

REPORT OF PROCEEDINGS BEFORE

STANDING COMMITTEE ON SOCIAL ISSUES

**INQUIRY INTO DOMESTIC VIOLENCE
TRENDS AND ISSUES IN NEW SOUTH WALES**

At Sydney on Monday, 17 October 2011

The Committee met at 9.30 a.m.

PRESENT

The Hon. Niall Blair (Chair)

The Hon. Helen Westwood
The Hon. Cate Faehrmann
The Hon. Natasha Maclaren-Jones

CHAIR: Welcome to the first public hearing of the Standing Committee on Social Issues Inquiry into Domestic Violence Trends and Issues in New South Wales.

As Chair of the Committee I am impressed by the quality of submissions that have been made to us and challenged by the range and complexity of issues that have been raised. This will be a challenging inquiry but I am confident that this is one where our Committee can make a concrete and feasible recommendation that improve policy and ultimately improve the lives of those affected by violence and their experience of the systems that they engage with as they seek protection, justice and freedom from abuse.

While the terms of reference point to a number of specific issues in relation to apprehended domestic violence orders, penalties for domestic violence, early intervention strategies and so on, the Committee considers it valuable to start our hearings with a broad focus that will set the scene for the big picture issues to be examined during the Inquiry.

Today we will hear from representatives from the Department of Attorney General and Justice and then from a number of non-government stakeholders to identify the systematic issues that they believe should be addressed in relation to how we respond to domestic and family violence in New South Wales.

Later hearings will focus on policing, the courts, victims' perspectives, specific population groups, prevention and early intervention and direct service provision.

The Committee has resolved to hold a further seven days of hearings, including two days of regional site visits. Details will be posted on the Committee's web page as they are finalised.

As well as the department I mentioned, today we will take evidence from the New South Wales Domestic Violence Coalition, the Australian Domestic and Family Violence Clearing House, Dr Lesley Laing, a lecturer in social work and the Benevolent Society.

The broadcasting guidelines. The Committee has previously resolved to authorise the media to broadcast sound and video excerpts of its public proceedings. Copies of guidelines governing broadcasting of the proceedings are available from the table by the door.

In accordance with Legislative Council guidelines for broadcasting 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 of this Committee, the media must take responsibility for what they publish or what interpretation is placed on anything that is said before the Committee.

Delivery of messages and documents tendered to 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 document presented to the Committee that have not yet been tabled in Parliament may not, except with permission of the Committee, be disclosed or published by any member of such Committee or by any other person.

In camera deliberations. 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 itself may subsequently publish evidence if they decide it is in the public interest to do so.

Mobile phones. Finally, I remind everyone to please turn off their mobile phones for the

duration of the hearing.

I would now like to welcome our first witnesses for the day from the Department of Attorney General and Justice.

Ms PENELOPE MUSGRAVE, Director of Criminal Law Review, Department of Attorney General and Justice,

Mr LUKE GRANT, Assistant Commissioner, Offender Services and Programs, Department of Corrective Services,

Ms JULIE WEBBER, Acting Executive Director for Community Offender Management, Corrective Services,:

Mr BRENDAN THOMAS, Assistant Director General, Department of Attorney General and Justice,

CHAIR: Would you like to make a short opening statement?

Mr THOMAS: We do not have any opening statement to make. We are happy to head straight into questions.

The Hon. HELEN WESTWOOD: Can I just begin by thanking you very much for being with us this morning. Could you tell the Committee what you see as the priority issue or the issues to be addressed in relation to domestic violence in New South Wales?

Mr THOMAS: I think the policy priorities for domestic violence really are a matter for the government to set. We can tell you what the priorities are that we are working on. The department itself has recently conducted a review of the domestic violence court intervention program, which I imagine you might have some questions about a little later. That is not publicly available yet, it is only recently completed.

We are also doing a couple of legislative reviews. Penny might outline those a little later, working on apprehended violence orders and domestic violence in general. Luke, is there anything from Corrective Services?

Mr GRANT: One of the things that is emerging in the whole dialogue around domestic violence is the question of the efficacy of perpetrator programs. Historically and even if you did a review of the literature 12 months ago, any appropriate and rigorous review of the literature has revealed that there have been very poor outcomes, they have been modest at best and anything that is done very rigorously with an appropriate experimentally designed study has failed to show that there are good outcomes from domestic abuse programs.

However, I am very pleased to say that we have just completed and very thorough and rigorous review of our domestic abuse program in New South Wales and it is on a fantastic scale. We have actually treated several thousand people but for the purpose of this study we have actually included about a thousand people who are in treatment and compared the outcomes of those people in treatment compared to people who had not been treated and we have found a significant measurable impact of the treatment program, which we think is the first time it has been appropriately shown in a large scale quasi experimental study.

What we have been able to show is that the frequency of offending, the time of onset of offending has been slowed down. There has been a general reduction in offending of a scale, it is actually modest but very, very reasonable and something that would suggest that we should be doing more around perpetrator's programs.

So given the large number of people who are convicted in relation to these programs, there remains a gap between the level of effort that we currently apply to treatment and what is there. In the past it has been understandable because people have felt that perhaps these sorts of treatment programs did not work, but I think we have now got increasing confidence about them.

We are about to publish a paper in a referee journal that will actually provide a lot of detail as to the effect size, and as I said, it is a really pleasing thing and it may be the best result that has been shown in the world we think in the public literature, and it works for Aboriginal offenders as well.

Some of the things that emerged from the research was that we probably do not have sufficient dosage in the treatment for high risk perpetrators. So it worked much better for the moderate risk perpetrators. We probably need to do some work extending the program and having some maintenance when people have finished the treatment program, to maintain the gains of treatment. It is really quite a startlingly improved result than we would have had if you had asked us the same question about 12 months ago.

Getting back to your question, what should be a priority, I think revisiting that idea, ensuring that we have regard to perpetrators in addition to the approaches that we have to victims and recognise that there is some scope for reducing the volume of crime and the impact on victims by having good perpetrator programs in place.

The Hon. HELEN WESTWOOD: That research is not published yet?

Mr GRANT: It is very close to finalisation for publication.

The Hon. HELEN WESTWOOD: If we would be able to have a copy of that once it is finalised.

Mr GRANT: I am sure we can probably give you a draft of it in due course. We will be running them until next year. It will definitely be finessed enough at that time. It is independently done by a person from the University of New South Wales and it used the Bureau of Crime Statistics for methodological things. So it is a very robust and very, very sound piece of research and we are really pleased with it.

The Hon. HELEN WESTWOOD: Obviously because they are perpetrator programs you are looking at people who have offended rather than looking at preventing offences occurring. Is there any research that has looked at that compared to whether or not there are less offences within a particular age group or demographic than perhaps in the past? Given some of the community education programs that have been around domestic violence, has there been any research that has been able to measure whether they have been effective?

Mr THOMAS: The evidence around broad based prevention strategies for domestic violence is very weak. There is not a lot of evidence around things having an effect on a population basis, but I suppose there are almost two streams of activity that happens. There is that type of thing, but there has been a whole range of other activities happening for almost the last generation to make people aware that domestic violence is not an acceptable form of behaviour and to treat it as a crime, and to increase the rate at which people are reporting the levels of violence that exist.

That type of approach certainly has been successful in terms of changing society's attitude towards domestic violence. I know there has been a big shift in that sense, but the evidence around pure primary prevention, that is reducing the amount of violence that happens before it gets reported to anybody, I have not seen any evidence from anywhere around the world where that has had an effect on a population basis. It is very weak.

The efforts around prevention that get the most levels of effort and that do seem to have an effect are efforts around trying to prevent re-offending and re-victimisation. Luke has just given an example of, I think one of the only programs really, that has had a clear effect on changing people's behaviour who are committing domestic violence. There are some other types of activities that might help to prevent re-victimisation as well, but in terms of stopping it completely, I have not seen any evidence at all.

The Hon. CATE FAEHRMANN: I think you were mentioning statutory reviews in terms of the work you are doing. Would you mind giving us an update as to what is happening there?

Ms MUSGRAVE: That is correct. One of the pieces of work that the department is currently undertaking is a statutory review of the Act that is required under section 104 of the Act to be completed within three years from ascent to the Act, which was in December 2007.

The department has actually published a discussion paper which is online and it might assist the Committee if we send through a copy of that, because that will clearly outline the issues that have been covered.

In summary what we are looking at is whether the Act is meeting its objectives. We are also raising a range of specific issues that have been raised in the submissions to us. They cover things like definitions, looking at applications involving children, how orders are revoked and the consequences of revocation, how you manage cost issues - quite specific issues that have risen in the three years of the Act's operation.

In addition to that and quite importantly what we are also looking at is issues coming out of the New South Wales Domestic and Family Violence Action Plan. In addition to that are some issues out of the New South Wales and Australian Law Reform Commission report on family violence.

I can talk some more about that at a later point but in the discussion paper we have highlighted some of those recommendations that would really benefit from submissions from the New South Wales public to assist us in formulating a response to that.

In terms of timing on the statutory review, the Minister is required to table a report within 12 months after the end of the three year period. That would be the end of this year. Unfortunately, submissions do not close on the discussion paper until mid November, so at the moment it is anticipated that the report will be finalised in the first half of 2012.

The Hon. CATE FAEHRMANN: My next question is about ADVOs. Obviously, that is one of the terms of reference for this inquiry. A lot of the submissions that we have received highlighted, of course, the high number of breaches of ADVOs. The facts speak for themselves there. A lot of the submissions put the view that they thought that penalties were not being adequately enforced and some views were that penalties were inadequate anyway. What are your views on that?

Ms MUSGRAVE: The issue of penalties was dealt with in the Law Reform Commission's report and there is some quite interesting material in that. Consistent with a lot of the submissions that the Committee has received, there is an acknowledgement that the penalty range is adequate but the issue is how the penalties are being referred to a court. We can send you the references to the various parts of the commission's report that refer to that.

The commission was concerned about the issue of consistency in sentencing and they made a recommendation, which is 12-8, about creating guidance in the national family violence bench book about how to sentence offenders for breach of protection orders. The New South Wales Government has not yet formulated its response to that, but it is likely that that is going to have to be taken up at a national level by the working group which sits under the Committee for Law and Justice, and the allocation of those recommendations and how they are going to be responded to is going to be finalised this month.

The Hon. CATE FAEHRMANN: Just again on that subject, some of the submissions address the response by the police in terms of granting an ADVO. I understand the police have a code of practice in relation to the granting of ADVOs or a code of practice on dealing with family violence.

Ms MUSGRAVE: It is likely they do, but they would be the place to respond to that. I am not sure of the form it is in or just how much information it provides to officers.

Mr THOMAS: It is addressed in their operating procedures around domestic violence. That is the best place to see the detail of how they operate.

Ms MUSGRAVE: I suspect they have quite a bit of detail and that would be quite useful.

The Hon. CATE FAEHRMANN: A number of submissions talked about obviously the high breaches but they were critical of the application process. The Victims of Crime Assistance League, for example, say that a person in need of protection is not given adequate information about the ADVO process or for proceedings that may be instigated after a breach of an ADVO is recorded. That came up in a few submissions. In your view what could be done to improve the application

process and any associated criminal proceedings?

Mr THOMAS: The issue of providing information to people, particularly at court, around core processes is a really important one. We have recently produced some information specifically targeted towards the victims of domestic violence about the core processes, including ADVOs, and producing more information for defendants. One of the big challenges though is people do not seek this information out until they need it. So we need to provide it in a concise way, in an immediate way, at the point at court.

There is a lot of work we can do to make that better and to make it more immediate. We are trying to provide information at court in a more plain English format, in a more straight forward format. The women's domestic violence core assistance programs that are funded by the Legal Aid Commission do provide a lot of advice to people at that point in court. Some services through our domestic violence core scheme provide that type of information to people at court as well. There is a combination of written information to give people that background that they need, but also some personalised support to explain the process to them, but it is always a challenge in terms of giving information to people at court when they are in a position where they are already traumatised, when they are in an environment they do not really want to be in, and nobody comes to court as a matter of choice. They want to be out of there as quickly as they possibly can. So there is a challenge in getting that information to them quickly in a plain English format, but in a manner that is going to stick with them once they leave.

We are always looking at ways of improving that and if you have any suggestions for us we would be happy to take them. We are producing some improved information to give people at court and there are always improvements in our court support work to try and explain the process better to people at court as well, but it is a challenge. There is no doubt about that.

The Hon. CATE FAEHRMANN: Have you done any specific research into ways to improve it, rather than saying that it needs to be improved, is there anything specific about how to improve the information that is given to people?

Mr THOMAS: In that information that I mentioned that we produced last year, we did a lot of survey and discussion into domestic violence about how they want information provided to them at court and the means in which it should be provided. Most of them did say they wanted plain English information and information they can take away from the court environment and read afterwards.

One important piece of feedback that we got from victims was that they wanted information that they would be able to take away and digest after court about the court proceedings. Again, they are not always in a good situation to digest complicated information when they are at court, but we can continue to improve the procedures. I do not know that we have got a perfect answer for that.

The Hon. CATE FAEHRMANN: GPS tracking devices is something else that the inquiry has been tasked with investigating. What is your broad view? We would not mind hearing general views on the potential use of GPS tracking devices, whether there has been any discussion within the department about this for the perpetrators of domestic violence and whether you think that that would be effective.

Ms WEBBER: Were you asking in relation to ADVOs in particular?

The Hon. CATE FAEHRMANN: Yes, to prevent breaches. I am assuming that is the reason why we were tasked to look into this.

Ms WEBBER: Corrective Services officers do not look after ADVOs as such, only in combination with another community based order, such as a good behaviour bond or parole. We have been approached by the Office of Women's Policy in relation to a feasibility study around GPS but not in relation to ADVOs. It has been more about looking around people who are subject to parole. When someone is on an ADVO, someone actually has not been convicted at that point, so that may cause some difficulties there.

The Hon. CATE FAEHRMANN: Your general views on the use of GPS tracking devices

would be--

Ms WEBBER: Yes. Currently, Corrective Services New South Wales uses GPS for a small number of people under supervision and that is for high risk sex offenders on extended supervision orders. They represent only about three per cent of the whole sex offender population that we supervise. They are extremely high risk. There is a system whereby a monitoring room can see where people are moving within the vicinity of the potential support exclusion zones within that. I think with the sex offenders at the moment there is not a designated victim who they would be linked up with. It is more about potentiality for re-offending in certain areas, but with the proposal around GPS for domestic violence, it would include both the perpetrator and the victim carrying the monitors. There are a few issues there. Obviously, there would need to be victims' consent to be part of that project.

If, for example, you put an exclusion zone around a victim's home, that has the potential to reveal that the woman or man is living there. With our views of the GPS at the moment, there has been some potential for technical breaches, if you like, because some of the GPS equipment can drop out of signal in areas where there is high rise or if you go into tunnels, or sometimes it can be affected by the weather, and then you have got some room for risk. If the signal dropped out, it might make someone vulnerable in that sort of sense.

Then I guess it is call-out time with the police, if that needed to happen. At the moment how Corrective Services uses it, if there is a breach of the GPS, then the surveillance operator, the guy surveilling on the screen actually calls the person who is supervising the offender and that person makes contact with the offender to clarify whether there actually has been a breach or not, and if it is some technical breach, like a drop-out or something like that. So there are a few technical issues around the GPS at the moment.

The Hon. CATE FAEHRMANN: I would not mind getting a bit of an expansion on the perpetrator programs that you mentioned before, just about basically how they work.

Mr GRANT: In terms of the perpetrator programs that are available around the world, there are two basic approaches. One of them is based on the concept called the Duluth model. In some United States' jurisdictions they mandate that approach and that approach basically comes from a victim centric approach to domestic violence. It is about requiring them to recognise the power and balance, the nature of relationships and so on. That has been a very popular thing in the United States since the 1980s.

We have not adopted that approach in New South Wales. Instead of that, we have gone down the pathway of using cognitive behavioural therapy, which is our general approach to perpetrator programs and the one that over years of better analyses has been shown to have the best impact on people's long-term behaviour. Although, having said that, components of our cognitive behavioural program also require people to understand similar issues to the ones that are raised in delete models. So it is a cognitive behavioural therapy program where issues around the circumstances of the offence, an appreciation of the victim's issues and the victim's needs, how to avoid and to avoid relapsing behaviours, controlling emotions are all components of the program.

The current program we run is a relatively short program. It is basically a 20 session program that goes for a few hours for each session. It is only a 40 hour program which probably could be expanded, as I mentioned, for people who are at a high risk of re-offending. It is done in a group work environment with one male and one female facilitator always. The facilitators have been trained not only in the program, but also in group facilitation skills. At the moment we often pair a probation and parole officer with a program facilitator which is of a slightly higher level of program facilitation training or a psychologist as well could be the second facilitator in the group. There are about 10 to 12 people in each group.

We have a relatively high non-attrition rate. So often with our programs in the community it is quite hard, even not withstanding having the coercive sort of power of the court sitting over the top of them, for people to drop out of programs. We have about an 80 per cent completion rate, which is a very high completion rate.

The Hon. CATE FAEHRMANN: Who does the programs? Do you have to have committed

a violent offence, be in incarcerated?

Mr GRANT: This program is one of community in custody. We started it off in the community because we have many more domestic violence perpetrators in the community in custody. The criteria for entry to the program, one of the things that emerged in the literature around effective treatment of perpetrators is that you need to manage the level of risk that people have with the level of intensity of treatment programs. So we only treat people who have been assessed as being a moderate to high risk of re-offending. We have a single actuarial risk assessment instrument that we adopted from North America but we have actually validated on our own population. 80,000 people have been reviewed for six months, so we have been able to see how effective it is. It is a very good instrument for measuring the likelihood of someone re-offending, including for violent offences. It is not so good for sexual offences. So that is applied universally through our population of the in-custody community on the basis of an offence specific criteria and the risk assessment that says they are moderate to high risk, they are then targeted for treatment and complete the treatment program in the community and/or in custody. We have a custodial version of the program as well.

