arise from a domestic incident.

The people that DOCS potentially—now Family and Community Services—are dealing with as children at risk are being notified on the back of a domestic violence incident. Not only are we dealing with the child as a child at risk, but also we are dealing with their parents as DV offenders and victims. Those children will be products of their environment. They will grow up to be DV victims or offenders. That is where we really need to tap into this problem. It is very much at that level. How that happens, goodness only knows but we really need to start to attack, as you rightly say, the cause. We really need to start to attack the cause at its roots, and that is young people.

The Hon. CATE FAEHRMANN: Returning to the training of police officers, you talked about session one being something like two hours and session two is around 20 hours?

Ms GUTHRIE: That is correct. Session one is approximately four hours and session two is approximately 20 hours.

The Hon. CATE FAEHRMANN: Is this in the training of a police cadet? How long is the overall training?

Ms GUTHRIE: It varies, depending on how they go in. So it could be between six and nine months of training. This would be the theory part of it that all recruits would have to go through.

The Hon. CATE FAEHRMANN: How does that compare? Given your opening statement about how much the Police Force has to deal with domestic violence and how it is so much a part of the work you do—perhaps this might be a question for the assistant commissioner—is there enough training if we look just at statistics on how much of a police officer's daily work deals with domestic violence? Do you think that is reflected in how much training officers receive before they graduate, especially given that the good courses, the better ones to which you have referred, are voluntary?

Ms GUTHRIE: Yes they are.

The Hon. CATE FAEHRMANN: What are your views on whether the training is adequate, given the complexities they face when they graduate?

Mr MURDOCH: The students at the Goulburn academy are a captive audience for three months and before they enter Goulburn academy they are doing a lot of distance education. Once they hit Goulburn, in that 12 week period, they need to learn how to drive, shoot a gun, use handcuffs, use a baton, use oleoresin capsicum spray, they need to know how to attend domestics, traffic accidents, and they need to know procedure and the law. There are a thousand things they need to learn in that 12 week period. Finding time to do any more training than what is currently occurring is very difficult. If we want more domestic violence training something else has to drop off or we extend the training to 13 or 14 weeks. Can we do more training: Yes, most certainly. I believe what we do now is sufficient pre out-of-station. If we are going to do more training our focus needs to be post out-of-station. Arguably we do that better than anybody else.

There has been evidence given to this Committee previously about the Victorian model and how Victoria—in some respects—is held up as the jurisdiction that does it better than anybody else. Victorian police do not do any post out-of-station training in domestic violence. Once they are out of college it is a matter of flying by the seat of your pants. We do the training outlined by Sergeant Guthrie. We can do more. As I said to the Chair it is a matter of competing for the available training space. The Police Force is an organisation that works 24/7. Our cops are doing shift work, they are on leave, going to court, and they are doing courses. There are a heap of things that take them out of play from jumping in the little white trucks and responding to calls for service. Training is a big impost for us. That is not to say it is not important, because it is, but it creates difficulties for us. In terms of the cross-agency training, that is probably even more difficult because other agencies, government and non-government, can potentially attend more regularly than we can. We have the biggest workforce in terms of the response to domestic violence, so that creates more problems.

The Hon. CATE FAEHRMANN: In relation to that; what percentage of the force is studying this four-day training where you have two days of domestic violence training?

Ms GUTHRIE: I have some statistics for the four-day constable development program.

The Hon. CATE FAEHRMANN: What is it called?

Ms GUTHRIE: The two day workshop is the "Investigation of domestic and family violence workshop." We attach it on to the constable development program because that is when we target the junior police and we seem to get a lot more participants. The classes are usually full—up to 30 constables. That course has been running for about two to three years and it is run every month.

The Hon. CATE FAEHRMANN: If you want to you can table the statistics.

Ms GUTHRIE: I will.

CHAIR: My first question, Assistant Commissioner; with the domestic violence liaison officer positions what is the current rate of those positions actually being filled across the State? Are they filled in every area command or are there some vacancies in certain areas?

Mr MURDOCH: To be absolutely precise I would have to take that on notice.

CHAIR: Sergeant Walker, Sutherland has been held up as an example of what we should be looking for as best practice in reducing domestic violence incidents. From a prosecutor's point of view can you outline the areas of the Sutherland model that are working well and what could be learnt from other courts and jurisdictions throughout the area command?

Ms WALKER: Sutherland court is serviced by Hurstville, Miranda and Sutherland local area commands. They all use the yellow card system. We have Court Assistance workers at our court complex that are very experienced. The reason I personally believe that Sutherland works so well is the team effort. It starts with the three commanders of Hurstville, Miranda and Sutherland who are committed to domestic violence solutions. The domestic violence liaison officers are experienced. My most senior person has six to seven years experience as a domestic violence liaison officer and I had a domestic violence liaison officer leave recently who had 10 years experience. I have senior officers who are passionate about their roles. The commanders are very passionate. The Court Assistance workers are an experienced senior group of ladies.

I was reminded last week the system has taken a lot of time to get to where it is today. It began in 1997 with the Court Assistance workers. Bev Lazaro commenced the system many years ago and it has developed over time. Another reason for its success is the involvement and willingness of the magistrates at Sutherland to participate in the system. I have been back at Sutherland for six years now and every couple of years the magistrates rotate their positions. Of the three sets of magistrates all have come on board with the system we use at Sutherland. There has not been any resistance by the new magistrates on each occasion. If I have had a rotation of staff in domestic violence liaison officer roles, which is infrequent, they are trained by the senior staff who are there.

I am the prosecutor at Sutherland. I have been back in that role in domestic violence for six years. I endeavour as best I can to do all the hearings but I do run the list every week. There is consistency for victims with police officers, Court Assistance workers, domestic violence liaison officers and me. It is not uncommon for me to run a hearing and have the victim say, "I saw you on the list day. I saw you when I was here last time." The forming of that relationship with me as their prosecutor helps them through the system. We have had recent building renovations and we have a large well equipped room where we can keep our domestic violence victims. Sometimes they do not come into the court room. I will explain to the magistrate the reason—whether it be child care, fear of the offender, or convenience—that the victim will not come into the court room and the magistrates are perfectly happy for that to occur.

The system that we have running at Sutherland has taken time to get where it is. It is a system where we hope we can support victims from beginning to end so their journey through our system is as painless as possible. Then, if there is another reason they have to call the police, they can look at the process as having been one that was not too distressing, too painful or too onerous upon them. They can look back and say, "I was supported and I do feel like that the police and team who brought me through the system helped me along the way. I will make the phone call again." In deciding whether they will make that phone call to the police they can reflect back on their journey with us and hopefully see it as a positive experience. The system is geared towards the defendant. We try to, at our complex, balance it up a little bit. The main driving force is the cooperation between all the agencies and the magistrates that we have.

(Evidence continued in camera)

(Evidence in camera concluded)

(Public hearing resumed)

The Hon. CATE FAEHRMANN: You are probably aware that GPS bracelets were one of the terms of reference for the Committee. What are your views on the use of GPS tracking devices for offenders?