The Hon. CATE FAEHRMANN: Is it a grant program that non-government organisations (NGOs) run or does the department run that program?

Mr GRANT: It is run by the department; people were appropriately trained and skilled. Another really important thing to emerge, and that is why it is very pleasing to see the development of these standards for programs, is that you really need to have a lot of integrity in the way programs are delivered. Historically the qualifications and skills of people who deliver programs and the selection criteria and so on have not been particularly well maintained, or not having an appropriate manual or not having a proper evidence and theoretically based approach to treatment has undermined the success of a lot of programs.

There is no doubt that anyone could run a program like this, subject to the fact that they were accredited to run it and had the training and skill to actually deliver the program. But at the moment it is run by Corrective Services New South Wales but we could train other people to deliver it if that was thought appropriate.

The Hon. CATE FAEHRMANN: I am aware that Helen Westwood also asked a question about early intervention programs and I am not sure whether you are doing many of those. I think the statistic is that 40 per cent of all assaults according to the NSW Police are domestic violence. What role do you see the department playing in terms of devising very good early intervention programs, as well as what is obviously quite a successful perpetrator program? How much of your effort do you think should be or is being placed on developing good early intervention models as well?

Mr THOMAS: As I mentioned before, the evidence around strict early intervention programs, that where there is no known violence occurring, is very weak and I think our efforts have been placed very much on getting our criminal justice processes responding to the violence when it is occurring in a lot better ways than it has and in a lot more effective ways than it has.

A big part of testing that has been through the domestic violence court intervention model. I am happy to outline that if you want to know more about how that program actually works.

It was a program that started around five years ago and it operates out of Campbelltown and Wagga. It has been a place where we have been able to test a whole range of different responses to dealing with domestic violence from the criminal justice system's point of view.

The program that Luke is talking about originally started as part of the domestic violence court intervention model. But what this model tries to do is to test how the criminal justice system can better deal with violence and better support victims of domestic violence. So it does a number of things.

Through this particular model the police adopted a pro-arrest pro-charge policy. So when they turn up to a domestic violence incident they turn up with a view that they will take some type of legal action against the person.

They have changed the way they gather evidence when they turn up to scenes of domestic violence. They started to gather digital evidence, taking photos and videos of scenes rather than just relying on witness statements.

The idea of that was to increase the quality of evidence but also to reduce the reliance on witnesses attending court, that there would be other types of evidence that they would be able to rely upon.

We have changed as part of that, the court process of these sites, so that courts can accept what we call mini briefs of evidence, these smaller briefs of evidence that police can put together and the court has established time standards for hearing domestic violence cases.

One of the biggest challenges we have had in the court sys for domestic violence matters was cases falling over because witnesses pull out or because matters continually get adjourned. The idea of this is to get a matter before a court quickly and to have it dealt with within a particular period of time with less emphasis on victims having to attend and the entire case relying just on their testimony.

Also with that there was established victim services. As part of this process when the police turn up to a domestic violence matter, they take the details of the victim and provide those details to a victim service, who contact that victim within 24 hours. The idea is with that service, they provide immediate support to that victim to provide any assistance that they might need. The provide support when they come to court and they manage what we call a weekly case tracking meeting.

While that matter is before the court, that service chairs a meeting of other government service providers and they track the progress of particular victims in terms of getting the services and the support that they need. Then at the offender's end there is a program for offenders.

That program started around five years ago in those two sites but we have seen a lot of the initiatives that have developed as part of that as that program expands. We have given you a good example of the expansion of the offender program, the digital evidence now in all first response police vehicles, the chief magistrate has a court practice note based on those times for local courts.

Through that process we have tried to improve the way we deal with the domestic violence that we are seeing, to make sure that we are dealing with that better, as well as increasing the safety of victims of domestic violence to provide them with a lot better support at court and hopefully get them out of the situation that they are in.

The Hon. CATE FAEHRMANN: Just to be clear, you are the assistant director general, crime prevention and community programs but the department is not running domestic violence crime prevention programs in terms of early intervention to prevent domestic violence occurring in the first place?

Mr THOMAS: We do not run specific early intervention programs for domestic violence. As I say, the evidence around specific early intervention programs is very weak. If there is any evidence for any we would be happy to take that forward, but we do not run specific early intervention programs.

Ms MUSGRAVE: I should add one thing there, last year there were amendments to the Coroner's Act to set up the domestic violence death review team, so it has got limited scope. It is looking at deaths occasioned by domestic violence, but it was in response to a perceived need to gather information and learning about causes of domestic violence related deaths.

That team has been established. It consists of government representatives, NGOs, academics and it is chaired by the coroner. That means it can also draw on the national coroner's data base and the experience of the coroner in that area.

The objects are set out in the Coroner's Act. The intention is to investigate the causes of domestic violence deaths, to reduce the incidents of those deaths and facilitate improvements in systems and services.

The hope is that that will assist government agencies in really getting to those root causes and early early intervention to see where the common threads are. Are the first signs when kids are in school when they are coming and reporting certain behaviours at home? Is the first port of call the doctor's surgery? Where should the information be getting out? Who should be getting the information out? What is the best way of getting the information out? That team is in its very early days.

There is not a great deal of learning from overseas about how those teams work. There has been a state of flux in development but it is hoped that that will assist.

Mr GRANT: Could I just add one further thing? This is a slightly tangential response to your question, but in addition to these activities, we do encourage community groups to develop their own strategies. One of the programs we run that is available every year is a program called The Victims of Violent Crime Grants. That is a restitution activity where offenders who are in custody who contribute to the sales of goods through Corrective Services industries, one per cent of the sales of those goods is made available annually for victims of violent crimes grants.

Quite a lot of them, the majority I would say, are around domestic violence types of activities, women's groups and they develop small creative initiatives with a community focus that a lot of them would fit into that category of community prevention.

It does encourage creative activity where people are actually taking control of their own circumstances and developing things like card games, they do videos or they set up a forum or an event specifically around violence and support for women in the community. That, as I said, is about one per cent of our sales and that is \$500,000 or \$600,000 per year we make available from that from the sales of inmate labour.

CHAIR: Can I just go back to the matrix that is used on the offenders to identify those high risk ones to then enter the program. You made a comment that it does not work that well on sex offenders.

Mr GRANT: That is right.

CHAIR: Do I take it that this matrix was a trial on other areas and I guess my question is, is there scope for the matrix to be applied to a whole range of other offenders to try and identify those that may be a high risk of committing a domestic violence in the future?

Mr GRANT: First of all, just to clarify, it is actually a re-offending scale as opposed to offending in the first place. It is not something you can use to predict someone's propensity towards offending if they have not offended already.

It is a general purpose instrument and it is very effective for all types of crimes. Sex offenders are the only exclusion group and we have got an alternative instrument for sex offenders that is actually much better and more tailored to sex offenders called the Static 99 which is a very powerful and very effective instrument. It works much better than clinical judgments by a social worker or a psychologist to apply one of these actual instruments. It has got about 64 questions that are involved in it. Probation and Parole officers perform the bulk of that work. They do a lot of verification. It involves a whole series of attributes.

It has another benefit as well which is very, very useful. Not only does it actually identify the risk of re-offending but also identifies the specific criminogenic needs that contribute most towards that. There are no single issue people that we have ever found. Most people have a whole range of issues that need to be addressed and this instrument helps us to identify people where they might have a drug and alcohol problem, they might have issues with anti social attitudes or anti social peers. It may be that they have problems managing finance and debt and those things contribute to their escalating violent or other behaviour.

So this system is a very, very useful thing. It identifies the things that should be the target of a treatment plan for that person and also their risk of re-offending. We are very confident in its efficacy these days. As I have said, we have had an opportunity to elevate it.

There is only one population that it has not worked for and that is for Aboriginal women. It may very well be that the issues around Aboriginal women and the levels of their disadvantage is so great that it actually does not discriminate particularly well amongst that group, because they have so many problems compounding each other. But otherwise, it is a very robust instrument.

Ms WEBBER: Can I just add, all offenders who come under the supervision of Corrective Services, certainly in the community, whether it be on parole or community based sentences, are subject to the risk assessment and that forms the basis of the case plan that follows, and as Luke has already said, gives us the level of risk, tells us what the intervention need should be, frequency of contact, what sort of services we need to provide, whether that is internal or external and it measures across 10 domains, which identifies factors that influence offender behaviour and again it is the basis of that that forms the case plan.

CHAIR: Just again on the areas of risk and early intervention, I think Mr Thomas a lot of your responses earlier were about very early intervention. Are there other programs where we may have families or other groups that have been identified as high risk and intervention programs to come in to try and, I guess, short circuit and prevent domestic violence instances in those cases?

Mr THOMAS: Sure, the government as a whole provides a whole range of services to people who are in that type of situation. My comments earlier were very, very early intervention programs which we do not do. Again, if you have got evidence of someone doing it effectively, I would like to see it.

There are a whole range of different strategies that come into play to work with families and other strategies that work to reduce rates of re-victimisation in the community. The staying home leaving violence programs would be an example of an initiative that tries to make the home environment safer for people who have experienced domestic violence so they do not experience it again.

The processes I mentioned through the Domestic Violence Intervention Court Model (DVICM), again focus on getting people out of violent situations so that they do not experience that violence again. We know focusing our efforts on trying to reduce that rate of re-victimisation can be quite effective and quite successful and those types of programs have shown to be quite effective in increasing the safety of people who are experiencing domestic violence.

But there is a range of other programs that are provided through the human services side of the government, particularly through community services and health that do intervene in intensive ways with families who experienced a range of other problems, but I would probably refer you to our colleagues in those agencies to give you some more detail on those.

CHAIR: You just mentioned the DVICM and the department is actually conducting a review of that process. Would you like to update us on how that review is progressing?

Mr THOMAS: Sure. There are a couple of different elements of that review. It has been evaluated a couple of times and the evaluations of different elements of it are publicly available. The Bureau of Crime Statistics and Research did an earlier assessment of how it operates. There was also an independent assessment of the Victims Advocacy Service that is attached to that.

The review that we have recently done has two components to it. One is the Bureau of Crime Statistics have re-visited their review to have a more meaningful assessment of the process after it has been operating for a number of years. That is to look at how effectively the courts are dealing with domestic violence matters; whether there have been early guilty pleas, whether we have been dealing with domestic violence matters in the time frames that have been set and whether there have been more charges and so forth in that particular process.

That is almost completed and will be available publicly I think from November. Once that is available we will be able to provide that to you.

The other review was an operational review that we have been doing internally in the

department. Elements of what has worked for the DVIC are being progressively expanded State-wide, from policing practices to evidence collection to court processes. This review is looking at how we can move this program to a more strategic level, so how we can take the benefits of what are shown to be effective criminal justice responses to domestic violence and apply them more broadly across the State.

The DVIC originally modelled some practices that were working effectively in smaller jurisdictions, particularly in the Australian Capital Territory and Tasmania. The challenge we had was how we apply some of those effective criminal justice responses that are working in really small areas in an environment where there are 160 court houses and 26,000 reported domestic violence assaults a year. We will be making some recommendations to the Attorney, I think next month, about how we can move that program onto another footing. Again, once that review has been looked at by the Attorney we will be able to provide it to the Committee.

CHAIR: There were a number of submissions, in particular from the Redfern Legal Service and the Sydney Women's Domestic Violence Court Advocacy Service, that called for an extension of the specialist domestic violence court lists within the New South Wales courts. Could you comment on whether this would be an appropriate alternative to the DVIC?

Mr THOMAS: Sure. Court listing practices are matters for the judiciary. They essentially set their court list. The department does not set the list. The magistracy does. We have specialist domestic violence lists in a number of courts. Our view is where they do, they work quite well. They need to be balanced with a couple of other things. Courts have a number of other priority lists. A number of courts have custody lists to make sure that people are not spending undue periods of time on remand for instance, so they might be heard early. A number of courts, particularly in country areas, allow for Aboriginal legal services to represent their clients on particular days, so that their solicitors are not required to be in more than one place on the same occasion.

Those types of listing practices need to be balanced, but our view is where domestic violence court lists have been established it allows for some specialisation to occur around the management of those matters. It allows for the prosecutions to be managed in a coordinated way, it allows for the support services that sit around the court to attend court on that particular day and for people to manage their resources a lot better. I mentioned as part of the DVIC we have a week with case tracking processes. It allows for those processes to work more effectively when people know their resources are required at court on particular days. We are aware that those submissions are being put to the Attorney and our department's view is that they are quite positive practices where they do exist.

There have been some discussions recently around whether or not we should have special domestic violence courts, that is courts that just deal with domestic violence. Our department's view generally is that it is far better to look at how we can incorporate some of those specialist practices within the existing court environment rather than have separate stand-alone courts. Otherwise we could end up with 160 specialised courts as well as 160 main stream courts. From our point of view it is far better to incorporate that into the regular management of our court practices and a specialised domestic violence research centre will be part of that.

Ms MUSGRAVE: If I can add to that just for the Committee's assistance, the Law Reform Commission's report talks about specialist family violence courts in its recommendations 32-1 and 32-2.

The Hon. NATASHA MACLAREN-JONES: Can I just go back to the perpetrators program that you have. In the findings have you found any areas or trends that could be classed as being successful and also unsuccessful that relate to particular socio-economic backgrounds or anything that contributes to it?

Mr GRANT: No, we have not. Brendan mentioned earlier that we have found the program is equally effective for Aboriginal and non-Aboriginal people. That is something that has been measured in the program. The area that it has not performed as well is the very high end of the risk spectrum. That would be consistent, as I mentioned, with the research. So you really need to have a slightly more intensive approach. What we would be anticipating, now we have this evidence, is extending the program, having a pre-program and some more post program work for the higher end group. They are

the only groups that it has not been shown to work for.

What we do not have in New South Wales at the moment is a program for women however. With the numbers of women who may be convicted in relation to violence increasing, we are starting to move down that pathway now. There is now a serious violent and sexual offending perpetrator program for women that is being developed. We have not had these things in the past. On the basis of the success of this program, we will now be resuming it to see if there are components of it that could be extended or if we need an entirely different approach for women who may be perpetrators. We have no information, we have no history for perpetrators who are women. That is an emerging area that we need to give some attention to.

The Hon. NATASHA MACLAREN-JONES: What about age? Have you found that if someone is younger or older there is a difference?

Mr GRANT: I will have to take that on notice. From my reading of the paper - I have the preliminary research paper - I do not think there is any particular outcome due to age. They certainly looked at age in the outcomes of the program.

The Hon. NATASHA MACLAREN-JONES: Just back to the GPS tracking. Currently, in relation to your serious sex offenders, have you conducted any review of that program at all, and, if so, have you had any particular findings?

Ms WEBBER: Yes. There has not been any formal review of the program as yet. The department has been using it for this group of offenders since 2007. It has been small, obviously, because it is not just the high risk offenders, it is people who have extended on beyond the completion of their prison sentences. There have only been 39 since 2007 with an average of between three and five years on their orders. So there has been no formal assessment as yet.

Mr GRANT: They are in the process of actually completing the report, but based on information we have already, there has been not one person who has been on an extended supervision order who has been reconvicted of a violent or sexual offence while they have been under that level of supervision. Keeping in mind it is a very heavy ended and basic type supervision. It is quite appropriate for a high risk group. It is questionable whether such an approach should be extended to lower level offenders and quite possibly in terms of its expense and the level and the level of basicness of it, it probably should be reserved for people who pose the highest risk of re-offending where you can balance out their own sorts of needs for autonomy against the risk to the community.

Ms WEBBER: Whilst, as Luke says, there has been no evidence of further convictions of sexual offences, there has been an increased breach rate due to non-compliance with some of the orders, so obviously things like the GPS and people going into areas where they are not supposed to be. It is like a technical breach of the order.

Ms MUSGRAVE: Can I just add that if the Committee would be assisted to see both ways the sex offenders and the intent of that legislative regime with the brief discussion about the breach rate and the action, there was a statutory review of that Act last year that is published on the Criminal Law Review web site. It is very much looking at the legislative regime but it does give you a snapshot of the types of offenders, the numbers and the intent of the scheme, which is quite narrow and targetted at the high risk offenders.

The Hon. NATASHA MACLAREN-JONES: Are you aware of any countries or states that use GPS tracking for domestic violence?

Mr GRANT: I think it has been trialled in Spain. That is the only example that I am aware of it being used.

The Hon. NATASHA MACLAREN-JONES: Do you know anything about how it has worked?

Mr GRANT: There are a couple of papers that have been written. However, I do not think they necessarily meet our standard of evidence. They are more descriptive papers, but there are a

couple of papers which we can provide to the Committee that have been published. I believe they may have been funded by the company that actually provides the technology.

CHAIR: So not impartial.

Mr GRANT: Can I just add to that. There is a reasonable amount of evidence around about the merits of electronic monitoring generally. For the last ten years in terms of reducing re-offending by itself it has not been found to be very effective unless it is in partnership with an intervention. We get the best outcomes by having a level of monitoring and supervision in relation to some sorts of treatment and by itself it is not necessarily an effective strategy. However, there is some emerging evidence also around the fact that it seems to be changing people's opinion. We had a visit in Australia recently from Anthony Hucklesby who has done a lot of work in the United Kingdom on electronic monitoring. He has found some interaction between electronic monitoring and assistance from other behaviours, including thug type of offending, but I have not seen anything in relation to domestic offending and electronic monitoring at this stage.

Ms WEBBER: The electronic monitoring works slightly differently to the GPS in that it is based on a unit that is placed in the perpetrator's home and attached to the land line. It is around setting curfews, about when people can come and go from their homes. It is different to GPS. It does not actually track somebody's movements.

CHAIR: Would you be aware of the B-safe program that has been recently monitored in Victoria?

Mr THOMAS: I am generally aware of it. I do not know of any results from it but I am aware of the program, yes.

CHAIR: You would obviously not be aware then if it is being considered to be trialled in New South Wales if you are not aware of the results.

Mr THOMAS: I do not know if that program itself is being considered to be trialled in New South Wales. The DVIC and their Staying Home Leaving Violence program do provide security changes to people's homes, which is a similar type of an approach. In the most basic instance they change the locks on someone's house, so that when the perpetrator moves from the home, they change the locks so they cannot get back in. They do have back to base monitoring alarms installed in the homes. In some instances they will turn some elements of the house into a safe room so it can be locked from the inside, so if someone is really in danger they can get in there with a phone line that links directly to the police. In some other instances they will have situations where they will work with the victim to talk to their neighbours, about things like if the neighbours do hear something coming from the house to call the police. Often you find that neighbours will hear domestic violence or they might see domestic violence but not want to intervene. The idea around that type of practice is to tell the neighbours that it is all right if you hear something you think is unsafe to call the police.

Those types of approaches look at how you can create a safer environment for someone who has experienced domestic violence, to make it safer and to make the response quicker if they are threatened, which is the same type of approach as the B-safe program. The B-safe program, from what I understand, is an alarm the person carries around on their person. It is the same type of idea about how you can improve the safety of the home environment. So we do do those types of things in New South Wales. I do not know if we specifically look at B-safe programs.

CHAIR: The Home Safe program is the New South Wales—

Mr THOMAS: The Staying Home Leaving Violence program, yes.

CHAIR: That is about allowing the family to remain in the home, the perpetrator to be removed and protections around that structure, is that right?

Mr THOMAS: That is right. One of the big problems for people who have experienced domestic violence is getting up and leaving the home when you have experienced it. The aim of this approach is to keep the person who experiences the violence in the home and remove the perpetrator.

It has been running in a number of locations for a few years and has recently been extended to a range of others but it has been shown to be quite successful in terms of increasing people's safety and even successful, for instance, in things like maintaining people in stable employment.

One of the big challenges for people who experience domestic violence is the disruption to their lives. They often lose their jobs because they cannot maintain a stable home environment. From what I understand the Staying Home Leaving Violence program has been able to maintain people in stable employment in over 90 per cent of cases. It has those types of benefits. It is a really common sense way to deal with domestic violence and to try and reduce repeat victimisation.

CHAIR: Some of the submissions have described domestic violence as being a women's issue and that in the event that men may suffer domestic violence or women in a same sex respect relationship may also suffer domestic violence, they find it difficult to identify and gather support for this issue. Is that a fair criticism or is that an area the department is looking at?

Mr THOMAS: I think if you look at the data around domestic violence, it is overwhelmingly a problem of male perpetrators and female victims. I do not know that there is any real doubt about that. We do see, however, coming before court men who are victims of domestic violence. We do see that. We see people in same sex relationships coming before the court. You need to bear in mind that when we talk about domestic violence we are not only talking about those instances where you have people in an intimate relationship. There is a whole range of other situations in families where there is violence that gets broadly classified as domestic violence, sibling violence, violence by children against their parents for instance. All of that gets caught up in our domestic violence figures. It is important to bear that in mind, that when you are looking at domestic violence statistics, you are looking at all that, not just the violence in intimate partner relationships.

Mr THOMAS: A lot of the services that do provide support for people in domestic violence situations are focused towards providing support to women but there are others, like the victims services that are attached to DVICM that provide services to anybody that comes forward.

But as I say, I think if you do look at the figures around the reported rates of domestic violence, you see it is overwhelmingly a problem of male perpetrators and female victims.

CHAIR: Just on that as well, there has been a documented increase in the number of women that have been proceeded against by police for domestic violence cases. The reasons for this are unclear. We have also had conflicting evidence from a number of submissions as to why this may be. Do you have any comment on that increase in female offenders?

Ms MUSGRAVE: The increase in female offenders is recorded in the Bureau of Crime Statistics and Research (BOCSAR) report and I think the director of BOCSAR made a comment in there that it may actually be linked to increased awareness and reporting, but I do not think the department have anything to add over and above the Weatherburn view expressed in his bureau briefs.

Mr THOMAS: The Bureau of Crime Statistics are the best source for that particular piece of information but from my understanding the trends over the last 10 years have not seen a huge increase in those rates of women being charged with those particular offences and if there is an increase, it is probably an increase that is commensurate with increases in population as well.

I do not know if there is a criminological shift, if you know what I mean, of an increase in women committing acts of domestic violence and certainly I would refer you to Don Weatherburn for that.

The Hon. CATE FAEHRMANN: You have mentioned the Law Reform Commission's report. I am interested to know whether the department has adopted any of the recommendations and if so, what is the progress in implementing it?

Ms MUSGRAVE: I think the Committee would definitely be assisted by me answering that on notice. There were 187 recommendations from the report and understandably with that number of recommendations, the breakdown becomes quite complex.

In broad terms there were a number in New South Wales that we were already doing. There is a number that are purely for the commonwealth to address because the reports were by the commonwealth and the New South Wales Law Reform Commissions and pick up a whole lot of family law issues as well.

There are a number, as I said, that are being raised in the statutory review so we can actually get public submissions in relation to those. There is then left a number that have not been addressed in those areas and they are going to be examined by working parties sitting underneath the Standing Committee for Law and Justice. That group are currently deciding how they - for the want of a better phrase - be divided up just to look at the commonwealth and state bases.

That will be resolved this month and I anticipate it will have to go back to the Standing Committee in November but that will then mean that New South Wales will be in a position to finalise what it is that it has to formulate a New South Wales Government response to. New South Wales is represented on that Standing Committee Working Party by legislation policy and criminal law review.

But I can actually provide the Committee with the recommendations and the breakdown by way of where things are going. I think that would probably be most useful to you because it is quite complex and somewhat overlaid.

The Hon. CATE FAEHRMANN: I have a question about gaps in research knowledge, just going back to that early intervention discussion that we have been having. A couple of submissions have raised the gaps in knowledge on programs and you have raised it yourself. The Benevolent Society talks about gaps in three areas. They say that there are gaps in evidence informed strategies for raising community awareness about domestic and family violence. They say there are gaps in evidence informed approaches to working with men to prevent any of this type of behaviour and the third one is there are gaps in judicial attitudes to victims of domestic and family violence as expressed in Apprehended Domestic Violence Order (ADVO) hearings, local court hearings, district and appeal courts through content analysis of their decisions and directions.

Do you think that those gaps exist firstly and whose responsibility is it to ensure that we actually do get more research into this area and more findings and recommendations?

Mr THOMAS: There are certainly gaps in those areas that you have mentioned. In terms of very, very early intervention strategies, there are serious gaps in terms of our knowledge around what works, and as I say, I do not know examples of things that work to shift behaviour on a population basis. I do not know that there is a jurisdiction that has effectively done that.

There have been traditionally gaps in terms of what works for men's domestic violence abuse programs and I think as Luke has outlined, we have really got an example that I think the rest of the world is going to be looking at in terms of this domestic abuse program.

For years we have been looking around the world to find things that work in this area and nobody has ever really been able to point to something that has had a measurable impact on people's behaviour until this. I do not know of one and I have been working in this area for some years.

In terms of broader judicial education, in New South Wales we have a body called the Judicial Commission who oversee judicial education. They are at the moment finalising some information on judicial education training packages for the judiciary around the issue of domestic violence and that includes a whole range of different things around behavioural information, information around the law, which obviously they already get that type of information but also information around trends and services that are available for them as judicial officers.

I understand that work is almost completed but again I would refer you to the Judicial Commission to get an update on that. But they are actively working at developing an education program for the judiciary around the issue of domestic violence.

Ms MUSGRAVE: If I could just add to that, again going back to the Law Reform Commission's report, there are three recommendations that look at judicial education and they made a recommendation around the sentencing for breaches, around the exercise of jurisdiction of the Family

Law Act and also about educating the judiciary about sexual assault as a form of family violence and so those would be caught up in the response to those reports.

The Hon. NATASHA MACLAREN-JONES: Can you outline the support services that are available to victims, particularly if it is broken down into, as you said, the siblings or the youth, for men say in particular areas and also looking at it from migrants or different ethnic backgrounds?

Mr THOMAS: There are a range of support services for victims of domestic violence generally and there are those that are available for people at court. The largest component part of that is the Domestic Violence Court Assistance Scheme, which is available in most major courts. They assist around about 20-odd thousand people a year who go through the court system.

There are some more detailed services available for DVICM sites which we are looking at evaluating more broadly which provide services to anybody. We have telephone support services for victims of domestic violence. There are a couple of those. Our department does run one called the Victims Assistance Line. We provide telephone support and triaging referral support to victims of violent crime, for any type of violent crime. We provide around 60,000 of those services a year and about a quarter of those are for victims of domestic violence.

We do provide free counselling for victims of violent crime, again all violent crime but around about 40 per cent of that service which is provided each year goes to victims of domestic violence.

Our colleagues in the Department of Health have specific support and triage services, which again I would advise you to get the detail from them on those types of services. There is a range of NGOs that are funded by other parts of the department that provide community based services for victims of domestic violence.

So there is quite a plethora of services around. They operate at different points of the service system and they ones that we have most contact with are those that operate around the court environment and the criminal justice system, but there are a range of other ones that do provide those types of services.

You also find that people are providing family support services in general often provide specific support to people who experience domestic violence also.

The Hon. NATASHA MACLAREN-JONES: Are minors treated specifically differently to someone who is obviously older with the support?

Mr THOMAS: Minors who are victims of domestic violence?

The Hon. NATASHA MACLAREN-JONES: Particularly for siblings.

Mr THOMAS: There are not a lot of specifically directed domestic violence services for minors. I do not know of a specific juvenile domestic violence support service that is available.

I think services that are generally available to juveniles, particularly through the NGO sector, deal with those who experience violence. I refer you to Juvenile Justice and DOCS for some more detail on that, as they are the bodies that fund those types of services.

But I do not know if there is a specific domestic violence service for juveniles who experience domestic violence per se, but there are certainly services that provide support to juveniles who are in situations where they are at risk of violence and experiencing violence more broadly.

CHAIR: Just on juveniles and maybe looking at the offender point of view at this stage, one of the submissions from the Shopfront Youth Legal Service suggested a number of alternative sentencing options like youth just conferencing, forum sentencing and intensive correction orders and also home detention.

What consideration has there been given to whether these sentencing options for domestic violence offenders for particularly young people are available or considered?

Ms MUSGRAVE: There has been consideration in the past about the application of those sentencing options to that group and essentially New South Wales currently has a whole range of sentencing options but there are exclusions which apply to some forms of domestic violent offending that take people out of the scheme. I can provide the Committee with details of those sentencing alternatives and where specific statutory exclusion arises.

Back in 2002 there was a statutory review of the Young Offenders Act and it was considered there. There was also the New South Wales Law Reform Commission number 104 that looked at it. I should also note that the Young Offenders Act is now under review and a discussion paper will be issuing fairly shortly on that.

The sentencing options available to young offenders will clearly be an issue to consider in that review and I would have to confirm with the Committee whether domestic violence exclusions are specifically raised, however if it is raised in the course of public submission it will be considered and responded to.

Mr GRANT: Just a comment on the intensive correction order, that is an adult order. At the moment there are about 50 something people with domestic violence types of offences who have received an intensive correction order, so they are not excluded from that.

Ms WEBBER: Currently we have just one person on a home detention order for domestic violence related offence.

CHAIR: Has there been any review as to the effectiveness of these different sentencing options?

Ms WEBBER: Well, we have only had intensive corrections orders for a year yet, so I believe there is an evaluation going on of those. They have just been in force for one year.

Ms MUSGRAVE: The intensive correction orders are going to be reviewed by the Sentencing Council after 12 months of operation. I would anticipate something may be published on that mid next year and sentencing generally is about to be reviewed by the Law Reform Commission.

I should say though the sentencing options in New South Wales are the subject of fairly regular review and I am quite happy if the Committee staff want to contact my division and I am sure we can pull out some material on specific issues that you are concerned about.

CHAIR: One of the submissions from the New South Wales public guardian recommended that section 48 of the Crimes Act, the Domestic and Personal Violence Act be amended to allow for an application for an ADVO to be made by the person and/or their appointed guardian and/or the New South Wales police.

Could you outline if there are any plans and if there are any, what the plans are to implement such a recommendation?

Ms MUSGRAVE: I can indicate that that submission was received by us directly last month and it is currently under consideration, given the timing of the Committee's work I would be hopeful that we can have discussions about that as your report progresses.

The Hon. NATASHA MACLAREN-JONES: A number of the submissions have pointed out the need for better co-ordination, integration between the various organisations responding to domestic violence. Do you have any particular view on this?

Mr THOMAS: From our point of view, just the services are provided to people when they come into contact with us, yes there is certainly a need for better integration co-ordination amongst those services. As I mentioned, there is quite a number of them around and they provide services to people in slightly different circumstances and at slightly different points of the system.

There is a need for us, I think, to have a broader examination of where those services currently exist at different points in the system and how we can better integrate the work that we are providing so people are not falling through the gaps.

There are some gaps I think procedurally where people might fall through. There are also certainly some gaps geographically. So you find in New South Wales parts of the state that have quite good servicing and other parts of the state that do not have too much at all.

I think we need to have a better examination of how we are allocating some of these resources to make sure that we can cover the broadest scope of the state of New South Wales and the largest number of people with the highest quality services that we possibly can.

I think over the last 15 or 20 years things have sort of grown up organically and there is an opportunity for us now to have a more strategic view and say where are we placing our resources and how can we have the best effects for people so they are not falling through service gaps.

There is also certainly a lot of benefit in coordinating the management of people through those services. In instances where we have put in case management, we can ensure that people are getting immediate access to services when they need them and that they are not falling through or falling behind in terms of how people are providing services to them. If someone needs immediate housing or they need to get to a doctor quickly or they need to have the situation with their children resolved, that type of local level coordinated case management can start to resolve some of those things in really a meaningful way.

We have seen that in the two locations that we have been doing this work in, Wagga Wagga and Campbelltown and the evaluations that we have done and the surveys that we have done for the people who have gone through that have just been outstanding in terms of the success and satisfaction people have, but the challenge is they are only available in a couple of locations and we need to get them in there. There is no doubt about that.

Ms WEBBER: Certainly, if we even look at a feasibility to review the GPS models, then obviously we need to have people like the police and victim support services involved in that pilot because we rely upon the police for call-outs particularly and to ensure that victims receive the services and supports that they require. It is also a part of the minimum standards about program delivery that victims have access to support services whilst their partner may be in a part of the program. That is something that the department is really conscious about, that we do not provide victims services but we need to be aware of what victims services are out there, so probation and parole officers can provide appropriate information to the victim if there is contact there.

I will just reiterate what Mr Thomas has said about the coordinators projects that are in existence. Through the Department of Premier and Cabinet we have an anti-social behaviour pilot which works on interagency case management. From my experience of those systems are quite effective in getting services to people quite quickly. It is a model that is very positive.

The Hon. NATASHA MACLAREN-JONES: Just a comment in relation to gaps more broadly, do you think services are adequately provided to rural and regional New South Wales?

Mr THOMAS: I think one of the challenges in providing those services is that people go to them. We have some courts that deal with people who experience domestic violence and the court might sit once a fortnight or once a month. So there is a great balance in terms of providing a service when it is needed and not over servicing a particular location. I do not know that we have got that balance right. Some of the court support services do provide that type of outreach work, but there is a challenge more broadly the further west you get in New South Wales to the quality and the rigour and availability of services and that is a challenge that needs to be addressed.

CHAIR: Just to wrap up with the questioning around the GPS, there was a distinction made between GPS and electronic monitoring and the GPS only being applicable if someone is an offender. Is there room for electronic monitoring for people that may be identified but have not yet offended as an alternative or is it, again, only available for previous offenders?

Ms WEBBER: Yes, it is only available for previous offenders. We use electronic monitoring on the home detention program and there is a capacity to stay on electronic monitoring as part of the NICO(?) as well.

Mr GRANT: People who are coming out of gaol on work release programs and things like that, but it is only used for offenders currently.

Ms MUSGRAVE: Also on parole, so the parole authority could not have electronic monitoring on a person. There was a trial of electronic monitoring of persons on bail, which was Court Watch, some years ago. It was a very limited trial when the technology was also not at the same stage of development. It was basically nine to five monitoring with machinery that clunked out fairly easily. There were some reservations expressed there about the fact that it was an additional punishment on the person who had not yet been convicted and also that there was a potential that the net widened. Because you had this greater level of monitoring, you increased the chances of picking up a breach however minor, increasing the chances of bringing the person back before the court or the associated costs in bringing them back into remand.

The department is quite interested in exploring electronic monitoring in the bail situation. It is looking at ways to get round those net widening concerns and the concerns about additional punishment, but they are quite significant reservations when we are looking at monitoring for people who have not yet been convicted or pleaded guilty.

CHAIR: Aboriginal people are over represented in the statistics that we see. There was also a comment that Aboriginal women, through the program that we were talking about earlier, fall through that gap there as well. Would you like to make any comments in relation to the extent of services and programs that are being specifically targeted to this area and to try and address the issues with the Aboriginal community?

Mr GRANT: I think that is a reasonable point to make. Basically, there is significant over representation of Aboriginals in custody generally, but within the group of people who are convicted of domestic violence related charges, there is an even greater rate of disproportion. So we do try to target our programs for Aboriginal people in treatment and we have a reasonably high participation rate. That is something that we would consider to be an important thing to not lose sight of, the need to engage as many Aboriginal people as possible reflective of their needs in treatment programs.