Mr MURDOCH: I think it is not a bad idea. Certainly we do use them and particularly the Department of Corrective Services do use them currently in limited circumstances. But I suppose at the end of the day it is all about money and how it operates. Again using Mount Druitt as an example, you would probably have—goodness knows—10 or 20 people at Mount Druitt alone who would qualify for GPS tracking. But can I just qualify that by saying, and I say it in my submission, that if it is proposed to conduct a trial of GPS tracking the driver has got to be risk, where the risk is to the victim. Whether that be prior to court, whether it be whilst the offender is on remand or after they have been sentenced and, particularly if they are serving a custodial sentence, sentenced and released. But if they are sentenced to a bond or some other condition where they need to wear this bracelet the whole thing needs to be predicated on risk; not something that we cannot deal with outside the sentencing structures. If we are not dealing with risk we are wasting our time. That is where it needs to focus, where the risk is to the victim.

I have also said in my submission we are advocates for it so long as our role in it is being notified of a breach and we will then locate, arrest and prosecute the offender but we will not or we would suggest very strongly that we are not interested in monitoring and we are not interested in anything other than the detection, the arrest and the prosecution. That is our role in it. Without wasting time here, there are things I have said in my submission about obviously what we need to be mindful of if we are going to go down this road in terms of the technology itself and possible pitfalls, but by and large I do not have a problem with it so long as the actual process can be figured out.

Mr COX: I can see the benefit in trialling something like that but the command at Mount Druitt is a high volume work command right across the board with crime categories as well as domestic violence and that

accounts for just over 50 per cent of our workload out there. As a result of that, to meet the criteria for something like this we would have, on speaking with Mr Johnson, about 180 people who would be suitable for something like that and that is problematic in itself. That is the type of volume we are actually talking out there. So then you have got the issue about how you are going to fit something like that within the State, who is going to be disadvantaged by not having it and you have got all those problems that may arise out of those sorts of actions with the GPS bracelet. That is all. I just thought I would raise that. It is a very high volume command.

The Hon. CATE FAEHRMANN: But if that is 180, I could see in some ways that may make your job easier in a sense that you would know if there are breaches, whereas of course you do not know unless the breach is reported. So I suppose it is a two-edged sword in a way, is it not?

Mr COX: Yes, it is a two-edged sword so you would know where they are at but then you have got the question of monitoring those people and how we are going to get notified and how we are going to take action against them and all those sorts of issues would roll out from that as well.

Mr MURDOCH: But can I say that, as far as we are concerned, the New South Wales Police Force's position is that we are in it for the victims. It is not about making life easier or hard for us. It is about making life easier for the victims. So if it is going to do that, we would support it. Can I just say, Chair—and if I am out of order, I apologise for that—but I just wanted to say one thing on privacy before we finish. We really have not touched on that. May I now?

CHAIR: Yes.

Mr MURDOCH: This is probably the single biggest issue that we need to get over—the ability of agencies to share information. You have probably heard submissions on it. I cannot put it to you any higher than this is arguably the single biggest issue we need to get over: the ability to share information and do something with our privacy legislation. While I do not want to see my personal life played out on the front page of the paper or my medical records end up in the wrong hands—my privacy is as important to me as it is to anyone else—however, we need to be able to share relevant information between agencies, which we cannot do now. That is a significant, significant issue.

CHAIR: Thank you for raising that. That was certainly not out of order. It was one of the questions that we had, so we appreciate that. Time has beaten us this afternoon. There will be questions, if you do not mind, that we will place on notice in writing. For questions that you have taken on notice, the Committee has resolved that the return of those answers will be 21 days. The secretariat will liaise with you in response to those.

On behalf of the Committee, I thank you for your attendance today and all the staff you have brought with you, and for your submission. I also thank you for the prompt and good exchange of information, particularly around the standard operating procedures [SOPs] and the code of practice. We understand the sensitivity involved and we appreciate the speed with which your legal team looked over the request and came back to us with that information. On behalf of the Committee, thank you for your cooperation, and thank you for your time this afternoon.

Mr MURDOCH: It is a pleasure, Chair.

(The witnesses withdrew)

(Short adjournment)

PRUE BURGUN, Treasurer, Police Association of New South Wales, and

PATRICK JOHN GOOLEY, Vice-President, Police Association of New South Wales, and

VICKI SOKIAS, Research Officer, Police Association of New South Wales, sworn and examined:

CHAIR: I welcome witnesses from the Police Association of New South Wales, our final witnesses for today. Would you like to give an opening statement? If you choose to do so, please try to keep it to no more than five minutes. There is no need to repeat anything that is already in your submission.

Mr GOOLEY: Thank you, Chair. As I said, my name is Pat Gooley. I am a sergeant of police at Chatswood, which is in the North Shore Local Area Command. I predominantly work in plainclothes in the proactive crime scene. Prue Burgun is a general duties supervisor and sergeant at Newtown, and deals regularly with supervising domestic violence matters, particularly in the custody area and in processing a wide range of domestic violence offenders and imposing bail conditions and the like. Vicki Sokias is employed full time at the Police Association as a researcher. While she is not a police officer, she has a pretty thorough understanding of the way in which we operate and has looked at the rationale behind a lot of the things that we do.

We think the survey we have done of our members is quite extensive. We have had the added benefit where our members can speak both freely and anonymously to their representative organisation, without fear of raising any issues that might cause problems for their chain of command. We think we are in a fairly good position to get across some of the issues that our members have identified, and hopefully see that we can improve the way that we deal with this pervasive problem of domestic violence in New South Wales.

The Hon. HELEN WESTWOOD: One of the areas I am interested in, and I raised this with the assistant commissioner and the representatives of the Police Force earlier today, is the role of the domestic violence liaison officer. A number of witnesses have given evidence to the Committee that they believe the role of the domestic violence liaison officer within commands does not have the status it should have both in its hierarchy in that command and also in the pay and allowances it attracts. For that reason they feel there is often frequency in changeover of people in those roles or perhaps people take those roles because it happens to suit their family circumstances but not necessarily because it is their priority in their career as officers. Is that a view you have heard from your officers, whether it is something that has come up in the research or survey you have done with your members?

Mr GOOLEY: Certainly some commands have difficulty filling the domestic violence liaison officer role; other commands do not. It is a role in the crime management unit and at the moment there is no recognition in financial career advancement or career streaming but it is a specialist role. It forms part of the basis for our initial Industrial Relations Commission claim, that the domestic violence liaison officer be paid a specialist allowance. The reason is twofold: to attract the right candidate for the position and to retain people in that. One of the other issues identified is that there is no career stream predominantly in domestic violence. The investigations are predominantly conducted by general duties police and our domestic violence liaison officers take a more supervisory role and certainly a liaison role with victims, perpetrators and community groups and support at court.

We think that if an allowance was paid to attract the right people to the job, that would certainly help to attract them and retain them. That is not to denigrate the officers who are doing the job. There are certainly many fantastic domestic violence liaison officers who truly believe in what they are doing, and, often to the detriment of their own careers, have stayed in those positions. Certainly it would be a rarity for a domestic violence liaison officer to have access to the leading senior constable role, which is one of training and instruction. While they do perform that, it is considered a front-line role in most commands and that is not available to them. We would certainly like to see an allowance assessed for that role.

The Hon. HELEN WESTWOOD: Have you anything to add to that, Ms Burgun?

Ms BURGUN: From working in commands over the last 14 years, I know it is a difficult role. I have done the domestic violence liaison officer role myself, although briefly, because it is an enormously cumbersome role and it is quite draining, dealing with people who are victims of domestic violence a lot. Consistency within that role means you can have a standard approach as well, and the chopping and changing of which you mentioned does cause inconsistencies, and that has been mentioned elsewhere in other submissions.

Like Mr Gooley said, if there was some sort of remuneration that could attract the right candidates—sometimes people do choose that role for family reasons but people choose it for a range of other reasons. For instance, the domestic violence liaison officer we have at my command at the moment has chosen specifically to go there because she feels a real affinity with an area and really wants to see a progressive change happen. We work in a very diverse area in Newtown. Ours is not your traditional family sort of environment that domestics happen in. She has taken that on at a financial detriment to herself, so some sort of incentive for people to go and remain I think would be great.

The Hon. HELEN WESTWOOD: In your submission you said that police find the administrative and legislative requirements associated with responding to domestic violence onerous. Could you give us an example of that and, secondly, what improvements do you consider should be made to enable police to work more effectively and efficiently?

Ms BURGUN: I will start on the administrative arm of it first. Predominantly around how you make application for an apprehended violence order and also the system in which we put our reports on our computerised operational policing system [COPS]. There is now a generic narrative which has helped to be able to streamline but it is a really cumbersome job. Police want to do it though and do it well to ensure there is appropriate protection for victims but the time it takes to go through, having to put all the information you have obtained through your investigation into the system, then duplicating that into an apprehended domestic violence order application, then waiting for that to be granted is preventing them from getting back out to other domestics or going to licensed premises to try to prevent those domestics from happening in the first place.

Streamlining of that would definitely help and having the generic narrative very much has helped. What we think would help more is something that is raised at length in our submission as well: police issued apprehended violence orders. That has been the position of our organisation for close to a decade now, it is something we have pursued. We believe police issued apprehended violence orders can be similar to bail. Police sergeants do bail. I do bail every single shift I work as a custody manager. I could very easily make a determination about what would be the appropriate conditions on an order. That would enable the victim to be directly protected, orders served. Administratively it would be done quite smoothly and police go out and deal with the other matters they need to deal with as well as proactively trying to prevent domestic violence incidents from happening. Administratively that is the big tie up: How long it takes us to make an application, wait for that application and then run around attempting to serve orders because people have not waited at the scene for us to return with that order after it has been made.

Every single shift as a supervisor I am tasking car crews to serve orders where, if we had been able to do it on the spot, the person would be protected. Ultimately, that is what it boils down to. It is not that it is time wasting or administratively a burden; we have victims who are not protected and that is a concern for us because we joined the police to make a difference. You cannot make a difference if you cannot protect the victims. So administratively that is our key issue in respect to it. Legislatively I could go on all day about the inclusion of boarding houses and shared facilities into how cumbersome that makes dealing with domestic violence incidents. I work at Newtown, obviously; previous to that I worked at Ashfield. There are a lot of boarding houses. We have policed tied up dealing with these matters. That is not to say they are not legitimate investigations, but there are traditional domestics with recidivist offenders that police really should be targeting when this legislation covers people who, in our view anyway, are lesser down the pole of a domestic violence victim and offender.

To remove that shared facilities arrangement on it would free up so much police time to be able to target the key people, the victims and the offenders, and also our DVLOs, particularly in the areas where there are a lot of boarding houses and shared facilities. They are dealing with offenders and victims, particularly on list days for AVOs when they cannot really target those recidivists. So legislatively, a removal of that would be a great help. And the other cumbersome burden is the one I just discussed, which is administratively not being able to serve an order at the time. Legislatively, not having that provision to detain someone so that that order can be served at the time is a hurdle for us as well, but it is onerous for the members.

The Hon. HELEN WESTWOOD: Would you like to add anything?

Mr GOOLEY: In terms of the legislation surrounding how we deal with domestic violence incidents at the time there is also the issue of competing interests of a pro-arrest policy, to coin a phrase that I do not particularly like, versus relatively new legislation that aims to deter arrests in terms of the Law Enforcement (Powers and Responsibilities) Act. The clear intention of the Act is to minimise the arrest of offenders. Any

police officer will tell you that if a traditional domestic has occurred involving an assault, it is appropriate to bail conditions on. Therefore, it satisfies LEPR, but we have these competing interests and the inability to arrest or detain for the purposes of serving an AVO flies in the face of that legislation. What we have seen recently is that when police apply purely for an AVO and do not charge, the command is liable. There is a significant costs implication should that application fail because it is not considered a criminal prosecution by the Attorney General's Department; it is a civil proceedings brought, effectively, by the commander of that local area command and that command becomes liable for costs should it be determined that that prosecution should never have proceeded.

The Hon. HELEN WESTWOOD: You mentioned the pro-arrest policy. That is another area that has been raised with us by a number of witnesses. A number of victims' groups particularly have talked about the role of the pro-arrest policy in an increase in the number of women who have been identified and often arrested as perpetrators. Do any of you have a view on that? Do you have any evidence that supports that or are your members reporting another reason for the increase in the number of women identified as perpetrators?

Ms BURGUN: I think it is twofold. Reporting domestic violence, when I first joined the police, was not a domain for men. Men did not report it. It was not seen to be, I do not know, the manly thing to do whereas now it is not seen to be a male or female issue. It is a family issue. So if a domestic violence incident happens and whatever gender is the perceived victim, they will contact us now. There has been that increase in reporting because people are more aware of the facilities available to them. And there is that lack of stigma, you know, "Toughen up, it's your wife" or your girlfriend. In the area particularly in which I work there are a lot of same-sex couples. Obviously, that will increase the reporting of it, particularly in my area.

There are a lot more female offenders. A classic example: yesterday I was the custody manager and the females we had in custody were all domestic violence matters, and all for a range of different reasons. I spoke to two of the victims and they said it is because we feel we can report it and that is the right thing to do. We need to take action to be able to help ourselves, our family and our partner—who obviously needs help. I think it is not a gender thing anymore whereas it used to be, I think it is now a family issue as opposed to a male or female issue.

Mr GOOLEY: Anecdotally, from what I have seen over my time in the police force, you only need to drive down George Street on a Friday night to see that there is an increase in female offenders demonstrating violent behaviour, be it against property or people. That extends to the home with younger females assaulting their parents. It is not uncommon for a daughter to be arrested for assaulting a parent. That is a general increase that everyone notes, that the gender gap of what was expected for female behaviour and male behaviour is certainly changing.

The Hon. CATE FAEHRMANN: To follow on from that point: We have heard from a number of inquiry witnesses that with the pro-arrest policy that the Hon. Helen Westwood was referring to some witnesses suggested that more often than not the woman may be seen as the initial aggressor but before the courts or after delving into matters a little more she is found to be the victim in that relationship. Is that an element you have not touched on or do you think it is really about the woman becoming more of an aggressor?