Mr THOMAS: Most of the service programs where they are dealing with large volumes of Aboriginal victims try and provide specialised services to Aboriginal victims of violence. There are a couple of specialised Aboriginal women's services that do provide those types of approaches as well. Again, I think in terms of the programs that we are operating, we are trying to make sure that they meet the needs of Aboriginal offenders. There is a bit of a debate about whether we need to specifically provide services targeted towards Aboriginal people or whether we better make those things that are working for everybody work for Aboriginal people.

One of the exciting things from the program that Luke has been talking about for offenders has been the effect that it has had on Aboriginal offenders, that it has shown the same effect on Aboriginal offenders that it has on non-Aboriginal offenders. I think that is a really exciting development and something that we really need to learn from.

CHAIR: Where are those targeted services located?

Mr THOMAS: There are some targeted services in the western part of the State, in Walgett and Bourke, and another one in Kempsey I think, and another one in Moree. There is also the Wirringa Baiya Aboriginal Women's Legal Centre that the Legal Aid Commission fund, which is based in Sydney but provides services across the State.

Mr WEBBER: In terms of Corrective Services NSW, we are aware of three programs specifically for Aboriginal perpetrators. We are trying to bring the two together. There is the Rekindling The Spirit program in Lismore. There is a program out at Dubbo. I just temporarily forget the name of that. And there is the Walking Together program at Newtown. So there are three and

target family violence.

CHAIR: We might just finish up and just open it up. Are there any recommendations that you would like to see from this Committee from this inquiry?

Mr GRANT: No, just to - it is not a recommendation but to ensure that the perpetrators programs receive the profile that they need. For good reason the emphasis has been on victims. However, with emerging information about the efficacy of such programs it is worthwhile constantly restating the importance of those programs and whilst it is like a post-mention approach, it is one that does seem to be working and therefore one that there should be more of.

CHAIR: Thank you for attending our hearing this morning. We are mindful that you are appearing at the very start of the inquiry and that we will be speaking to a lot of other stakeholders during our hearings. It may be valuable for you to attend a further hearing in the inquiry to address any other issues that may arise.

The Committee has also resolved that the questions to answers taken on notice be returned within 21 days and the secretariat will be in contact with you in relation to those questions you have taken on notice. On behalf of the Committee, thank you very much for your time and the great evidence that you have given this morning.

(The witnesses withdrew)

Ms BETTY FAYE GREEN, Convenor, New South Wales Domestic Violence Coalition and Manager Liverpool Women's Health Centre, sworn and examined:

Ms JULIE STEWART, Secretary New South Wales Domestic Violence Coalition, Co-ordinator, Manly Warringah Women's Resource Centre, affirmed and examined:

CHAIR: Thank you for that. Before we start asking the questions, would you like to make an opening statement?

Ms GREEN: Yes we would please. Firstly, we would like to thank you for the opportunity to speak to this Inquiry. Just a bit of background, I guess the New South Wales Domestic Violence Committee Coalition was founded in 2006 by myself and Joy Goodsell in response to the number of domestic homicides in the beginning of that year.

The Domestic Violence Committee Coalition has been active in advocating systemic reform, in particular the campaign to establish the domestic violence death review. The Domestic Violence Coalition is unique in that over time its membership is broad, reflecting a range of services and agencies, domestic violence committees, like minded individuals in the government and non-government sector, researchers, academics and most importantly, women survivors of domestic violence.

The key aim of the Domestic Violence Coalition is to keep domestic violence on the agenda. It operates largely from minimal membership fees, donation and receipt of \$1000 made available to domestic violence committees on an annual basis in New South Wales. It is predominantly run by volunteers. There is no paid worker and largely operates out of a home office.

As convenor of the Domestic Violence Coalition, it is not unusual to be contacted by workers in the field who are frustrated with aspects of the system which is failing their women clients and also women victims of domestic violence who have experienced failures in the system that have impacted negatively upon them.

This has been particularly evident in the issue of women being charged where they are victims of domestic violence and their subsequent treatment within the criminal justice system.

The Domestic Violence Coalition is widely known as a proactive grassroots organisation that is willing to talk about the sometimes difficult areas of service and agency responses to women experiencing domestic violence and at the same time committed to open dialogue, consultation and working collaboratively with government towards systemic improvement.

Is this the point where we put forward some of the issues that are close to our hearts?

CHAIR: Yes.

Ms GREEN: In particular, access to therapeutic counselling for women. Therapeutic counselling is very important in terms of women rebuilding their lives and also recovering from the trauma of domestic violence. There is a lack of access in that regard.

As an example I would like to cite in my capacity of a manager of a women's health centre, that the core funding for women's health centres, there are 21 across the state, there has not been an increase for over 25 years and for over five years Women's Health New South Wales has made submissions through the NCOSS pre budget statement for enhancement in funding to provide for a specific counsellor to work with trauma and domestic violence would be one of the key areas that that worker would be providing support for.

There is also a lack of access for counselling for children who have witnesses or experienced domestic violence and also a lack of access to counselling and programs where reparative work is done with mothers and children where domestic violence has disrupted the parental link.

Ms STEWART: I have worked in the area of domestic violence and I am embarrassed to admit, for almost 30 years. I have worked in the community sector, I am back in the community sector now, worked in government in policy positions around domestic violence, worked at Legal Aid in relation to the WDV funded program for court assistance for women victims of domestic violence, I taught family violence at the University of Western Sydney, I have conducted research, I worked for the New South Wales police for 10 years, particularly in the first few years on a project whereby we monitored the police response to domestic violence and went on to do other action research projects for the New South Wales police as well. So I have a breadth of experience working in the field.

My particular concern and it has been probably since the time I first worked for the public service, was the lack of co-ordination and integration of service delivery. Currently there is no mechanism to ensure co-ordination or consistent policy implementation, consistent practice responses, shared views about the way in which services should be delivered.

I would be concerned to see that a recommendation came out of the Inquiry along the lines of setting up a mechanism that involved both relevant government departments, plus the non-government sector and not to split the non-government sector away from this very important way of ensuring consistent service delivery, but also inter-agency co-operation; so co-operation between the government and non-government sectors.

Certainly this was the experience that I had in the 90s when we tried to implement the domestic violence strategic plan across New South Wales but I have also seen the pitfalls of the Tasmanian safe at home program which focuses only on government sponsors and leaves the non-government sector out in the cold.

It is by far the majority of service responses are delivered by the non-government sector, although they may be funded by government agencies, so that is why it is very important to include them at a very senior policy level.

I think that this mechanism that I would propose would have the responsibility for monitoring and evaluation and ensuring that a consistent response to domestic violence is implemented across the state.

That is my pet subject. I have a couple of others and I think we might come to those.

The Hon. HELEN WESTWOOD: I know that both of you have worked in this sector for many years and have particularly been focusing on the issue of domestic violence for most of the time that you have been in the community services sector.

I guess I would be interested in both of your perspectives on any trends. Over the years have you seen changes in the incidents of domestic violence, the nature of them? Have you views about some of the programs that have worked and those that have been abject failures? I would be really interested to hear both of your views on that.

The other thing perhaps is could you point to some jurisdictions, if there are any, here or overseas where you think they have got it right; they have actually been able to see a decline in the incidents of domestic violence?

Ms GREEN: I guess the paradox in working in domestic violence and the particular strategies is that the more that we talk about it, the more that people who otherwise would not have identified that they are actually experiencing it will come forward.

Whilst I do hope there will be a day where we will see that decrease. I am not quite sure when that day will come and particularly when we know that one of the key causes or underpinning factors which keep it going is gender inequality. So I guess while we live in a society that does not value women or women's position in society; does not ensure that women have the same opportunities, then I guess we are not going to see that decrease that we are hoping for.

Having said that, when I reflect on my 25 years in the sector, I would say that the work in domestic violence now is much more complex than what it was maybe 15-20 odd years ago. There are

different challenges that intersect work now that also depend on other sources, like safe affordable housing, accommodation. If you do not have that, then that might be a reason why women might return back to a violent situation, because there is nowhere else to go.

I think too we have been informed by research. We now know a lot more about domestic violence and particularly its short and long-term impacts and particularly health impacts, mental health impacts for women. That is why, coming from the women's health sector, I am passionate about ensuring that a recommendation from this Committee would be for NSW Health to look at the funding levels in women's health centres, because we are an integral part of providing both support counselling and also leadership in communities around the issue as well.

What works well in other jurisdictions is really quite tricky. As Julia said, we know that there are certain aspects and certain pathways we certainly would not want to see New South Wales go down the track of. I am also aware, having been overseas and having been to conferences and having come back very inspired, you cannot always transport something that is working in another area straight into New South Wales.

I would like to see some way that Government and non-government - I do not know whether you do a study tour or what you do, but opportunities for advocates within the women's health sector or within the committees that we have are very limited as against maybe police who can do the commons overseas or study tours that can happen to get a sense of the kinds of work practices that occur in other jurisdictions.

I love talking to officers that work in domestic violence investigation units in either Canada or the United States. They are intensely passionate about their work and they know that if it is not done right at this end then you could be looking at a death at the other end. They have made that connection. So I think there are probably lots of things.

The Hon. HELEN WESTWOOD: When you say officers, do you mean police officers?

Ms GREEN: Yes. They were specially trained in specially trained units within counties. That is the other thing that Julie always reminds me, that overseas and in the United States in particular you have small counties, whereas New South Wales is such a very large State. There are problems in terms of what you see elsewhere that you might like to see happen here, but having said that, there are still opportunities that could be explored to look at what could be adapted to sit with New South Wales.

The Hon. HELEN WESTWOOD: I will come back when you have finished with a follow-up question on that.

Ms STEWART: Just to answer that I have to agree. There is a women's refuge and a family support service. Both services respond practically entirely to domestic violence. It is a significant issue. For example, the family support service is able to provide opportunities for early intervention for at risk families, but the refuge is interesting in that, had I not been working there I would not have known about this, but increasingly there are women who have no visa or a status that prohibits them from having access to any services and income who have come to Australia as sponsored brides to be or have married overseas and the marriage has broken down, usually because of domestic violence or else they are thrown out within the first nine months of arriving and then will have to leave the country. At any one time the refuge has at least one woman and her children living there as a result of a relationship that has broken down due to that phenomenon which seems to have also been linked to internet dating and internet courtships and so on. For those women, their prospects are pretty poor. There is no financial assistance for those women and so the refuge actually supports them until they either leave the country or they go back.

That is one of the complexities. There are multiple layers of immigration law and policy processes that compound the complexities working with a refuge, but just to respond to the issue about other jurisdictions, the Family Violence Intervention program in the Australian Capital Territory seems to me to be really terrific, but it can only be that way because it is such a tiny jurisdiction. Geographically it is small. There is really one major local area command or the equivalent of our local area command, one court, you can have one specialist magistrate and one specialist prosecutor and

legal support for both victims and defendants. It is easy to manage in a tiny jurisdiction like that. I would have thought the same is possible in Tasmania, that you could have managed the problem of family violence, as they call it there, but they have chosen to go down a path which has, as I said, left the NGOs out of that collaborative response.

I had firsthand experience of serving both of those. In addition to that, I also observed the operation of the specialist Family Violence Division in the magistrates courts in Victoria. I saw them at the pilot stage. I do know that since that time a number of processes have eroded and things have changed over time and it is not as good as it was when it started. Those, I think, are very sound approaches to the criminal justice response to domestic violence.

I do not really believe that you can do it State-wide here. I would like to say that I support the submission from the Sydney Women's Domestic Violence Court Advocacy Service and the Redfern Legal Centre, which recommends the establishment of specialist lists for ADVO matters in all local courts, with specialist judicial officers and specialist prosecutors. That is really do-able, it is manageable, it is do-able and it is affordable and it just needs having someone set it up and provide the appropriate training for the judicial officers and the prosecutors, but you need a commitment from both the magistracy and from the New South Wales Police.

I have to say that it is my current experience, as it was when I worked for the police, that prosecutors are a very difficult group of professionals to actually get to and to make accountable and to discuss matters with. Structurally they stand outside of the local area command structure. So it is not so easy to actually get to them. I think Susan Smith's recommendation would work if you could get that commitment from the New South Wales Police.

Those two aspects that I have spoken about focus very much on the legal response. I think sadly in New South Wales we have also put too much emphasis on the role of the police and the courts. It is extremely important. You cannot have 24 hour access to protection except with good policing, but I think here in New South Wales we have lost sight of the vast majority of victims who have no contact with police and no contact with courts. So it would be good to get the policing and the courts right, but we have also got to look at all of those other women and children who for many good reasons have no contact with police. That is basically what we are about.

The Hon. HELEN WESTWOOD: I might come back to that because I am interested in why that is, but if I could just go back to Betty. The comments you made about the other jurisdictions and the police there, my own observation in New South Wales with the DVLOs was that they were constantly changing in the command. You would just get to know one and they would be off. It seemed to me from my limited understanding it was really to do about the lack of status accorded to the officers. They did not get any extra salary. It was not seen as a position that you should aspire to.

Ms GREEN: It is not as valued as a specialist position.

The Hon. HELEN WESTWOOD: Yes. I was wondering about that. When you go to other jurisdictions, is that something they do better? What sort of things would you like to see happen with the police force in New South Wales, within the particular command or generally in the police force?

Ms GREEN: It is funny you should ask that. We have just been nutting out an innovative kind of model that we have some support from north west region to pilot. I will hand over to Julie to explain it.

Ms STEWART: It is in early stages. In that region, in north west Sydney region there is monitoring of the police response to domestic violence, but it is after the event. I think that is always the case. Basically, what we have is in particularly high volume local area commands like Mount Druitt and Penrith, in that region, there is a commitment from the New South Wales Police to provide a response and to complete a job within an hour. Domestic violence will normally take much more than an hour, especially if you want to get the response right. That includes preparing an ADVO, a provisional order, for example, with orders that are going to work. It takes quite a bit of time to talk to a victim to figure out what is going to work best and what is going to be enforceable, what is workable, what is going to meet the protection needs of that woman and her children.

Currently, the response to a domestic violence incident is by constables, general duty constables, not the DVLO. The DVLO's role is sort of quality control after the event. They, more often than not, have other jobs besides domestic violence liaison officer, except in those high volume commands, and there may sometimes be more than one DVLO. It is their role to check that the action taken has been appropriate based on the COPS entry that says what the police did at the incident. So it depends on what they write. Other than that, that is it. Then the DVLO attends court on the ADVOLIST day and is like the go-between between the case service and the victim and the prosecutor, so a conduit.

In terms of the status of the role, I am not convinced that making them sergeants is going to make any difference. I think that the position of leading senior constable could well be a specialist domestic violence position, because they are supposed to be a higher grade of practitioner. There are a whole lot of other issues around this position. For example, they do not have access to working 12 hour shifts. They work business hours, and so they do not get paid as much as the ordinary general duties constable and they see that as a penalty, taking on that role. On the other hand, it often fits in with their own personal circumstances, like child care responsibilities and so on. It is a vexed question and I do not think it will be solved by increasing the rank or the pay. There has got to be more to provide incentive to have good quality police in that role.

The proposal is that something different has got to be done, because the initial response is left to often quite junior police, within the first five years of their practice as police officers, who are running from one job to another, have 140 different issues that they have to be across besides domestic violence, and if they get it wrong it is no surprise, but it is a bit late after the event. So one of the things that happens wherever possible in that region is that a supervisor attends a domestic violence incident with the constables and supports the constables in the work that they are doing and also provides some sort of direction. That would be good if you had enough supervisors to go around and it is certainly difficult when there are two or three domestic violence incidents happening at the one time.

What we are looking at is a different system of review, not just one DVLO being responsible for quality control with no power or authority to change things, but perhaps a team that can provide better oversight I suppose. It still concerns me that we are not getting it right at the front end, and what Betty is talking about is smaller police forces in smaller jurisdictions, where you can control the quality of the response a lot better.

The Hon. HELEN WESTWOOD: It would be really useful to have that. If you could give us that information that would be great. I would just be interested, did you go to the police force with this or is it because they have been working with you that they have been willing to trial this in the north west command?

Ms STEWART: It is a colleague of mine that I speak to often. The inquiry itself prompted the thinking. It has generated introspection and the concern to actually get this right.

It would be driven from the region level and the oversight would be provided from a superintendent's position and there is a commitment for it actually to be put in place, but the nuts and bolts of it we want to look at more closely.

The idea would be to trial it in a low volume domestic violence incident command and a higher volume.

Ms GREEN: For getting a bit of a comparison and the group oversight would be specialised trained offices.

The Hon. HELEN WESTWOOD: So within the one command you mean?

Ms GREEN: Yes.

Ms STEWART: Within the one region, yes.

The Hon. HELEN WESTWOOD: Betty, I might just go to you. Your involvement in the domestic violence homicide review team, how are things going there? Are we at a point where there is some outputs from the team and have we got any evidence or any data that will be useful for our purposes?

Ms GREEN: The team itself has met four times. In terms of the process and how the process is working, I am really quite impressed. It is going quite well and we have started to review some deaths. That report is not available for this financial year but for next reporting period there will be one. Speaking on behalf of the manager there, she has done an exceptional job in developing a data base and it will be quite exciting, the kinds of reports that she will be able to pull together in terms of the kinds of homicides that are happening, where they are; it is quite extensive.

A lot of work has been done and I am really proud to say that New South Wales in terms of model has the best model, compared to other states, our model is based on research and evidence and what is best practice. That is where New South Wales is certainly leading the way.

The Hon. HELEN WESTWOOD: I know you are one of the advocates for it. Has it met your expectations? Do you look at it and say: Yes, this is what I envisaged?