Mr GOOLEY: Our members do feel constrained that there is a pro-arrest policy. If there has been violence and there is a case to be made they will arrest. That has long been the policy of the Police Force, be it intentionally or otherwise. It can be taken too far in that literally you have to arrest someone at a domestic where violence has occurred. Competing with that is: what admissible evidence do we have to put before the court? If the only admissible evidence to put before the court is that a female was the aggressor our members feel obliged to arrest in that situation. Should an investigation find later that person has been an ongoing victim of domestic violence then charges should be laid. Often police are dealing with that one incident. It might be the case of taking a statement as to what occurred that evening with a view to prosecuting. It is only when an apprehended violence order follows or further background material comes to hand that it is known there may be numerous incidents in the past that may not have been actioned. If the evidence before the police is admissible, whether a male or female has committed an offence, the police will arrest and put them before the court with a view to imposing bail conditions on them as well.

The Hon. CATE FAEHRMANN: Your submission states that your members are frustrated by leniency in penalties especially in relation to breaches and the refusal of courts to impose available penalties. Would you like to expand on that problem?

Mr GOOLEY: It is not unique to domestic violence matters but traditionally the breaches of domestic violence matters consist of a stand-alone offence and a breach of the apprehended domestic violence order. Our members become frustrated when they see numerous breaches dealt with at once or ongoing breaches dealt with as one at court. Traditionally the Act stated that with a violent breach of an apprehended domestic violence order custody is the first option and you work your way back in terms of sentencing. You can go to any Local Court any day of the week and see the number of breaches of apprehended violence orders that constitute an offence on their own and rarely does anyone receive a custodial penalty for it. It seems to our members that they are dealing with the same victims and same offenders repeatedly and there is no deterrent factor. I have chaired a sentencing committee within the police association and I admit some of our members want to see harsher penalties all the time but many of our members want to see the appropriate penalties imposed that meet the need of deterrence and rehabilitation; deterrence to that person and everybody else in the courtroom waiting to be sentenced as well. Many of our members feel that is not happening, particularly in the Local Court. The common view amongst police is that repeated breaches of apprehended violence orders go unpunished.

The Hon. CATE FAEHRMANN: With the previous witnesses, the Police Force, we heard about the hours of training for police on domestic violence and the voluntary couple of days which sound very good and the mandatory part of the training. What are your views on training for the Police Force while in the force and during training itself: Is it adequate? What are your views as to how many people are doing that voluntary training?

Mr GOOLEY: I will not comment specifically on the voluntary training because it is not something I am familiar with. I work in an area where I would only respond to domestic violence if it was urgent or life-threatening. It is an area where we undergo mandatory training regularly. The mandatory training is predominantly based on process and legislative change. I do not believe the training we receive currently equips us to intervene or break a cycle of domestic violence, it is about our legislative framework and what we need to do and can do on the night. I would like to see more training for police, particularly with our repeat offenders and repeat victims.

I understand the New South Wales Police Force has a real focus on victimology at the moment and I think that is to be applauded. One person at a major metropolitan command, being the domestic violence liaison officer, cannot be responsible for identifying victimology and working with those victims or perpetrators. As we see perpetrators getting younger there is a real opportunity to intervene, in a similar way to how we deal with young offenders for other offences, rather than a strict legislative framework. It is difficult to do with minimal training and it is difficult to do with one domestic violence liaison officer and one youth liaison officer who may become peripherally involved with a young offender. I would like to see our members be able to identify those repeat victims and offenders, intervene and take some action.

Another problem is that domestic violence investigations and intervention predominantly fall on general duties police. Whilst in some commands domestic violence forms a large part of the workload it is by no means all they have to do. As general duties practitioners they have to be across everything including how to deal with fatal motor vehicle collisions, how to reduce road trauma, theft, public order and those sorts of things. It is not enough to train a domestic violence liaison officer or a small group of people, all front-line police need to receive training in how to intervene and break the domestic violence cycle.

Ms BURGUN: I would add, with the voluntary two day training that has been mentioned; I work in general duties and supervise junior and young police who are going to domestic violence incidents involving people who are older than their parents and trying to intervene and give those people some direction as to how to put their lives back on track—which is ironic. When you see the young ones go and do the two-day course and come back and see them use those skills with an intervention in domestic violence it is a whole new ball game. They have picked up so many different skills in respect to identification of some of those issues that Mr Gooley just mentioned. Their awareness of the cycle of violence and how the police impact in the criminal justice system with respect to domestic violence has increased. This has not been surveyed with our members; it is my experience from policing. It makes them better at dealing with domestic violence matters, better able to respond to the needs of the victim and at times consider the needs of the offender. Quite often they are in an at-risk situation as well and I find they are in a better position to respond after they have gone to that two-day course.

The Hon. CATE FAEHRMANN: How are they encouraged to do that two-day course? Is it because they are in line to be, and want to be, a domestic violence liaison officer? You were suggesting that not as many of those on general duties do the course, but that those in your local area command do.

Ms BURGUN: Those who normally do the course are general duties people. I think what Mr Gooley was referencing was that it is general duties people who do the domestics. We are the ones going in and out, but we have the least exposure to forced or mandatory training. The classic example of who gets put on these courses is of people who are not up to scratch on domestic violence matters, in order to bring them up to scratch, because there is a corporate expectation and an expectation of our members that their peers will be able to appropriately deal with these matters, so that we are not cleaning up the mess afterwards. So, classically, it goes to those who are perhaps under-skilled, under-trained or under-exposed to domestic violence matters.

The Hon. NATASHA MACLAREN-JONES: Following on from your comments about early intervention, in recommendation 8 you use the example of the advice model. Could you explain what that is?

Mr GOOLEY: It is an acronym, and I cannot for the life of me recall what it stands for.

The Hon. CATE FAEHRMANN: I have it here. It is the Area Domestic Violence Integrated Case Management and Education Model.

Ms SOKIAS: Perhaps I could answer that, because I have been collating responses from members. One member talks about the advice model, and I will quote what the member said, so that I do not leave anything out, because it is quite important. As you have just heard, the advice model is the Area Domestic Violence Integrated Case Management and Education Model. That is a model that is being piloted in Tuggerah Lakes. It is one of only six local area commands that are currently piloting the advice model, which is managed by the NSW Police Force and funded by the Department of Family and Community Services.

Central Coast advice—comprising Brisbane Waters and Tuggerah Lakes local area commands—provides information, support and case management strategies in partnership with a range of services to people on the Central Coast who have been affected by violence in their relationships. There are two teams of workers, one in Gosford and one in Wyong. They provide confidential and integrated services for victims of domestic and family violence. There are a couple of paragraphs about what it is all about, but it caters for domestic violence and how that affects police in the Tuggerah Lakes Local Area Command.

The Hon. NATASHA MACLAREN-JONES: What are the barriers to that model, or similar ones, being implemented in all areas across the State? Are there any barriers to its implementation across the State?

Mr GOOLEY: I understand it is a pilot program that is funded for the pilot, so funding obviously would be an issue. Given the way that Family and Community Services runs now, there is certainly a hook-up between government and non-government agencies, and that exists in most Local Courts on court days, but not really beyond that. So it would really be a matter, I would assume, of getting those government and non-government agencies to work in a particular area together, if only for a trial in each area, to see how it runs. It goes back to what we were saying earlier about intervention: the NSW Police Force cannot be the sole agency responsible for intervening in domestic violence matters, otherwise we will be back here again in ten years, arguing or saying the same things about that holistic approach, particularly with regard to victims.

We would also suggest that intervention and a holistic approach for victims, offenders and those on the periphery is a good thing. The drug courts are a prime example. I am not going to talk about the effectiveness or otherwise of the drug courts, but the ability for a specialist bench, specialist prosecutors and a specialist agency to all work together to manage victims and offenders towards an outcome is what police want to see. We want to see a reduction in domestic violence. We do not want to be going to these houses and dealing with victims of domestic violence, and their children in particular. It breaks every copper's heart every time they do that. If we had an integrated approach—be it all the way up to the judiciary, or purely at a case management level for victims—that would be a great thing.

CHAIR: If I could return to the training issue briefly. You said the two-day course was very valuable and that you have seen a marked improvement in those who have done the course. Is that not part of any specific training to progress through the ranks to the level of supervisor that someone actually supervising general duties may have done?

Ms BURGUN: There is no requirement to complete that course or any other course in domestic violence to achieve progression.

CHAIR: Some of the evidence the Committee has heard today, including from the Police Force, is that leadership and supervision are key when it comes to the culture of addressing domestic violence. In that scenario, is it possible for someone who has never done this two-day course to end up being a supervising sergeant, supervising a team of general duties police in a local area command with a high rate of domestic violence?

Ms BURGUN: That is absolutely true. My job is to supervise general duties police. I have had a large exposure to domestic violence matters in my career, as I indicated earlier, but plenty of my peers have not had those opportunities.

CHAIR: So, if they move, for example, from an area command that does not have a high rate of domestic violence, and they did not get that experience as a general duties police officer, they could be in a position where they are supervising a team although not up to speed with the latest training?

Ms BURGUN: That is right. There are also people who take promotional opportunities from outside general duties, or lack base policing, where, sadly, this is our bread and butter. They come from specialist commands which perhaps have not been exposed to domestic violence matters for a number of years, and they too have to get back up to speed with what happens with domestic violence matters.

CHAIR: Would it not therefore be a good recommendation that anyone who is supervising these teams will have completed at least the comprehensive two-day course?

Ms BURGUN: I do not know that for a supervisor that two-day course would be exactly what you want, because it is more for the practitioner. Perhaps there would be a better course. Maybe a meld of that course and one with some supervisory aspects, including appropriate bail that would be applied in those matters, would be better for that next level up. The two-day course is more a grass roots course, from my understanding. But something that would merge the concepts that would come out of that would be beneficial.

CHAIR: And there is no course like that at the moment?

Ms BURGUN: Not to my knowledge, no.

CHAIR: Part of the evidence that we received—and I would be interested in the Association's comments on this matter—is that there is a level of inconsistency of implementation, not only of the operating procedures but for example the yellow card program, right through to the evidence that is gathered on site and then presented for prosecution. I would like some general comment from the Association about the consistency of the implementation of current procedures when it comes to domestic violence.

Mr GOOLEY: In all investigations, as with all business that local area commands do, there is inconsistency. We are not McDonald's, where everything is the same in every restaurant. Commands are designed, and even assessed by the hierarchy, and tailored to particular needs. I use my command as an example. We are in an affluent area, with a low rate of domestic violence. However, when we are judged on our figures, and when my commander is speaking to his bosses, reporting of domestic violence is actually seen as a proactive measure.

CHAIR: Can I clarify that? Are reports of responses a proactive measure?

Mr GOOLEY: Reports of domestic violence incidents within a command. While we are trying to reduce the number of break and enters in our command, we are actually encouraged to increase the amount of reporting of domestic violence in the command. If our business plan target is 40 domestics a week, and we take only 35 reports, that actually shows up as a red flag that we are not targeting domestic violence enough.

CHAIR: Does that then dovetail into the pro-arrest perception that there is with domestic violence as well? Is there a key performance indicator for that as well?

Mr GOOLEY: No. All legal action rates in each category are measured. Whether or not they are flagged as good, bad or indifferent it depends, but certainly with drug detection legal action rates are measured and that sort of thing. I think what it shows is that the commands are actively trying to encourage people who are victims of domestic violence to report them. What you end up with then is probably, I would suggest,

particularly in my area, a higher rate of domestics reported as verbal arguments only when no offence is actually detected but there was a domestic disturbance that was recorded. We certainly go about encouraging people to report it if your neighbours are having a blue—get in touch with the police and stop it before it gets out of hand, whereas certainly in other commands people will not ring the police unless someone is getting punched and they can see it.

CHAIR: Once it is reported though the police then have to take some action?

Mr GOOLEY: Certainly if an offence is detected that pro-arrest policy kicks in. The inconsistency also comes about with the way matters are dealt with outside of the command. In our catchment we do not have legal aid; it is all private solicitors, so in the majority of domestic violence matters where people are charged within my command a brief of evidence is called for. Every time someone is charged, the full statements, everything is done and dusted on the night. We have got that luxury—I work at a quieter command than a lot of others. So there is an inconsistency with the way matters are dealt with particular to your area. I do not think is necessarily a bad thing that it is not always consistent across-the-board; it is really the totality of your population and how your matters are dealt with.

CHAIR: In your submission was also an attachment, the pre-election submission, that spoke about police-issued apprehended domestic violence orders and there was some concern around those from the Attorney General's Department. Do you want to comment on the differences of opinion between the Attorney General's Department and the Police Association in this area?

Ms BURGUN: The issue was not so much in the police apprehended domestic violence orders; it was more in the detention for the service of them. I sat on the working party that some of your previous witnesses in the previous session also sat on and we were working together towards a way where we could have police-issued apprehended violence orders. At the latter part of that stage where we had all come to agreement it was more administrative process flows that took some time to get our heads around. Attorney General's came in and there were significant concerns from them about the detention of people for the purpose of serving an apprehended violence order. The analogy that we placed on it through that committee, be it good, bad or indifferent, was that of a breath test: Someone gets a positive test roadside, they then come back and get a test; if you go under you are released, if not you face a court or whatever action is taken against you.

It was going to be 10,000 people a year who would be arrested for the purpose of the service of that order and that is where the difference of opinion came between, in my opinion anyway, us and the Attorney General's Department—their concern about additional detention when their belief was that the current legislation already enables us to detain people; it allows us to detain someone who says they are not going to stay there. If someone says, "No, Sergeant Burgun, I am going to stay here. I will be here when you come back", and I go back and they are not there, that is it, I am running around for a month of Sundays trying to find them. So that is where our difference of opinion is—not so much the contextual issue about whether police were going to issue them or not but the underpinning issue of how we were going to arrange service.

There were some issues about initially the Police Association's opinion that police-issued orders should be straight-up, final: you only go to court if it is going to be contested. If both the victim or the person in need of protection [PINOP] and the offender agree to those conditions then that is it, no-one goes to court. Our difference of opinion to that of the New South Wales Police Force and the Attorney General's was that it should be an interim order, and through the working party that was the final position we came to, although the final position of our organisation is that it should be a final order to prevent those issues of victims having to go to court. Sadly, this State has had one homicide as a result of someone being followed home from domestic violence court, and that is one too many.