Ms GREEN: The last meeting we had when we were looking at the cases and it was like wow, this is exactly how I have heard Dr Webster talk about how the process should work and what you have read within the research. While it was pretty horrendous to be at that end, it was also really heartening.

In a way, to see the kinds of recommendations that will come out will certainly address the systemic gaps and problems, so I am confident that we will be able to say that in these particular sets of circumstances we will have done something quite concrete in ensuring prevention of similar deaths in that particular context.

The Hon. CATE FAEHRMANN: This morning we heard from the Department of Attorney General and Justice. One of the witnesses was talking about early intervention models on questioning from me in fact in terms of how effective they are and what they were doing in terms of early intervention.

The response was that there is not any research that he knew of to prove that - and he called it early early intervention - and I am not sure of the difference between early intervention and double early intervention - but do you share that view, that there is not much research to suggest that early intervention works when it comes to domestic and family violence?

Ms STEWART: I do not know actually what you mean by early intervention. Really early intervention I suppose would be around education sort of programs is what I would be thinking. I do not know what they are talking about, so if you could tell me, what did they mean by early intervention?

The Hon. CATE FAEHRMANN: It was my question. A lot of the submissions that we have received talk about the need to tackle domestic and family violence obviously before it occurs. That is what I would think early intervention programs are, looking at vulnerable families or families potentially susceptible to violent situations but also programs. There is LoveBites. I would be very interested to get your views on that and whether there has been anything successful in that regard?

Ms GREEN: I guess early intervention strategies really require significant investment, particularly when you are talking about disrupting the generational cycle of violence; challenging community attitudes which support violence against women and addressing societal barriers to women's full participation in public and private life, which correlates to gender equality.

I guess the best framework really is what is coming out of VicHealth. They have produced a comprehensive report preventing violence before it occurs, because early intervention is multi faceted. You might be running community education campaigns at the same time that you are rolling out and delivering violence prevention programs to young people in high schools, as well as working in

providing programs or funding, or projects working with community leaders, religious leaders and engaging them around domestic and family violence as well.

That is what I say, it is multi faceted. I will express my personal opinion. I am not convinced from my perspective that LoveBites is an early intervention program. It is a community awareness raising program. It is one day in a high school and actually Liverpool women's health centre had a very highly successful award winning peer education program that worked with young women in Year 9. Year 9 was chosen because that is that 13, 14 year age group where young women are starting to get into relationships. It is when they are vulnerable.

It was rigorously evaluated by Dr Margot Rawsthorne from the University of Sydney and I can certainly pass on those evaluations for you. But it clearly demonstrated from the pre and post workshop, it was a series of five workshop sessions, plus the follow longitudinal interviews with young women, that young women clearly understood what violence in relationships was and the behaviour, and they were able then to make some clear decisions in rejecting abusive and violent behaviour in relationships.

It had the potential to disrupt generational cycles of violence. One of the domestic violence services, a mother was seeing a work colleague of mine and she is talking to my work colleague about this fantastic program my daughter went to at school and here she is telling her mum: You know mum, you can get an AVO and you can do this and you can do that.

It was a wonderful program but unfortunately we were unable to secure any ongoing funding. We did prepare a budget rollout for the program for selected high schools in high volume domestic violence areas in south west and western Sydney which required an investment of around \$2 million and was flatly refused.

But I am happy to pass on that information. It cost a bit more because it is pure education. You are training up young women to go into schools to talk to other young women. Kids hear things from adults; we know it as parents, and yet when they hear the same information from somebody else, it can make a whole world of difference.

Of the 13 young women that we trained up to deliver that program, that also meant for a number of them that they went on to university; some are working in social work, in the domestic violence hotline; so you are building community capacity with women that you are training up but also capacity of young women that you are often working with.

Often it was said: What about the young men, which I absolutely agree, that there needs to be some good gender programs and violence prevention programs for young men as well.

CHAIR: Could you just tell us the title of the program?

Ms GREEN: WEEO WISER - Women Educating Each Other Women in Safe and Equal Relationships.

The Hon. CATE FAEHRMANN: Is that originally funded by New South Wales Health for a trial three year program or something?

Ms GREEN: It was originally funded through what was the now defunct WSAAS funding - Western Sydney Area Assistance Scheme. We had one off money from New South Wales Health, one off money from Premier and Cabinet through the Violence Prevention Unit under the domestic and family violence grants and then it was wound up and we were working with 15 local high schools in the Liverpool area. We are still fielding calls, we are trying to deliver an adapted form but then again that is on top of everything else that you are trying to do as a service.

Ms STEWART: Just that issue about projects being funded out of a grants program, which seems really good at the time, but if there is no avenue for picking up that funding for recurrent funding down the track, expectations are created that services will continue to be delivered. I think it is a shame that in New South Wales there has only been recourse to small buckets of money for short

term projects and often services are delivered which will come to an end inevitably. There needs to be a better planned approach to funding programs, especially something like that that works.

Ms GREEN: When there is evidence base where it has been properly evaluated and it has evidence based outcomes - I know you are speaking to Dr Lesley Laing later this afternoon and that was another project that was run in Liverpool with the sister service but Lesley Laing was the overarching researcher there; mental health and domestic violence, so there was an intersection. That again was a wonderful project, was fully evaluated, had wonderful outcomes and again had to stop because there was no funding and that was having an advocate from an NGO working with the mental health team in the service, so women who might be identified as having mental health issues, where actually what was happening was they were in domestic violence and I guess their high anxiety, whatever the mental health issue was, it was also about their experience of domestic violence.

I guess as services when you go to the trouble to also get them properly evaluated, you have got your evidence base, to know that it does work but you still cannot get ongoing funding for something; that can be really quite morale blowing.

The Hon. CATE FAEHRMANN: Another area that the Committee is inquiring into of course is ADVOs and obviously the statistics are that a high number of ADVOs are breached and a lot of the submission authors express their concern about that and some have offered suggestions as to how to address that problem. What ideas do you have to address the high incidence of ADVO breaches and what strategies could be put in place to ensure that that is not the case?

Ms STEWART: In the first instance I think it is absolutely critical that the orders that are made will work. Firstly, that the orders are tailored to suit the particular circumstances of the protected person and that separate orders should be made for children. I do not believe it is appropriate to include children on the order for the protection of the primary victim, because their circumstance is somewhat different from their mother's. I would like to see police apply for separate orders for children and have the conditions on those orders specific to those children's circumstances, not to try to sort of mix them all up together as if they are all one single entity.

In relation to the appropriateness of the orders sought, the current practice is that the constable who attends the domestic violence incident, returns to the police station, types up the details of the event and there is an electronic process that generates the provisional orders, if that is what is sought, and the orders sought are often being locked in concrete, certainly until the next mention, but in some courts it is not possible to deal with those conditions on the hearing. In other courts it is possible if the defendant is present and if he agrees to the orders. The initial orders are the ones that you have to get it right, the police have to get it right, and I have to say it is a big ask for any constable to ask the victim and find out every single circumstance that is going to mean that the end orders are going to be workable. The first thing is the orders have to be workable and suit those particular circumstances.

In relation to breaches, there are plenty of offenders who do not care about orders being made. If it is true that there are half as many breaches reported as there are orders made every year, that does not mean that they are prosecuted, but if that is the case, then you have got an awful lot of offenders out there who do not really care if the police are going to breach them. We do know that there are a lot of breaches that are reported that are not dealt with as serious offences. They have been named technical breaches and they have been called minor breaches and there has been no evidence and so they are not prosecuted. So there are quite a number of breaches that are actually reported but not acted on.

Ms GREEN: In reading the submission of the Redfern Legal Centre, we would support their proposal, that there be investigation of all breaches and that it be a robust and consistent investigation. Then when the matter does go to court, it is the magistrate's decision. It should not be up to the desk sergeant to determine that is a breach or it is not a breach. Let us investigate it and let us find out. In terms of compliance, if people knew that they were going to be investigated, there was going to be a consequence, that might put some people on the back foot.

Ms STEWART: You are talking about the GPS.

The Hon. CATE FAEHRMANN: Yes. Did you want to ask those questions? I think we will go to a question on the GPS because that is the one I have question marks on and I know you do.

The Hon. NATASHA MACLAREN-JONES: Just on penalties more broadly, do you think the current penalties are adequate?

Ms GREEN: Yes.

Ms STEWART: In relation to sentencing, we would just like to say that that is a very complex area. I think magistrates have got plenty of direction and have to take in a million different factors in determining sentence. I do not think that is widely understood in the community. People think that a bond or a fine is a slap on the wrist, it is not serious enough, but there are a whole lot of issues that inform a magistrate's decision around sentencing and I think certainly the maximum penalty is adequate.

The Hon. NATASHA MACLAREN-JONES: Some of the submissions suggested that the penalties are not being applied consistently. Have you got any evidence of that or have you had any complaints made to you from some of the women you deal with?

Ms GREEN: I did notice in the submissions that those kind of themes were very clear, as they were in the consultations that I was a part of for the strategic framework, which is now the action plan. That is where part of the problem is within that process. When it goes to court, the decision is made by the magistrate, and I guess it goes back to ensuring that the magistrate has before them all the information. Decisions can be made only on the quality of the brief that is presented. It is important to get that right. That goes back to what is collected in evidence when police first attend, what information is included and how that is passed up to the bench.

Again, it is not as simple as magistrates at this end are not applying appropriate penalties. It is part of a more complex system that probably needs a lot more work and thought put into it.

CHAIR: I will let you continue down the path you were heading down a minute ago on the issue of GPS bracelets and your thoughts on that issue.

Ms STEWART: I thought that Julie Stubbs' submission and Legal Aid's submission on that specific issue were pretty comprehensive and I would support those.

Ms GREEN: The other thing I would say, if the Government was wanting to go down that pathway, then I hope that a clear recommendation from this inquiry would be that prior to any final decision being made there was an open and thorough consultation, because everybody has different pieces of information. Some people have had access to more research than others. I think if that was the path that needed to be chosen, that really there needs to be a thorough consultation process, a discussion paper model maybe, with everybody having access to the same information.

Ms STEWART: I suppose this is the opportunity in a way, but I have probably been saying for as long as I can remember, I would hate to see the money that would have to be spent on something like this go to such a narrow response, a narrow approach, in the absence of funding for counselling services for women victims of domestic violence, children who have witnessed domestic violence and those restorative reparative programs between mothers and children. This is the history of New South Wales, that there has never been a funding program specifically around counselling for victims and their children. It is unusual compared with other States.

The Hon. NATASHA MACLAREN-JONES: I just have one general question. Based on your experience, do you have an opinion as to the causes of domestic and family violence? I appreciate it is complex, but looking at it from a perspective of the causes and going back to prevention where that link could be made.

Ms GREEN: We would all agree that domestic violence is of itself a highly complex issue that intersects across a number of areas. While there might be particular links or triggers or contributing factors, I guess for me, coming from a feminist's perspective and working within that framework, it is very difficult to go beyond my understanding that the cause is about privilege and

entitlement and use of power, control and coercion in a relationship to maintain that power within it.

How do we address it? I guess it is that multi-faceted approach where we say as a society that we value women. We value their contribution to society. We make sure that women have the same opportunities, employment, education, as men do. What bears that out in particular is we know that one of the key vulnerable areas for women is when they are pregnant. That is a time when they might come dependent upon a partner and it is also a time that correlates to when violence might begin within a relationship.

Looking at all the social factors, there is not one particular factor that you could put your finger on and say yes, that is it. It would be nice to think that it is about alcohol, it is about drugs, it is about poverty, it is about unemployment, but it is about a whole of range of things, which I guess from that early intervention you are talking about challenging community attitudes that would support violence against women, you are challenging frameworks but understanding beliefs and ideas around men being the head of the house and so you have got very rigid gender roles within communities. It is multi-faceted and it is quite complex and I think it is certainly a challenge.

CHAIR: We probably have time for one more. What are your views on the New South Wales domestic violence action plan, Stop the Violence, End the Silence, in regards to your comments about how effective you think it has been in preventing violence and improving the response in New South Wales?

Ms GREEN: I understand it is under review at the moment. I guess we will be looking to see what has come out of that. In terms of encouraging better collaboration and more collaboration integration on the ground, certainly, it could very well work towards that, but we could have a plan. The same as with the national plan, it might look good on paper, but if there is no funding to go with it, we are asking other services to work within their current resources. I think it is somewhat unethical in a way to put forward plans but we want them to be cost neutral. I think that has been a big part of the problem in New South Wales for a very long time.

I can remember from the Domestic Violence Coalition perspective, when we first started to meet with particular Ministers and having to say this is an issue that we are going to have to bite the financial bullet on. We cannot keep saying to services, particularly in the NGO sector, that you have got to do more with what you have got, because we cannot. From a non-government organisation perspective we can no longer bear the burden. We are already stretched very thin.

Ms STEWART: I would just like to say that you would not know what that action plan is actually doing. I have read it and I saw that it is a lot of lists of existing programs which operate, run their own race. In my area any co-operation or co-ordination is by virtue of the individual workers within every service, the existence of the local domestic violence committee, which kind of hangs on by virtue of the commitment of interested individual people within the community. I do not know who is responsible any more for telling us whether or not it works and whether or not it is good and whether or not it was ever going to achieve anything.

That comes back to my first point. There needs to be a mechanism for co-ordination and consistent policy, development and implementation, monitoring and evaluation and for the message to be able to get out. We do not have that at the moment.

Ms GREEN: The other issue is that we want services to work together, work in cooperation and collaboration and to be integrated. On the other hand, we have a competitive tendering process which pits services against one another. I do not quite know what the answer is in that, but it is an issue, it is a problem. It has caused some territorialism and fragmentation of relationships in communities when you are all fighting over it. I do not particularly know what the solution to it is, but I think there is a paradox there. You want collaboration but a system is set up that you will compete with each other on getting a bigger slice of a very small pie.

CHAIR: Thank you for your time and your attendance at the hearing today. There are a number of questions that you have taken on notice. The Committee has resolved that answers to those questions be returned within 21 days. The secretariat will be in touch with you to facilitate that. Because we have only had the hour with you today, there are other questions that we would like to

provide to you on notice as well in writing, and the secretariat will liaise with you on that as well. Again, thank you for the work that you do and on behalf of the Committee thank you for your time today.

(The witnesses withdrew)

(Luncheon adjournment)

Ms GABY MARCUS, Director, Australian Domestic and Family Violence Clearinghouse,

Dr ROCHELLE ROZANNE BRAAF, Senior Research Officer, Australian Domestic and Family Violence Clearinghouse, affirmed and examined:

CHAIR: Before we start asking questions, would you like to make an opening statement?

Ms MARCUS: Thank you for giving us the opportunity to talk with you today. We really welcome this opportunity because we both have a long history of working in this area and we feel very strongly that New South Wales is long overdue for an inquiry of this kind. For about the last 10 years in New South Wales in terms of the response to domestic and family violence there has been a lot of tinkering around the edges as opposed to overhauling of the system.

New South Wales I think used to be regarded across the world as one of the leaders in this field and has now fallen really far behind in terms of the processes and the systems that are in place. We were delighted when we got this opportunity to come and talk to you and delighted to see that there has obviously been such interest in this.

We do feel we could probably speak to you for the next six weeks, let alone the next hour. What we have done is we have divided the questions that have been sent to us in half but we will probably interrupt each other and add to each other's bits and pieces.

CHAIR: We might start with those questions. If there are questions that you cannot answer, you obviously can take those on notice and if there are other things that we do not get through, then we may also submit those to you on notice as well.

The Hon. HELEN WESTWOOD: Thanks very much for both of you being here. I have certainly watched the work of the Clearinghouse for some time, so we commend you on it; it has been excellent.

If I could just pick up on the last point that you were making, that New South Wales has fallen behind in the last 10 years. Could you perhaps give us some thoughts on why you think that may have happened? Has it been lack of resources, has it been competing interests, has it been a philosophical approach either within government or bureaucracy? Have you got any thoughts about that - if you have not, that is fine but it would just be interesting to know?

Ms MARCUS: No, we do. I think in a way because New South Wales went out ahead of the game in the way there was a lot of patting on the back for a long time; we've done it; we've achieved so many things, moving on; done domestic violence. We are both ex bureaucrats so I suppose some of that is coming into my answer.

As a bureaucrat and even harder for a community person to sustain the interest in government of something that they already think they have achieved a lot in and I think New South Wales did lead the game and then got a lot of credibility for that and then moved onto other issues.

I am not saying those other issues are not important but I think it left things largely undone. It kind of set things in motion but it did not attend to a lot of the systematic trends that were emerging in evidence from other countries.

Because it was ahead of the game, it kind of then got behind the game because it did not pick up on everything that was then happening everywhere else.

Dr BRAAF: It is an interesting time to look at that past 10 years because there has continued to have been a number of investigations into new areas. We may discuss some of those in the course of the next hour, but around specialist courts and domestic violence death reviews, all those sorts of things.

I suppose my frustration is seeing that New South Wales has examined some of those areas of innovation and there have been opportunities to really grasp those but the government seems to

have only taken snippets of those different innovations. While we have a specialist jurisdiction, a court jurisdiction in domestic violence, we do not have a full blown court. Similarly, with the death review, there was scope to have a much more expansive review process, which we have not embraced.

I think we have made inroads in some of those areas but not fully engaged with some of those innovations.

The Hon. HELEN WESTWOOD: You mentioned other jurisdictions that really are delivering or implementing new approaches and initiatives, could you nominate some of those that you think are best practice and perhaps ones that we could be modelling or aiming for here in New South Wales?

Ms MARCUS: I think if you look at the Australian context, probably from our perspective Victoria would probably be leading the game. They have put in all the groundwork which has enabled them to put in place holistic change to the system. They did not do it overnight; they spent years consulting on it. They have invested vast amounts of money. They have invested a huge amount of time and energy into getting their governance structures right. They have fought incredibly tricky battles with the community sector when they have restructured the funding models that they have used, but they have actually ended up with a system that I think for Australia is probably the most comprehensive.