The Hon. HELEN WESTWOOD: I want to continue on with that line of questioning. The committee that you referred to as developing that position, was that committee made up of all members of the New South Wales Police Force or were there non-government organisations and victims advocacy groups?

Ms BURGUN: This committee was solely just New South Wales Police Force representatives and myself through my serving capacity. However, our organisation has previously engaged victims groups and a whole range of other groups in the creation of our policy document which formed part of our pre-election submission. In 2004 when we commenced this process we surveyed and sat down and had one-on-one consultations with a whole range of different non-government organisations, including Enough is Enough and a range of the victims groups—the Rape Crisis Centre—and they were very much supportive of removing victims

from the court room and removing them from facing their attacker, the phrase that we often hear used, and that was where we formed the basis of that. The committee that I spoke of earlier was only Police Force representatives and later Attorney General's.

The Hon. HELEN WESTWOOD: The survey of your members that you talked about and is referred to in your submission, could you give us some details of the method of that survey? I would be interested to know if it was an issue that most of your members raised. Was domestic violence raised as an area of concern in their day-to-day work as police officers or was it more about the law around it?

Ms BURGUN: I can give you some brief information in respect of the apprehended domestic violence order issue. We surveyed our members prior to the election last year in respect to what were the key issues that they wanted us to push forward on. The issue of police apprehended domestic violence orders and issues broadly surrounding domestic violence were very much key issues for them; they were within the top 10 issues in respect to a whole range of different issues. In respect to the survey and the methodology, I think Pat or Vicki will mention that, but every survey that we do prior to an election or prior to some sort of submission to government is a multifaceted document. Domestic violence always rates highly because it is such a time-consuming aspect of the volume of work, the bulk of the general duties they have to deal with.

Mr GOOLEY: I probably misspoke. It was not actually a survey. Because of the importance of the issue to police, and because our members consistently raise the issue, when this Committee called for submissions it was put out to our members and we certainly received a number of responses predominantly from local area command police and police prosecutors.

The Hon. HELEN WESTWOOD: What about the experience of police around court appearances? Have they raised any issues either from their observation in terms of the victims' experience or their own experience as police officers appearing in the courts on domestic violence matters and breaches?

Ms BURGUN: One of the major problems surrounding this is the attendance of victims at court and particularly relationships that reconcile before the court matters. I suppose it is the frustration of the investigating officers to have gone to that amount of work to be able to put a prosecution up and a sound prosecution to either not have the victim show up after they have been subpoenaed or have them show up and not say they have reconciled—which would be fine, in a perfect world you would hope that family units could stay together—but to tell a contrary version to what the police have investigated. That is very frustrating for our members.

To the other people in court, as Mr Gooley said in respect to sentencing, you could have other domestic violence matters about to go for a hearing or for mention as well and they would hear that this person has got up and said something contrary to the police. So that does not necessarily build our aspect of getting people to come up and tell the right story and feel brave about coming to court. It is a very frustrating aspect, particularly non-appearance of victims to be able to support our prosecution.

Mr GOOLEY: I think the NSW Police Force expended a very large amount of money on what they refer to as domestic violence evidence kits, which are basically all your paperwork, a digital video camera and a digital stills camera, in the hope I think of trying to cure this issue of victims recanting or not attending court. I do not think it has done anything to change that. I think there are some legal hurdles with jamming a video camera in a victim's face at the scene of a domestic and hoping that statement will bind them at court later. But it certainly indicated that the NSW Police Force sees it as a significant problem that they were willing to expend those funds on every command getting five or six digital video cameras and digital stills cameras purely for use in domestic violence incidents, but unfortunately the problem persists. As Ms Burgun said, if a family reconciles then the victim does not feel obliged to attend court. The truth of the matter will still come out I think. If that person gave evidence it is still open to the bench to deal with the matter how they see fit with a reconciled relationship.

The Hon. HELEN WESTWOOD: Do you see that phenomenon across the board, or is it something that perhaps is more likely to happen in some circumstances, say if there is less support or more support for a victim through that process or depending on the geographical area? Do you have any observations about the phenomenon?

Ms BURGUN: I can only make observations; I have got no direct evidence. But definitely there are geographical issues and cultural issues. Victims that I have dealt with who have limited family or networks

within the area in which the incidents happen quite often will not want to assist the police subsequently because the offender is their only network, I suppose, and they do not want to break that network. So you will find that happens.

Geographically as well there will be issues for similar reasons, but also support services necessarily are not available. In Sydney we can remove a mother and three kids or a father and three kids from a home and put them in a house where they are going to be protected away from the offender. That is not going to happen if you work in Walgett or Bourke or Dareton. So victims perhaps feeling like they are compelled to reconcile the relationship to be able to resolve the situation very much would be an issue and it has been something that I have experienced. Sometimes the person just makes a decision they want the matter to be gone with and so if they do not give evidence that will make it go away as well. But definitely there are geographical and cultural and family network issues that quite often surround those reasons why victims do not want to assist.

The Hon. CATE FAEHRMANN: I am interested in your views on a standard risk assessment tool. I think the audit office has recommended that, as have a number of inquiry participants, in terms of assessing risk for domestic violence situations. What are your views on that?

Ms BURGUN: Risk assessments are great as long as they give you options at the end. The problem with risk assessments that we have if they are not designed properly is they lead you down a road that is too prescriptive. We were talking about the pro-arrest policy this afternoon and if I tick all the boxes that lead me and that is my only outcome as a result of my risk assessment that might be an issue. But if I get a range of options that I can consider at the end that would be something that would be useful. But if a risk assessment makes it prescriptive and says if X does this and Y does this you must do this, I think that is not going to work in an operational, real-time, dynamic domestic violence incident where you dealing with a whole range of things that quite often cannot be overlaid into a risk assessment. Considerations such as geographical issues particularly for our country members is something that will not often quite fit into that risk assessment matrix, I suppose, for want of a better phrase.

The Hon. CATE FAEHRMANN: What about primary aggressor assessment tools as well? We have talked about the pro-arrest policy before and some of our participants have suggested that because of the pro-arrest policy some women who are victims are actually arrested. What are your views on whether a primary aggressor assessment tool would work? I understand it has been used in some United States jurisdictions.

Ms BURGUN: I am hesitant to do much that they do in America, but again if it is something that leads you to possible solutions—but I have been to a range of domestic violence incidents where someone is so aggressive when you get there, can be aggressive through a whole range of incidents that you are dealing with initially and then once they have calmed down and the blood starts flowing at a normal rate you realise exactly what has happened. So you cannot start using a checklist in your head too much at domestics. Aside from the fact that you are dealing with a volatile situation, you have also got your own officer safety to consider and the needs of your colleagues, children who are there, witnesses whether it is in public or private. There are so many things going on that I do not know necessarily that that checklist would resonate with the members. But if it made it easier, if it was something that gave you options at the end and said that these are classic behaviour patterns—but that might be someone's personality too, you just do not know. It would depend on how it is done but anything that is going to make it easier for the members would be something we would recommend.

The Hon. CATE FAEHRMANN: Going back to the courts and the court process, again inquiry participants have raised this and suggested there are some problems with some of the magistrates in relation to how they deal with domestic violence cases. Some have suggested extra training and comprehensive practice notes, for example. What is the association's view on that?

Mr GOOLEY: Certainly we have been very vocal about inconsistencies across all courts for a whole range of matters and it is fair to say there is inconsistency with how domestic violence matters are dealt with. Certainly in those courts where you see very long domestic violence lists it is difficult for a magistrate to empathise with victims, offenders or anyone involved in the matter because they have got to get through that workload for the day.

We would certainly advocate more training for magistrates. I think we need to be careful that if a magistrate is purely going to be an arbiter of the law though that we maintain that. However, if it was something like the drug court program that we spoke about earlier where they actually become involved in the outcomes, the solutions and the case management, I think that would be a good thing. But while ever a magistrate is sitting

there purely dealing with the law I think it can be dangerous for them to, whilst they are untrained, start delving too far into those long-term issues and long-term matters. We would certainly advocate perhaps a trial of a domestic violence court where those agencies came together where the informality that we see in the drug court allows people to speak more freely and for less of the legal tension and more of the solution, outcomes-based process to take place.

The Hon. CATE FAEHRMANN: Do you know where that happens at the moment other than the Drug Court? Is that happening anywhere in New South Wales in relation to domestic violence or in any other jurisdictions?

Mr GOOLEY: Certainly the children's court has a degree of that. I know that children's court matters are often dealt with more slowly than your average local court matter so the magistrate can take the time to look into what is happening. I am aware of some other sentencing options that have been trialled in various areas but I am not sure whether they relate to domestic violence matters exclusively.

CHAIR: Is this the same concept as the domestic violence intervention court model [DVICM] that was trialled at Campbelltown?

Mr GOOLEY: It is similar but if it was a regionally based matter where all domestic violence matters were dealt with in that jurisdiction with a genuine commitment to resources outside of the courtroom—we are already starting to see some of these other sentencing options come about. If they could be tailored specifically to domestic violence particularly with probably the group requiring the most intervention now who is the young male, the juvenile male domestic violence offender. The alcoholic 17-year-old who is taking photos of his girlfriend and putting them on Facebook and threatening people over the Internet that they will put photos on Facebook. Domestic violence is changing and the law and the judiciary are not able to keep up with it in its current format.

That is no criticism of it. It is just when a person can pull out a mobile phone and immediately message someone over there and threaten that person or harass them, they know they are doing the wrong thing because they are doing it to injure the person but they do not realise the criminality of what they doing. We are trying to deal with these people in a very strict legislative framework. I think that it is time to start shifting towards that intervention and outcome model rather than just prescriptive legal matters.

The Hon. CATE FAEHRMANN: Could you expand on domestic violence changing in relation to young people? A fair few participants have suggested that it is changing because of young offenders but we have not heard examples of what is really going on and what that means. It could be an interesting area of inquiry for the Committee.

Mr GOOLEY: It takes on a multiagency approach most of the time anyway because what we are finding is that schools are reporting a lot of these incidents because they are mandatory reporters. But it is not unusual for an offender that is not known for anything else to start harassing or intimidating a girlfriend, boyfriend, whatever. The way they do it these days is not poking a finger in the chest and saying, "I'm going to kill you", it is, "I'm going to publish that nude photo of you on Facebook", and that sort of thing. Certainly, we have seen young people being charged with publishing child pornography for something that they do not even realise is illegal. They know it is wrong, as I said, because they intend to injure the person, but they are committing heinous offences without even knowing that they are crimes.

That is where the technology, the younger offenders and the ability to harass people remotely now quite easily is starting to take over. By strict definition, they are domestic violence offences and the perpetrators often do not even know they are committing an offence. The other thing is alcohol and young people. What used to be seen as a middle-aged man getting drunk and bashing his wife was traditionally domestic violence—that was your traditional domestic—it is certainly common now for young people to get drunk and assault their partners, and to do it in public or private circumstances. The changing face of domestic violence needs, as I said, an intervention and outcome approach, which would certainly benefit particularly those younger offenders.

The Hon. CATE FAEHRMANN: Is that reflected in your training, keeping up with that as well—the difference in responding to somebody really intimidating their partner by constant text messages, for example? Is that reflective of what is being taught right now?

Ms BURGUN: For us?

The Hon. CATE FAEHRMANN: Yes.

Ms BURGUN: It is more experience-driven. As well as juvenile offenders, it is on siblings as well that has increased. As Pat said, there are juveniles getting intoxicated and assaulting their siblings or assaulting their parent. It is not something we get training on, but it is something that locally you will start to get an awareness of. Our domestic violence liaison officers are obviously trying to collate the number of domestics and any trends, and we will send that out. If there is something specifically in relation to the child pornography—the juveniles not necessarily being aware that sending a photo of someone is child pornography—that is something that quite often is put in a magazine if it is an occurring trend. It is not so much training per se.

But just to touch on what you said before about emerging trends, the other issue is that a lot of single parent families, which is what I found in my policing experience, and it is when you get the teenagers who are 16 or 17 years old and who come home intoxicated. Quite often it is a single mother and she cannot handle the very large 16 or 17-year-old son, and they will ring the police. So there is a significant increase in juvenile domestic violence matters and quite often on younger siblings and sole parents. It is quite often fathers as well. It is just these enormous 16 and 17-year-old kids that they just cannot manage anymore, and the younger siblings are terrified of them.

CHAIR: If we can follow on from that early intervention and prevention, what do you see as the role of your members in those areas? If you want to we can look at that in the context of the changing face and the examples you have used. What is the role of your members, you believe, in early intervention and prevention of domestic violence?

Mr GOOLEY: Obviously our first response to anything is that we have to make everyone at the scene safe at the time. A lot of that relies on people actually being there. If the offender has fled or the victim has fled, it makes it very difficult. The main thing is that, obviously, for us to be able to refer to any other agency, we need to be able to identify who is involved and what their status is. I think the other thing is to identify where there might be no offence. Certainly, we have recorded domestic violence incidences, or every incident that is reported as a domestic. We record that as no offence, verbal argument, or under the actual offence category what it is.

But to be able to identify when they are verbal arguments, or when we believe that there may have been more, and we have a reluctant victim, it might not necessarily be the domestic violence liaison officer. It might be an external agency that will go and start talking to these people about what is going wrong and why they are consistently arguing. I will be the first to admit that every couple fights, but if we are going to get called down there every second night to a particular place because of an argument, eventually it will become so volatile it will result in violence. Most police also see children raised in those situations as being at risk.

CHAIR: What is the view of your members of the yellow card system when, if permission is granted, being able to help by referring to other agencies and services?

Mr GOOLEY: I will let Prue comment on that because she deals with it.

CHAIR: What we are hearing is that it is very good when it is actually implemented but, again, we need to hear what it is actually like and what is the perception and the view of the members out there.