If you look at the ACT, the ACT is also a good model but the ACT is a city. You cannot really generalise, but there are also really good things that you can learn from other countries. If you look at some of the things that they have brought in in England for example, where in the same way as in Victoria there has been a whole of government approach. They have brought in significant reform to the system in a relatively short period of time. They have moved from having no specialist courts to having a lot of specialist courts. They have got a really good advocacy program. They have got high level government commitment which we think is the basis of it all. They have got a good death review process.

There are things to be learnt from a lot of jurisdictions but if you look at Australia the most easily accessible effective model would probably be Victoria and in some ways Tasmania, but Tasmania once again is small. In Tasmania I think they have also had some issues, specifically in the beginning, about creating almost a further rift between the government sector and the community sector. They have tried now to bridge that, but they certainly did that in the beginning.

The Hon. HELEN WESTWOOD: The other jurisdiction that someone mentioned was Canada. I do not know whether you have a view on the model there?

Ms MARCUS: I do not know if there is a model in Canada, because in some ways Canada suffers from the same issues as we do with federalism and the provinces. Things vary enormously from province to province in Canada but they have got some amazing systems in Canada in some places. They have got an amazing specialist court system going and the other thing from our perspective that they have got, which does not necessarily relate to what you are looking at, is they put a huge amount of money into funding for domestic and family violence; a lot. I think that has forged a collaboration with the university sector, which has really helped them.

The Hon. HELEN WESTWOOD: To pick up on that point, that is some of the evidence that we have heard, is that criticism of lack of funding, that any project has got to be cost neutral. I know from my own experience the lack of specialist counsellors or funding for counsellors and I know women's health centres tend to have to absorb that from their own budgets, do you have a view about the amount of funding that has been provided for domestic violence?

Ms MARCUS: Grossly inadequate, totally inadequate and totally allocated without any seeming proper plan as opposed to sometimes appearing to be allocated according to political imperatives as opposed to rather what is actually required.

What I have always argued for when I was a bureaucrat and still now is that there should be some kind of model worked out where there is a base line level of funding that is allocated everywhere, so everybody gets some base line level of service and you then add to that.

We certainly do not have that. In New South Wales we have very uneven funding, so in some areas there is quite a high percentage of services; probably those services would still argue inadequate and in other places, very inadequate. That does not apply only to domestic violence; it applies to sexual assault as well, which is probably even worse really.

Dr BRAAF: If I could just add to that, the issue of funding is intimately tied to the issue of integration as well. Although New South Wales boasts an integrated response to domestic violence, typically what that means is integrated services is site specific, so it is not integrated across the entire system and there is a lack of integration between different government agencies, as well as integration with the community sector.

So that patchwork that Gaby was speaking about is part of the problem. We definitely would support an increase in funding for domestic violence responses and services. If it is not within an integrated system, often part of that funding is wasted because we are not able to capitalise on the findings and the information that has been gathered through the provision of those services.

The Hon. HELEN WESTWOOD: What do you see the Government should do? Is there a particular area of service provision or prevention that you think governments should be looking at first?

Ms MARCUS: No. I think the thing that Government should be looking at first is the development of a comprehensive, integrated strategy, because without that you are going to repeat the errors that have already been made and come up with a scattergun approach. Without an integrated strategy that puts in place all of the infrastructure that is required, and that is not only financial infrastructure like resources, but the governance, the protocols, the policies, the information exchange requirements, without those things, we are going to continue to make the same mistakes. It actually needs to be something that starts at the top, at the highest level of ministerial accountability, and cascades down through the layers with some bridging of the gulf between the community sector and the Government sector, so that there is a trust built up, there is an understanding of what both sectors do and there are proper protocols put in place around the required services and how they operate together.

The more I learn about this, the more I have come to understand that it is not just about mainstream domestic violence services. Those services need to be linked in with drug and alcohol services, with broader range mental health services, and this is one of the biggest problems in New South Wales, with services for children who have experienced domestic violence. All of those things need to be linked into a cycle of service provision which is seamless to the user. We are light years away from that here.

CHAIR: Can I just pick up on that. I had made a note about this and I appreciate Helen allowing me to jump in here. Do you have all of those layers identified? Even in the Victorian model, is there a matrix or a map that identifies the links between the agencies and the different layers to identify this, or where can we look as a Committee to see where those layers lie and how they relate?

Ms MARCUS: The Victorian service put out a number of documents that map out their process and their structure and we have written a few articles in our news letter about those kinds of things and we can assist you to find those kind of documents if you want them.

CHAIR: Could you just very briefly identify the layers? You said it starts at the top.

Ms MARCUS: It starts at the top. There is a ministerial committee, I think it is called, which has all the key Ministers on it, so the law and justice, the human services, and all the kind of sub ones, the ones that deal with probation and community services, education. All of the key departments are involved. Then that cascades down to senior bureaucrats, who are committed. That is one of the extraordinary things in Victoria. Those people at those levels have continued to go to those meetings for five years. There has been no dropping off, because there is a requirement for accountability. So there are the senior bureaucrats, then the lower down bureaucrats, who do all the liaising with the community service agencies, and that cascades down to an intergovernment and NGO committee, also with high level bureaucrats who have built up their trust, and then down to a regional level. So all the

current committee structures are replicated all the way down. They have plans; they have measures; they have targets; they have accountability requirements; they report to Parliament; it is evaluated. All of those kind of structural things are in place to make sure that if you are in Bendigo or if you are in Shepparton, you are basically going to get more or less, not totally, but more or less the same kind of response from the conglomeration of service agencies.

What they have done is they have brought together - and I think this is where the conflict arose in Victoria. They have brought together some of the traditional domestic violence agencies with some of the less traditional. They have brought the refuges into partnerships with some of the bigger charities and some of the counselling services. Basically, the services should be about the people who use them, not about the people who deliver them. As long as they are delivering the service according to the standards and the protocols, it actually does not matter very much who is delivering it, as long as the service is high quality. All of those people have learnt from each other. I am probably making it all sound a bit kind of idealised. It is not without its problem, but it is significantly along the way to what we would like to see happening.

Dr BRAAF: They also have State-wide protocols; they have a State-wide risk assessment system; and funding directly to those regional service delivery systems, so that it is delivered regionally with the participation of both the community sector and the government sector in each of those regions. So there is a consistent response in all those areas.

CHAIR: Is there a key contact or someone in Victoria that the secretariat of the Committee could get into contact with to find out a bit more?

Ms MARCUS: Probably the best person to talk to would be Rachael Green. I will look up her phone number. She has been part of the process from the beginning.

The Hon. HELEN WESTWOOD: Just talking about sharing of knowledge and expertise, one of the previous witnesses suggested there was not much of an opportunity for that in New South Wales, for domestic violence workers, whether they be in refuges or whether they be in the health service or DVLOs, to actually have that time together sharing information. I think often it is done as part of a conference, but it is not something that happens in New South Wales very often. Do you have a view on that? It is a staff development process but also an opportunity to share information and researches.

Ms MARCUS: I think those kind of opportunities are fundamental. They are fundamental at a local level and at a higher level, because that is the way people actually learn and share and understand what the other people are doing. I know when there are opportunities in New South Wales for those kind of things, people really value them, not only in New South Wales. They run forums around the country and people always are amazed to hear what is happening in their back garden that they do not even know about, let alone things that are happening in other places. It is a really vital way of learning.

It is interesting that you pick up on that, because I just randomly opened this New South Wales plan this morning to the section on work force development and capacity building. It basically does not address that issue at all. It does not even talk about opportunities for work force development. There are so few opportunities just for training in New South Wales. The Education Centre Against Violence (ECAV) is fantastic, they do a fantastic job, but they are required to train a whole sector with a very small organisation.

One of the other fundamental parts that has made Victoria so successful is the rolling out of consistent State-wide training. Across the State everybody is getting the same kind of interagency training. They are now training police on their own and counsellors on their own. They are training them together, so they all learn about the same protocols together. They share what they are doing and learn about each other's roles and it encourages communication. We do not do enough of that.

The Hon. HELEN WESTWOOD: I am also interested in any of the prevention programs. I know there is the prevention that is aimed at preventing perpetrators from re-offending, but I am also thinking about programs that really make young people think about abuse and healthy relationships, so preventing it before it ever occurs. I am just interested, is Victoria leading the way there as well?

Are they doing work in the schools or in youth centres with young people?

Ms MARCUS: I will answer the first bit of the question. I do not think that is necessarily an area that Victoria is leading the way in. They do have some good projects, but I think that push around healthy relationship programs is largely coming from the Federal Government. They have pushed huge amounts of funding, millions and millions and millions of dollars, into healthy relationship programs in schools and youth clubs and universities and sports clubs and various things. I think that is where that push is coming from. I do not know whether - I cannot think off the top of my head, there are literally hundreds of programs now. I would not even remotely claim to have a handle on which ones are good.

Dr BRAAF: Victoria certainly is funding a lot of programs, but the problem is Victoria has documented the programs that they are funding and not all the other States and Territories have done that. So it is difficult for us to assess how they are going against the others. One of the things that Victoria does have going for it is its Domestic Violence Resource Centre, which is funded through the State Government. It does provide a service which is around the valuation of those programs and it provides a forum for operators of those programs to discuss some of the issues that come up for them and deal with in those programs. I think that is a very useful model and it could be applied across a range of different interventions.

Ms MARCUS: There is also VicHealth.

Dr BRAAF: Yes. They have put out a document around prevention which is probably one of the few in the country that specifically deals with that area of intervention.

When we talk about prevention, that is largely around education and the Clearinghouse is a bit ambivalent about that. It is very difficult to do an evaluation or education programs separated from other interventions, to work out what the impact of that is, but certainly we would feel that an education program can offer a great deal of support to other interventions that may include sanctions for domestic violence. One of the things that education does do is it allows a challenging of traditional views of roles within relationships and challenging negative attitudes and at least providing a forum for some of these issues to be discussed. In that sense we would consider education to be quite valuable.

We would also consider that any educational efforts be targetted at particular audiences. If it is healthy relationships, before it might begin, or that it is targetted at perpetrators or it is targetted at the members of a community who are support for victims in violence. We find that targetted programs work much better than a generalised education intervention.

In terms of that early intervention, one of the areas we would see as incredibly valuable is any kind of education that offers information or advice or support for when victims may first be experiencing violence or when they think they may be at risk of experiencing violence, and providing that information as early as possible to give people an opportunity to make an informed decision about what their choices might be.

We have done such projects in the past when women say to us that they did not know what supports were out there. Providing that information and advice is critical. There are always going to be parts of the community that have less access to that information because of disability or regional isolation or language barriers or other communication issues. Being able to support them around accessing that information is really important.

The final point I wanted to make about education is the role of community leaders, particularly our politicians, the judiciary, other community and religious leaders, can really make a stand around violence against women generally or domestic violence more specifically, and not just speak out about those issues, but also look to their own organisations and see what efforts they can make around addressing violence issues.

For example, the Clearinghouse is involved in a project around workplace violence provisions. Looking at including that within their own organisation or looking at gender equity within their own organisation. We need to encourage those efforts from our community leaders more.

The Hon. HELEN WESTWOOD: The Federal Government funding that is going into those community education programs; do you know whether or not that has an evaluation as part of it? Do we know if they are measuring it for efficacy?

Ms MARCUS: They funded two rounds. I am not sure how many programs are funded, I cannot remember, but a lot of programs and then they realised they better do some evaluation, so they have funded an evaluation and a third round of programs. The intention is that the evaluation tries to go back and look at the effectiveness of the first two rounds but because there are no base lines or measures put in, I think that is going to be very difficult.

The Hon. CATE FAEHRMANN: I get your newsletter actually and it is extremely valuable. Back to this whole plan thing, Ms Marcus I notice you held up the Stop the Violence End the Silence action plan. That is not it?

Ms MARCUS: No. This is an interesting document full of motherhood statements, all of which are very valuable but it has no targets. It has got very little money allocated towards anything. It has got no measures. It has got no proper targeting of suggested interventions and most of all, it does not have any set of government structures as to how it is going to be implemented; so no, it is not.

The Hon. CATE FAEHRMANN: We did hear from another witness this morning that was talking about a domestic violence strategic plan that the government had in the 90s. Do you know about that one?

Ms MARCUS: The New South Wales Government?

The Hon. CATE FAEHRMANN: Yes.

Ms MARCUS: We would have probably been part of developing it but it is not coming to mind.

The Hon. CATE FAEHRMANN: You were saying that 10 years ago things were much better than they are now and I wonder whether in the 90s there was more of a strategy.

Dr BRAAF: I think in 1992 there was a domestic violence strategy; because I only started in 2000.

The Hon. HELEN WESTWOOD: When Faye Lo Po was minister.

Ms MARCUS: There were a series of measures put in place but I do not know if there was ever a whole comprehensive strategy. I had barely arrived in this country then, but there certainly was a violence against women strategy in New South Wales but it never really had a fully spelt out overarching document. It did have some really good processes in place but once again, it did not have in place those real governance structures that helped it.

It sat in the Attorney General's Department originally. It was not directly accountable to a minister. It went through the director general of the Attorney General's Department. It had shifting array of bureaucrats who came to that committee; so from month to month you never knew who was going to turn up because the departments did not put the emphasis on valuing the continuity of the input.

The most valuable structure that it had was the regional specialists that worked with local communities and the other really important thing that it had was a broad focus on a whole range of gender based violence as opposed to just domestic violence.

I suppose those were the things that I was saying were leading the way, that holistic attention to gender based violence was quite kind of groundbreaking at the time but what it then missed out on was all of the developments around planning and integration that have come since then.

The Hon. CATE FAEHRMANN: A number of submissions have addressed the high number of breaches of ADVOs and of course that is one of the terms of reference of this Committee, is to inquire into that.

I would be interested in hearing your views on that, whether you have any recommendations in terms of ways to reduce breaches occurring?

Ms MARCUS: I think one of the key ways of reducing them is by providing women with sufficient advocacy and support at the time that the orders are being made, so that the orders are correctly tailored to meet the women's needs, so they are not automatically breached as soon as she goes out and tries to organise her child sharing arrangements.

So the provision of more court advocacy services I think would really assist with that. The provision of more time in court for the prosecutors to deal with the case adequately and for the police to shape those orders; so generally more time and space for the tailoring and the kind of shaping of the orders to meet the woman's specific needs.

From my perspective, I do not really identify that the number of breaches is such a big issue. From my perspective it is the way the breaches that occur are being dealt with that is the key issue, because if you do not deal with the breaches adequately, how many there are is irrelevant. The best way to stop breaching is for the police and the courts to deal with the breaches in an effective way, which then sends out a strong deterrent message to perpetrators about breaching. If they know they can breach and there are going to be no consequences; that is not going to stop them breaching again. So those breaches actually need to be thoroughly investigated and charges need to be laid because breaching is a criminal offence and there are so few charges laid because of breaches.

Very often the onus falls on the woman to gather the evidence about the breach. It is the police's job to investigate a breach and in far too many cases breaches are not taken seriously.

Dr BRAAF: Just to add to that, one of the issues around police response to breaches is around police training and adequate police training. But also the New South Wales Ombudsman released a report this year around the policing of complaints of domestic violence. One of the things we would like to see is the implementation of the recommendations of that report.

The Hon. NATASHA MACLAREN-JONES: I just want to pick up on a couple of comments you made in relation to your survey that you did on support services. Firstly, do you think the services that are currently available are adequate enough?

Ms MARCUS: No. I think depending on where you are, you do better or worse. The common story that one hears is that people are waiting a long time for counselling. There is an enormous list of people who are turned away from refuges. As I said, there are very, very, very few - you can probably count them on two fingers - services for children.

There is no kind of - I feel like I am harping on Victoria again, but Victoria has quite a well developed outreach service for domestic violence. It does not always require that women go to the service, the service is taken to them, and it also means they can access the service wherever they need it.

We do not really have a kind of a domestic violence counselling sector. If I was a victim of domestic violence I think I would find it quite hard to work out where I had to go. If I luckily phoned the crisis line, maybe they would refer me to somewhere in my local area, but if I just looked up - I live in Summer Hill; where would I go in Summer Hill? I do not know. There is no community centre. There is no women's centre. There is no women's health centre. I do not know where I would go.

So there is no kind of consistent domestic violence support service sector across the state. There are family support services in some places. In some places there is a women's health centre. In some places there is a general kind of family issues centre; inadequate service provision.

Dr BRAAF: One of the problems is connecting to a service at all. What we would like to see with an integrated system is that even if you went to say Centrelink to see if you could get some financial support, that they would then put you in contact with a service. It may be a housing service or a domestic violence service or whatever.

Ms MARCUS: I cannot remember who has put it out, but there is a report that has been released recently called No Wrong Door, which basically means that whatever agency you approach in an integrated system can refer you through to get your needs met.

This might be a bit of a diversion but last year when I was in America I went to visit something called the Queen's Family Counselling Centre - I'll have to look up the name - but it is the most amazing service. There are four of these in New York and there is a network across the state and in other places.

Basically you walk in, it is located next to the court, you see a receptionist; you fill out a basic questionnaire. Within half an hour every single person has been allocated a case manager. The case manager then refers you, while you are there waiting, to the service of your highest need. So if your crucial need is you have got no money, they will put you in touch with a food stamps person or if your most urgent need is that you are homeless, your first port of call will be a housing service. If you have to go to court the next day, your first port of call will be the legal support team.

All those agencies are sitting in that building, all working together. They have all got information sharing protocols. There is a children's counselling service there. So basically you can get all your needs met and you do not have that process where what often happens here is that people approach a service and they are told: Sorry, we haven't got any appointments for the next two weeks, but we'll put you on the waiting list.