Ms BURGUN: In reality, the perception of the members day to day on the ground is that they do not see the end result of it. The domestic violence liaison officers [DVLOs] do, perhaps the crime managers do and commanders do, but front-line operational police, "Do the yellow card." You know, it is a bit of a joke, actually. "You do the yellow card, and you put the yellow card in the yellow-card box. Check that box off yourself, but we don't necessarily see that that—we know those services are provided, but we don't see it at the front end of it." The intervention, too, is you have domestic violence offices dealing with 40 or 50 apprehended violence orders [AVOs] on their list day. If you could just target 10 per cent of those and not have them reoffend, you are going to how all that time freed up of domestic violence liaison officers to do the proactive strategies to try to intervene.

Your classic domestic days are Mother's Day and Father's Day every single year when changeover of children happens. If that happened every single Mother's Day and Father's Day, and you knew and you had that trend data that you could proactively do something—be it that they hand over the kids at the police station,

which as Pat said earlier, breaks your heart every time you go to a domestic—working in a police station where you see a child handed over in the foyer of a police station as well is not the best thing, but it is better than seeing mum and dad flog each other.

CHAIR: A lot of the evidence we have received around the yellow card has come from the non-government organisations and the domestic violence liaison officers who see the end result.

Ms BURGUN: That is right.

CHAIR: Can I assume that the best thing that could happen for the yellow card would be for the people who actually are handing them out to see some positive end results from what is happening?

Ms BURGUN: Yes, absolutely, because you know that the services being provided, but you just do not see, necessarily, it in practice. If we never see a domestic violence victim again, it could have worked. It may have worked for a different reason, but we do not know that that is intervening. So perhaps if a program is implemented or a system is implemented and it actually does positively impact, they should get some sort of feedback about that. It really is just, "That's something we have to do for domestics." At the front end you do not see the good work that we know is being done, but you do not see it.

Mr GOOLEY: I think also, from an intervention perspective, police are helpless. If you have arrested the offender, put bail conditions on them not to return to the house, but the victim is not willing to go home and is sitting in the police station with three kids, police feel helpless then. That then becomes beyond our control, and who do you ring at three in the morning? You can ring your local refuges and try to get them in, but then it is a matter of, "Well, we don't have a child seat in the car. Can someone come and get them?" It would appear that in 90 per cent of any policing cases, the New South Wales Police Force, for all intents and purposes, is the only 24-hour agency. We need to be able to, if we are going to genuinely intervene and save people's lives for the better, we need to be able to ring someone. You can only call on those non-government organisations so many times. You can only get the Salvos out of bed so many times, or all those groups that help us regularly out of the goodness of their heart. Eventually, you feel guilty ringing them.

We need to see that integrated approach, it does not matter what time of the day or night or what part of the State you are in. Once the police have done the intervention work, we can start working towards an outcome at two in the morning, not, "You'll have to sit here until seven," and that sort of thing. It flows into when people go to court. Someone who has recently moved away from their partner, who is trying to adjust to living with kids and trying to get them to school, and is still working and that sort of thing, it is very difficult for that person to say to their boss, "Well, I can't come to work today because I've got to go to court because the police have subpoenaed me", when all they want to do is just get on with their lives and that sort of thing. That support in the first instance can really make a difference too; you know, that two o'clock in the morning might make or break how they are six months down the track. If we can work with those other agencies regularly and have those systems in place, I think it will be a real boon.

CHAIR: On that, the sharing of information between agencies: Again from the association's or members' perspective—issues, problems, recommendations?

Mr GOOLEY: We gather information and share information regularly, and it is a very difficult thing for police. Every person we talk to, or our members speak to, to try to get information about anything, I do not know why but people put up the red flag of privacy and they are reluctant to share information. Certainly with the way we analyse risks of serious harm or imminent risk of serious harm at the moment, it is a risk assessment we do. We certainly get feedback very quickly if there is a risk of harm. We get feedback straightaway addressed to you in mail and via email, "This is what we are going to do. This is the case officer", and that sort of thing. If there is no risk of harm and it is merely a report, then it might take a bit longer. But certainly our prosecutors have identified that the sharing of information between the Family Court of Australia and the Federal Court and the Local Court is abysmal.

I have been a former prosecutor myself. I have sat there and had to rely on the word of a defendant as to what Family Court orders are in place, or are not in place, or are going to be in place. I notice that our computers do not talk to the court system computers very well either, but the ability to know what is in place, when the next hearing date is, and previous decisions of the Family Court in regards to that matter may very well influence how a matter is dealt with in the Local Court. That would be one area where we would like to see information shared immediately.

Ms BURGUN: The other one too is with JusticeLink. Pat has touched on the problems with having updated court dates. It is even updated bail conditions. If the bail has been varied from the apprehended violence order, for police to be able to enforce them if police detect that an offence has been committed for breach of that bail, they need to know is it a breach of the bail or is it a breach of the apprehended violence order. The difficulty we have is getting orders from the courts to ensure a timely service. As I said earlier, victims are not protected until apprehended violence orders have been served. If we are not getting those orders in a timely manner to enable service, then we have victims all across the State who are unprotected because we cannot go out and serve these orders.

CHAIR: Can I just clarify that point? You are saying that a perpetrator who is the subject of an apprehended domestic violence order [ADVO] may have had the conditions of that change. You come into contact with them and you check on your system, and those changes have not been transferred into your system and therefore you would then charge that person potentially for a breach?

Ms BURGUN: Breach of bail, definitely that happens because JusticeLink does not talk to our computerised police system properly. An apprehended violence order is less of a problem with that, but quite often people who are charged with a domestic violence matter will have an apprehended violence order and will have parallel bail conditions. Because sometimes, and that is the fault of our members, they are on different list days, they are dealing with the matters in isolation—changed the bail, but do not change the apprehended violence order—and we can potentially commence proceedings.

The Hon. CATE FAEHRMANN: Just following up around the conversation with the Attorney General's Department about the police-issued apprehended violence orders, is that going anywhere, or has just been knocked on the head?

Ms BURGUN: I could not value the date of the last committee meeting off the top of my head, but we were meeting quite regularly. It would have been approximately 15 months ago, perhaps, which would have been the last lot of meetings. To my knowledge that has not reconvened. Assistant Commissioner Murdoch, who was a previous witness, was the Chair of that and was pursuing those avenues independently of the committee. There is no point getting a dozen or half a dozen people sitting around a table when that is the one stumbling block. The progress on that, I am unaware of, or whether that has been progressed at all, but they were quite adamant on that being an issue for them.

The Hon. CATE FAEHRMANN: Were there any documents that may detail the Attorney General's and Justice Department's opposition or reasoning behind their opposition to the police-issued apprehended domestic violence orders [ADVOs]?

Ms BURGUN: I am sure that the New South Wales Police Force would have been provided with something. There was verbal information given which was subject to minutes of that committee meeting, but they would have had to formalise that position in writing, as all government departments do when we have a policy position. I am sure there would be documents somewhere.

The Hon. CATE FAEHRMANN: Right, thank you.

CHAIR: On behalf of the Committee, I thank you for your time, your submission, and your evidence today. There are some follow-up questions that we will put to you on notice in writing, and the secretariat will liaise with you in response to those. You have not taken any questions on notice this afternoon, so the questions will be ones that we will submit to you later. On behalf of the Committee, thank you for your time.

(The witnesses withdrew)

The Committee adjourned at 4.54 p.m.