But what happens with domestic violence and with most things I think, if you miss that window of opportunity when that woman is seeking help, it will take her a long time to make that call again. So we need a system that is going to respond when people need that initial response and then you get them hooked in.

Dr BRAAF: There has also been the impact of the GFC on service provision. There are a greater number of people seeking help for more general issues than just domestic violence support; especially for the mainstream charities that provide assistance to the community. They are having an increased demand and not necessarily an increase in funding.

The amount of service that is available to the number of people, there is not a commensurate relationship there.

The Hon. NATASHA MACLAREN-JONES: Looking at penalties, do you feel that the current penalties in relation to those that commit domestic violence or family violence are adequate enough?

Dr BRAAF: We have seen some of the other submissions to the Inquiry already and we would agree that they are sufficient, but they are inconsistent; inconsistently applied. I suppose I would again refer to the Ombudsman's report and their recommendations and again to the issues around training and having some consistent policies and protocols, not only for the police but across the other services that would support the police in their responses.

Just the other point we would like to make in relation to that area of penalties is that police be adequately resourced to prosecute applications for police ADVOs. That would allow for better evidence gathering and also more time to work with police prosecutors to prepare cases for court.

Ms MARCUS: Just to add to that, the issue is not the severity of the penalty; the issue is that so few people ever get to the point of the penalty. There are a vast number of AVOs taken out; there are a vast number of breaches. Very few breaches ever get policed or prosecuted, and very few assault charges comparatively ever get laid. If you look at the attrition rate; the number who start off committing offences compared to the number who ever get to court, and then if they get to court they often get a suspended sentence.

It is about inconsistency; it is not about the lack of availability and it is about proper policing.

CHAIR: Could I just pick up on the provision of information and use the example from New York and you also mentioned about that window, that we need to be able to provide the right information in the right format. Are there any other examples of how other jurisdictions are providing that information well and particularly to some of the groups from say migrant communities or people from literacy type backgrounds, et cetera?

Ms MARCUS: I have to say that is not my area of specialisation, so I do not know really.

Dr BRAAF: Apart from the kind of model that Gaby was talking about, some of the things I can think of again was a project in Victoria, where people from some cowed services were developing some community leadership and training community leaders around some of the legal issues related to domestic violence so that when community members went to those leaders seeking support and help, that they would be able to advise them and then at least connect them to the appropriate services. Those are the sorts of innovations that I can think of.

Ms MARCUS: I think one of the other issues is about making the gatekeepers to the system aware of the right information. So for example, GPs, lots of people who have experienced domestic violence never go anywhere near a domestic violence service but they mostly will go to their GP or their neighbours might know something or the kids' school teacher; so it is about providing those people with the information and the resources to be able to pass that on when it is required and I think GPs are quite a crucial link in that process.

That is my other bug bear about New South Wales, the screening process. New South Wales, once again, was a front runner in terms of screening for domestic violence. I think they have done an amazing job, but it is the bit that they have left out and that was really crucial, which is the screening in accident and emergency. That was left out because the doctors objected to it but the number of domestic violence victims who present at accident and emergency is enormous. If they do not get screening picked up there, that is that opportunity gone. There have been a lot of studies now on how many times victims of domestic violence come back to accident and emergency and those staff basically choose not to see it. We are missing an intervention opportunity.

Dr BRAAF: In that context it will be very interesting to see what happens in the Northern Territory where they now have mandatory reporting across the community. I think one of the intentions was that health workers will be much more diligent about asking about domestic violence.

CHAIR: Why are doctors objecting? Is that a privacy issue?

Ms MARCUS: They are conservatives. They are not counsellors and they do not want to open up a Pandora's box. Casualty is too busy and there are already people waiting for beds, all of which is true.

Dr BRAAF: But I think that that is a problem right across the GPs. Over the years people have tried to work with GPs and have encountered strong resistance. Many people feel uncomfortable with this issue and they just cannot really embrace it.

The Hon. HELEN WESTWOOD: Two questions. Firstly, again, is Victoria screening in hospitals?

Ms MARCUS: No. New South Wales is probably doing the most comprehensive screening in this country as far as I know. I could be wrong but I think it is. Places like the US, screening in casualty departments is universal.

The Hon. HELEN WESTWOOD: You may not know the answer to this. Has there been any component in the GPs' training around domestic violence and have you been asked at all to provide any information or any component of their training on domestic violence?

Ms MARCUS: No. I do not know how much there is, but probably not a lot.

Dr BRAAF: I think none. I can remember when we were working in government, but that is quite a while ago now, we did approach the College of Physicians to include some domestic violence training and they were incredibly resistant about that idea. There are pockets of GPs who are interested in this issue and they have taken up training or they have worked with domestic violence services. There have been pockets of GPs who have taken this up, but it is certainly not widespread as far as I know.

The Hon. NATASHA MACLAREN-JONES: Just on that, can I ask have you looked at nurses and their role in screening in any way?

Ms MARCUS: I think nurses in New South Wales have been really important in the screening processes and I think most of the screening in New South Wales is in fact done by the nurses.

The Hon. NATASHA MACLAREN-JONES: But it is not formalised in any way?

Ms MARCUS: It is. It is formalised in ante-natal services, in drug and alcohol and I think in obstetrics, but it does not take place in accident and emergency.

CHAIR: One thing I picked up from your opening statement was around the designated courts and those being essential. It is quite interesting, one of the witnesses from the Attorney General's Department was saying that they are more in favour of designated lists but did not want to go down the path of opening up domestic violence designated courts. I just ask for your comments on that.

Ms MARCUS: The Attorney General's Department is not in favour of designated courts because it is expensive. It is effective. Lists are a good beginning and I think they probably are operating in a lot of courts now but just having a list does not fix the problem. It gets everybody there on the same day, but if you do not have a judge or a magistrate who is well informed about the issue and who is interested in seeing that the best is done for the victim in that circumstance, if you do not have Crown Prosecutor, if there is no support worker on hand, if there is no-one on hand who can refer the person to a service that they have already got a link with, it is just a list, it is just a way of bringing people together on one day. If you have a specialised court where everybody is actually trained, works together, they have got a series of support systems in place for the victims and some programs for the perpetrators too, and some support systems in place for the kids and they can refer the person to a drug and alcohol program, you are looking at a far more holistic response than a list. But of course they are expensive.

What is proving in America to be the most effective type of court now is in fact the model that they have piloted in Heidelberg in Victoria. It is one judge, one family. They have in fact combined all the jurisdictions. If there is a criminal matter, they will deal with it in that court; the same judge will deal with it; if there is a family law matter, they will deal with it; if there is a domestic violence matter they will deal with it. So the judge or the magistrate gets a picture of the whole family. You cannot get that kind of manipulation that is so often the picture in this kind of case, because it has always been before different magistrates, no-one gets the whole picture. In fact we often end up with conflicting orders from different courts.

CHAIR: Another part that you also touched on was death review. We had previously the people from the New South Wales Domestic Violence Coalition and they have started to do a death review on domestic violence homicide victims. Again, probably drawing on Victoria, is that formal process, the review that is being conducted by more structured government departments, is that something that you would like to see or is the path that the coalition is heading down the right sort of model?

Ms MARCUS: I think the path the coalition is heading down is a good beginning. I have not looked at the provisions probably for a year, so I could be a bit wrong in my information, but my sense or my memory is that there were some limitations with the review process here in that they could not talk to witnesses. I do not want to say this if I am wrong.

CHAIR: You can take it on notice if you like.

Ms MARCUS: Yes, could we? In fact we wrote some submissions on it at the time. I would prefer to go back and look at what our concerns were.

CHAIR: But it was something that you could identify that was imperative?

Ms MARCUS: Yes, some shortfalls.

Dr BRAAF: Again, my memory is a bit hazy about this now, but one of the issues in Victoria the review process was located with their coroner, whereas that is not the case in New South Wales, and the coroner had specific powers that allowed a greater purview of issues to be covered than is the case in New South Wales.

Ms MARCUS: And there are issues around closed and open cases is my recollection but I will take that on notice and go back and look.

The Hon. HELEN WESTWOOD: You may not know the answer to this again. At the time when that homicide review task force was being called for, there seemed to be some resistance in New South Wales to that. I could never see why. Did you have a sense of that at all, and, if so, where that resistance was coming from?

Ms MARCUS: It depends which process you are asking about. When I was the manager for the violence against women unit in the Attorney General's Department, we put up a submission for a death review. I do not even remember what year it was, but it was when Bob Carr was still the Premier, and it was a negotiated process that had gone through a committee with the police and the prosecutors and generally everybody had agreed on it and it went to Bob Carr, who said, "I do not want another stick to be beaten with in public".

The Hon. HELEN WESTWOOD: So it was political resistance rather than monitoring of the officers?

Ms MARCUS: A political resistance, yes. It is bad enough that these women are being murdered but we do not actually want to reveal where the shortcomings have been. So there is political resistance and I think some of that has been overcome by the fact that we do have a death review but there were a lot of women who died in New South Wales in a very short time that created the position.

Dr BRAAF: I suppose also it comes down to the way in which those death reviews are perceived. It is just you really take one case at a time and you investigate each individual case. I suppose there is a sense that individual people or departments or agencies will be identified as the problem in that particular death. Our response to the death reviews is that it is often an opportunity to look across a number of deaths over a period of time and see whether there is a pattern within the entire system and that is where perhaps the greatest value lies.

The Hon. HELEN WESTWOOD: That is what I always understood it was about. Maybe you are right. Maybe it was being interpreted as something else, but I always understood it was about looking at the systemic violence.

Ms MARCUS: It is meant to be but I think there is concern about finger pointing and blaming.

CHAIR: Can I just ask for a quick view on the use of GPS bracelets to try and prevent reoffenders and their compliance with ADVOs?

Ms MARCUS: We are basically in favour of the use of GPS or certainly the trialling of GPS, because other measures appear to be failing. My feeling is that the more measures you put in place that could potentially make the victim safer, the better. It is early days in terms of GPS tracking and I think the technology is improving, but it is still expensive. I think it would have to be clearly targetted to the right perpetrators. Initially, when I started hearing about GPS I thought okay, great,

you can put them on all ADVO offenders. You cannot do that. It is too expensive. You cannot track them; you cannot monitor them. So you have to be very selective about the situations in which you use them, But I certainly think it would be worth trialling the roll out of GPS monitoring for domestic violence offenders.

Dr BRAAF: We had a paper we wanted to table around the GPS. There are some limitations with women and they are technological. Sometimes there are drop-outs and that creates an element of false security.

Ms MARCUS: But as another measure, in the right circumstances I think it could be effective.

CHAIR: I believe you had some other information that you would like to table.

Dr BRAAF: One of the questions was around the arrest of women. The Clearinghouse published a paper a couple of years ago on dual arrests which looked at that issue of the arrest of women. I do not know if you want me to say a little about that issue now or whether we will just table that.

CHAIR: Yes, just briefly. We will make the time.

Ms MARCUS: What we have given you now is a paper that was produced in-house around GPS tracking and there is another paper attached to it which is a really accessible paper about some of the issues of perpetrator programs.

CHAIR: Do you want to briefly outline the--

Dr BRAAF: The other thing, it is difficult to know in Australia what the reasons are around the increase in the arrest of women. When we look overseas there has definitely been a rise in arrests where mandatory and court interventions are in place and it is largely around police being unable to identify who was the primary aggressor. We would strongly support having a protocol around it, a strong policy in place for police around who is the primary aggressor and some training and supervision around that. I suppose that is the key issue we would like to raise.

Ms MARCUS: In terms of papers, we have got some other papers here. One is a paper on perpetrators. What else?

Dr BRAAF: Just an article around the different State policies.

Ms MARCUS: A paper here on policing in different jurisdictions, including the Metropolitan Police in London, who have probably been the most successful in bringing down the domestic violence homicide rates. So there is an article in there about that.

CHAIR: On behalf of the Committee thank you very much for the supplementary information and also your time giving evidence today. It has been very valuable. The questions that you have taken on notice, the Committee has resolved that answers to those questions be returned within 21 days and the secretariat will liaise with you on that. I would imagine that there will be also some questions that we may provide to you on notice as well and some of those answers that you might provide.

Ms MARCUS: That is fine, no problem.

CHAIR: On behalf of the Committee, thank you very much.

Ms MARCUS: A pleasure. Thank you very much.

(The witnesses withdrew)

Dr LESLEY LAING, Senior Lecturer, Faculty of Education and Social Work, University of Sydney affirmed and examined:

CHAIR: Would you like to give an opening statement before we open up to questions.

Dr LAING: I just wanted to thank the Committee for inviting me here today and to say that I am currently, as you are probably aware, in the middle of a study on women's experiences of getting an AVO, which is not finished. It should be finished by the end of this year.

I will speak to some parts of it that are finished, but just to let you know, I am happy to provide that to you when it is complete as I cannot do that for you now.

One of the things I have noticed in the terms of reference is that there is a lot of focus on the legal system and obviously that is an essential part of responding to domestic violence. But I think it is always useful to remember that probably our best estimates are about 20 per cent of women only dealing with domestic violence ever come into contact with the law and use the law.

I think in some of the thinking about co-ordination and responding, we need to think more broadly than just the legal response and think about how things can dovetail together around wherever women happen to meet the system; whether it is in health, through the law, through child protection; have every entry point part of a co-ordinated response.

I guess it goes without saying to this Committee that the bottom line in all our efforts, and I think things have turned out to be more difficult than might have been imagined 30 years ago in dealing with domestic violence, more complex, as we have tried to resolve things; that certainly for me the bottom line is safety and autonomy of women and safety of their children. That is the main goal, and accountability of perpetrators of violence.

I think part of the issue we have in using the legal system is that it is very focused on holding offenders accountable. It is not an easy fit to have that system think about safety of women and children. It is really stretching to try and get it to be more responsive and that is a lot of our struggle.

Other than that, I think I will let you ask questions.

The Hon. HELEN WESTWOOD: The amount of information that we have already received is quite overwhelming and I know that you will have some more information that is really useful for us. It is a really important area of policy in New South Wales and for all of Australia.

You mentioned that only about 20 per cent of women, that is an estimate and I understand it is that.

Dr LAING: That is the estimate around the world, because we do not know who does not come forward.

The Hon. HELEN WESTWOOD: What else do you think that we could be doing for women, I guess women who are surviving or who want to escape those violent situations and even for women who perhaps do not identify that they are victims, that do not see what is happening to them as domestic violence and remain in a dangerous situations, as well as being very unhealthy and unhappy.

Is there a particular area where you think that we should be going into in this policy or even legislation?

Dr LAING: There is a lot of research now but previously and some years ago we used to think of women as either victims or survivors. We now know it is much more complex and that women dealing with domestic violence go through a process. Some people look at it in stages. I actually think it is more of a circular process and it is determined by escalating risk, what response the woman gets from others when she might talk about it or hint about it; how the perpetrator reacts to what she tries to do to cope with the violence. So it is a very complex response and I think when

women come into contact with services and our policies, they can be anywhere on that journey of understanding and making sense of violence.

I think we have that tension between you want to have a consistent policy response, so women know what to expect, but you do not want to have a response that is so one size fits all that it overrides what the woman is already doing in terms of keeping herself and her children safe.

I guess a big part of what I would like to talk about is the importance in all our policy that we do to co-ordinate things; that collaborate and have policies. One of the important things that we need to have consistently and we do not in New South Wales have it to the extent we should; is what is called specialist domestic violence advocacy. I am not using that as a legal term. There is a lot of research around the world of how do we make women safer, a lot of emphasis on perpetrator programs, et cetera. In fact, some of the best evidence is that specialist domestic violence advocacy with women can actually make them and their children safer.

So we actually have evidence that the work that say is done by our non-government sector is actually very important in keeping women safe, because they work with them around developing safety plans and most importantly, they work with them across the cracks and the crevices of our system, no matter how well we try and co-ordinate, they do that and I think they can be a voice for women.

The danger is with having inconsistent response, that you get worker led solutions. For an example, if police are called to a domestic violence situation and there may be involved child protection services as a result of that, the woman might be in a position where she is not even naming what is happening to her as domestic violence. If a worker comes in with a heavy handed: This is terrible for your children. You must leave, all they do is to push that woman into a position of shame and embarrassment for not complying and in fact get her caught between the perpetrator and the system.

What referral to a domestic violence specialist advocate can do is give the woman the support she needs to understand her situation to safety plan. Many women are not aware of the risk factors until they sit down with someone who goes through a safety plan, a collaborative plan and that advocate can then be her advocate with community services around what is she already doing to keep her children and herself safe and what is her capacity to do so, and opening her eyes to the resources that are available.

Another woman in that situation might be on the point of leaving and really wanting someone to tell her this is what you do. So we really need that advocacy in there to calibrate the system. I think it is vital. It has been done traditionally in Australia by our women's refuges, not just in accommodation but through outreach, women's health centres, family support services; they all do the sorts of things the international literature says actually works to keep women safe.

But we have got a patchwork network of them. All those services I have mentioned I do not think have had enhancement over the years. We have swept more women into the system, saying you must get an AVO if the police come. We have reported them to DOCS but we have not built up that advocacy. We have built in some new services - Staying Home Leaving Violence workers, the very important women's domestic violence court advocacy program, which is vital; a number of other schemes, the integrated schemes such as Green Valley that I evaluated.

They are all doing this important work but they are sort of being funded in a higgledy-piggledy inadequate way and often the new services are funded short term, so there is anxiety about funding; they cannot offer that long term support. It seems to me one of the best things we can do, we can fix the system as best we can and there are many ways to do that, but unless the woman has someone beside her walking through that system, she is probably not going to make it or she will drop out of it I would say and I think that is probably one of the biggest gaps, that someone who works with that woman, where she is at at the moment, knows the resources, knows the system and is beside her.

As I say, we have got that really good work going on but it is not consistently resourced and consistently available across the state. I think Canada are really impressive. They did a really big

zero tolerance to violence criminal justice response with specialist courts but they made sure that every dollar that they spent on improving the criminal justice system, equal money went into women's support services. So it is a matter of them keeping up with the way that our policies are carried out.

The Hon. HELEN WESTWOOD: We heard from some of the previous witnesses that they felt in terms of domestic violence strategy, the whole of government strategy in terms of response, legislative as well as programs, that New South Wales has lost its way. There was a time when New South Wales was perhaps a leader in having domestic violence strategic response but that has not been the case for a while. Have you got a view on that?

Dr LAING: I think things could be improved in New South Wales. I think one of the changes that happened that has been unfortunate is that there has been a separation between the government sector and non-government sector. I have been around long enough to know when we had the Sexual Assault Committee and the Domestic Violence Committee and they were not always comfortable for government because it is usually the people on the ground who can say: Hey, your policy is not working. I have been a policy person in government too and that is not comfortable, but it is the only way you get the system to change.

I am on the Premier's Council now, an advisory council but we are all non-government members and I think there is a very big difference, if you talk about collaboration, to being an advisor, to actually being in the same room trying to develop a strategy that both non-government and government can work towards.

I think that would be something I would agree in New South Wales where we have been lacking. As I say, the government has asked for advice but you do not learn to collaborate and be on the same page, and that is probably the difficult thing in domestic violence, because everyone has a different view and understanding, it is really hard, but you get that by working together through those differences.

We have got good examples in the past. I was involved with the Child Protection Council where we had government and non-government at a peak level and regional level. More recently than that I was asked by the then Premier to chair the panel of the domestic violence death review process, whether we should have that for New South Wales and that was absolutely the first time in many years that we have actually had a group of government and non-government people working together to nut out possible solutions.

I think everyone found it really rewarding and it is the only way to find out the full picture. It needs to really percolate down from your strategic level, through your regions to your local levels. I know there was an attempt to have that in the action plan and I do not know how that is going. It has not been going very long.

When we did the consultations for the strategic plan a couple of years ago, the big issue on the ground that people said to us as council members was if we see a problem and it is bigger than us, it is systemic. It is not just a local problem. Where do we get it up the system? I think that is where if you have your strategic level, your regional area level and your local level, both with government and non-government representatives, it seems to me that is the best way to do that. It is probably slower for government and more painful, because you do hear, people say things just are not working.

But that is the sort of thing, if you are going to actually make things better for victims, that information is essential. People have probably mentioned Victoria as an example. They have really gone ahead with that in a quite admirable way. It does not mean it is totally perfect and I know the grass always seems greener, but certainly they have involved the non-government sector at the strategic planning level all the way through. You get a partnership at every level and I think that would certainly help in New South Wales.

The Hon. HELEN WESTWOOD: The Premier's Domestic Violence Advisory Panel, was that just government sector, was it?

Dr LAING: It is non-government.

The Hon. HELEN WESTWOOD: Did it have both, or not?

Dr LAING: No, the one on domestic violence deaths was an anomaly but I think a better anomaly. I am not saying it is not nice to be asked to be an advisor, but that is very different to saying: How do we work this out together for the better of victims and nut out the thorny issues, and I really think having a problem solving rather than a blaming mentality. It is very easy to blame every other agency or the government sector or non-government sector and getting past that can be difficult.

I have done some research in recent times where we were trying to improve collaboration between women's domestic violence services and mental health services, because there are such big mental health impacts of domestic violence and they were very different. You had very feminist grassroots based and a very medical model but we actually were backed by the health policy that said domestic violence is an issue for health and we had a whole series of research I will not go into but the last stage was action research where we had practitioners from both sectors in action groups actually generating the practice change that would work in their area and the areas where we worked successfully, there were two of them, they had similar goals about how to give a better service to women who fall across those two systems but they developed better local solutions. But they were backed for health by that health policy behind them.

So actually working together at whatever level and we have done interviews with the practitioners about what made it work, and it was about getting to know people, building relationships, developing what they call institutional empathy, which is when you understand not just what your other agencies do but what they cannot do, because they have all had fantasies. There was words like: If only the police did this. Knowing the constraints of each other, they said really broke down that tendency to blame each other. There are processes and we know what helps collaboration and co-ordination but they are hard to do, but they are doable.

The Hon. HELEN WESTWOOD: One of the policies that we have heard quite a lot about today, and you have touched on this as well, is the lack of funding and resourcing of the NGOs in particular that are providing services to women who are either in domestic violence situations or women attempting to escape. I would be interested in your view on this. It is something I can remember being raised some time ago and it might be a bit controversial.

The focus of government shifted to child protection and child support, the complete emphasis being on that. At the time I wondered whether there was a risk then that women's safety may not be seen as a priority and whether there was a risk that you could not perceive the funding in terms of resources that were needed. Has that ever been explored or raised by anyone in discussion about the lack of funding and development?

Dr LAING: Not in exactly the form you are saying, but I think most people would agree that that interface between domestic violence and child protection is probably a bit of a coordination puzzle. That is one of the most intractable and challenging problems. We are probably not doing it as well as we could. That is, I guess, historical with a child protection model that says that children's safety is our first priority and a women's sector that says women are. I think the women's sector has raised the issue of children being affected, but actually getting those two sectors to work together I think is one of the most difficult issues we have yet to tackle.

When we have strong statutory based departments and small NGOs, you have a bit of a power imbalance in trying to get those two sectors working together. It is a bit like the mental health and domestic violence, a giant health system. It is possible and there have been good efforts made around the world to get that collaboration going better, because the inescapable fact is that the majority of cases that come to child protection involve domestic violence and historically we have started from one angle rather than another.

I think people would agree that you keep children safe by keeping the mother safe. It is how you actually do that. I think that relates a little bit to what I said about the domestic violence sector expertise about where women are up to in understanding violence. I guess the statutory system is more likely to want to impose a legal solution. There may be good reasons sometimes when you need to do that, but there are other times at which an approach that understands what women are already doing to keep themselves safe because women are, day by day, doing risk and safety planning whether they

know it or not. I think the skill in child protection is to tap into that and to use that knowledge. Bringing the knowledge of the two sectors together I think is imperative, and I think it is one of our big issues in New South Wales. We have still got a long way to go.

The Hon. HELEN WESTWOOD: The other area that I am interested in is the role of the police in responding and the appropriateness of the response. I would be interested if you have a view on how you think the police respond, particularly the domestic violence liaison officers. I have raised this with other witnesses today. Their lack of status within the force seems to lead to them changing pretty frequently. It is not a sought after position. Certainly, the coppers that I know, no-one is keen to pursue it and it is not seen as something that is going to enhance your career prospects. I would be interested in your view on that and whether the recent work that you have been doing either supports that or tells another story.

Dr LAING: Yes, very much that comes up in the focus groups with service providers. I think there is probably agreement across the sector that there has been a great change in the policing and a willingness to take domestic violence seriously. There has been a change that should be acknowledged within police, but it is still patchy and it depends on who you get in attitudes. You are absolutely right; the DVLOs do not have the rank or the status to actually tell other people how to do their work. That is a problem if they are meant to oversee the quality of briefs and material that is going up to the court and it is not a very high status job.

Associated with that, to do with policing, not just in those roles around violence particularly, but around policing, we have in the force the serious sex crime squad. We actually have high level investigation of some crimes against women, primarily women, not only women, but we do not have that level of resources into the investigation of domestic violence and there are some very dangerous situations where you would think excellent evidence collection by skilled investigators would lead to strong cases which would actually answer some of the questions about the adequacy of penalties. If you do not have the evidence or the good brief, then you are not going to get a good response. There are two things: the DVLOs who have an important role to play, their status and their level, but also police putting resources perhaps into their specialist investigation of cases would be a way of really upping the chances that women will get greater safety and contact with the legal system rather than an inadequate response, because perpetrators are very clever at playing the system. Women tell you about this. So they need people who are skilled at investigating.

The Hon. HELEN WESTWOOD: That trend of more women being arrested as the perpetrator and the challenging of that by domestic violence workers throughout New South Wales also seems to suggest that a lot of that is to do with inadequate police training. Have you got a view on that?

Dr LAING: Yes. Certainly, understanding it is really complex to be called to a red-hot domestic violence, in the moment situation where there are people upset. It is very complicated. It is not an easy job for police to actually assess that, but it seems as though there could be better training and assessing the context and the injuries and working out who is the predominant aggressor. That would obviously help. I think it is always going to be difficult.

I am hoping, I have applied for a research grant in cooperation with New South Wales Police at the Criminology Research Council, if we are successful, to look at the New South Wales data and to drill down and actually see what is happening, because I think we will be then in a better position to see what are the issues, what are the training issues that come up.

There is certainly something there, but it is not unique to us. Everywhere in the world that tries to get a better police response at mandatory or preferred arrest ends up with this issue, because it is complex and difficult and a lot depends on the domestic violence definition, around a pattern of things or one-off incidents. The law, again, is your blunt instrument. One incident needs proof discretely, whereas we are saying from a domestic violence perspective you need to look at the bigger picture, the holistic control and a combination of things. It is a very difficult area of policing. I really hope that we are able to have a look at it in New South Wales and make a response. But certainly there is evidence from overseas about the sorts of training in the meantime that would be helpful, about patterns of injuries, et cetera.

There were certainly examples in the focus groups in my research with service providers who gave terrible examples where it seemed very obvious on the face of it that pretty minor assessments would have been able to - or looking at the records and how many times they have been there might have actually given a clue. It is certainly an issue that, if you are going to get more crisis policing, that we have really got to tackle.

The Hon. CATE FAEHRMANN: Thanks very much for attending, Dr Laing, and your great work in this area. I am interested in finding out a little bit about the research that you have been doing into women's experiences of obtaining an ADVO. Are you able to share any of your findings with us at this stage?

Dr LAING: Yes. I wish there would have been more time. I have finished the focus groups with service providers, which was lawyers and providers. The main part was interviewing 40 women from around New South Wales, rural, cities, diverse communities. I think a quarter are Aboriginal. I have not finished those yet. Some are funded by the Law and Justice Foundation. I have not been able to get onto my contact there to ask if I can give you the draft focus group report. I am sure they will say yes, but I am happy to provide it afterwards.

Many of the issues you have said have come up from the service providers there about the DVLOs, the issues you have raised. A lot of issues have come up that we have not talked about so far about police prosecutors having such little time with women, how you can actually present a case and get decent results where you have not got resourced prosecutors. It is not their fault. The court is a team. If you go on an AVO day, the women's domestic violence court advocacy, it is pretty cheap justice when you look at what we are offering women to be frank. A lot of the women that I have looked at their transcripts have said they had one minute with the prosecutor, "How could they possibly present my story or what has happened". So a lot of issues about prosecutors.

A lot of issues from the service providers about magistrates, the attitudes of magistrates and inconsistency, magistrates changing. The people, mostly from the women's legal services or community services, say it is very hard to advise women what is going to happen because the magistrate might be here and then it is another one. There was an example where a magistrate wanted a woman to give evidence and she needed a deaf interpreter, so it was adjourned. When they came back it was a different magistrate and he did not want to hear the evidence after all. So the woman went through all that for nothing. It is very hard then to advise women what is likely to happen and that just adds to their trepidation.

There is some interesting international research that says we have often focused on outcomes, do you get an ADVO or what is the penalty. That is obviously important, but just as important when you ask women is the process. Do they feel disrespected, are they frightened, is their safety taken care of, are they given information, do they go back zillions of times, and there is some interesting research showing that women's actual recovery and mental health recovery from domestic violence is better if they have had an empowering court response. So it is really important, I guess, when everything is raised, there are issues of training for court personal, specialist training for magistrates and prosecutors, but resourcing. It is all right to say the magistrates, but they have just got a flood of cases and I do not know if we have ever in New South Wales, I would not know actually, seen so many. More cases have come into the system. What do we need in our legal system to deal with them adequately so there is justice for women? AVOs are civil protection orders, they are meant to be more flexible, more accessible for women, but are we giving the women just a cheap form of justice?

The other problem that arises, which intersects with my other research on women's efforts to go to Family Law when they have had domestic violence - they all talk about the overlap and there is nothing working together - is that in the Family Law system AVOs are not regarded as evidence or good evidence of abuse. So we have a system where there are so many numbers, the best outcome people push for often is the man consents without admission. A woman, on the face of it, that is good, she does not give evidence. She gets to the Family Law Court and that is not evidence, you have just made it up. If we do not give a good form of justice in the AVO part of the process, it can just flow on and really have disastrous effects in terms of protecting children through the Family Court process.

I think if we are going to say police must take out ADVOS on behalf of all women where it is appropriate, or victims, not just women, then we really have to have a system that is resourced and is

going to give justice or we are just setting women up to fail. The women's transcripts that I have looked at so far are varied. Some of them have had a good, well-supported experience, but most have not I have to say and most are saying that they would never go near the court again. That puts them more at risk. They might only have one go at getting a supportive outcome. So it is really important that, if we sweep people up into the justice system, that we actually do a good job when they get there. That means legally and also that that is a point for getting in touch with other services if that is their service connection, the legal system.

One thing I would like to say that international research has pointed to as well is the importance of legal advice for women. We have our domestic violence court assistance, which is fantastic, but then expand it in some areas to perhaps legal practitioners, and in some areas I know community legal services working with the women's court advocacy. There is research from overseas that says you are more likely to get the civil protection tailored to what you need if you have independent legal advice. There is also one study that found women who had intensive legal advocacy right through the process, their own legal advice, actually had less reabuse as their psychological outcome. I think adding to the women's domestic violence court advocacy with some legal advice.

The other thing too is if a woman is swept up because the police come one night and she is suddenly in court, she might have a long-term plan to leave when she is finished the training. We have overridden that. So I think we have a moral obligation and ethical then to say here is advice about Family Law, tenancy, all the other things that come up in a crisis that we have created by our intervention, that if she had had time to plan her escape, that is what she is eventually doing. She may have actually had the time to get legal advice about all those things. As I say, ethically, if we are saying this is our police policy, you go through this process, we could really enhance that if there was legal advice available and particularly because of the interface with Family Law.

I know in our consultations for the strategic plan people were saying that magistrates were sending women off outside, "I cannot make the AVO until you go and make a parenting arrangement. So we can have the right clauses about the contact", and so women were being rushed off without legal advice. I know they are not binding but if you get to a Family Court and they say, "Well, you agreed to this then", so women are very disadvantaged I think and I think we could fix that a lot if we could have some legal advice at that court as part of their support.

The Hon. CATE FAEHRMANN: The submission from the Benevolent Society talks about the problems with police being called out to a domestic violence scene and then not giving out an ADVO because of lack of evidence or what have you. What are your comments on that side of it in terms of making it easier for police to charge the perpetrator?

Dr LAING: What is useful in other jurisdictions is if police have a risk assessment process. I can remember the colleague I mentioned talking about the London police. I think the process of doing a risk assessment with a woman with the police can actually elicit information that might enable them to take action.

One of the things that came up again in our focus groups was that women do not talk about their problems in legal language. They might go to the police and say, "I am worried about my children". You really have to investigate what is behind that to get the evidence that there is actually domestic violence. I think a risk assessment process would be invaluable for police because the very questions you ask would elicit the sort of information that is needed.

I know the Victorian code of policing has a model. I do not know if someone else has mentioned that to you as a Committee. What they have is that the police must take action but they have a choice of action based on risk assessment and there are three strands of action, the criminal, the civil and referral. So they can do all or one or some. It means that at the time the police come, if it is the one time the woman has contact with the system, she may get a referral, if that is the more appropriate thing. If there is not the evidence, it still means something happens by connecting with the system. I think that is a really useful model. It is probably a bit more comforting to police to say you must arrest or you must do an ADVO, you must do something, you are responsible to do something but you have options based on risk assessment. I think that is a quite attractive way of trying to get better things to happen out of a first contact. It may be better for the police, because I know it is frustrating for them if they feel they go time and time again and nothing happens and the women do

not want help. They may feel they can refer. We do have fax back systems where they do that now, but actually in the code of practice for police it says that you must do something and these are the three strands, work out the best.

The Hon. CATE FAEHRMANN: What is the difference between the New South Wales code of practice that was introduced in 2009 and the Victorian police code of practice you have just outlined?

Dr LAING: I can't give you a good answer on that, but I do not think they have the same risk assessment work in quite the same way.

The Hon. CATE FAEHRMANN: Do you get assessment done post incident, that is after women have called police out? Is a risk assessment done on the scene or afterwards?

Dr LAING: Yes. It should be done at the time. It has been a model. I cannot say I know the police one in New South Wales so well but I do not think it is configured in quite the same way. We definitely have that pro-arrest and they must say why they have not taken out an ADVO in New South Wales. So they are similar but there is some difference, so it would be worth just having a look.

The Hon. CATE FAEHRMANN: Another area that the Committee has been tasked with looking into is early intervention strategies. We had the Department of Attorney General and Justice telling us that there is not really much evidence of good early intervention programs working when it comes to preventing domestic and family violence in the first place. What are your views on that?

Dr LAING: Everyone has a different definition of early intervention. As a general rule, I like to think about appropriate intervention rather than early, but there is a thing about women being involved in the process. They coming into contact with the system at different points, being ready to leave or not naming it or whatever, and I think calibrating our response to that, again usually through a domestic violence specialist, who can actually be where the woman is, talk about risk, maybe move her through that process, I would say that is effective versus early.

Having said that, I think one thing New South Wales does really well on early intervention is its health policy on routine screening in alcohol, other drugs, maternity, mental health and child and family. As I said before, maybe 20 per cent of women come through the legal system. Many more women dealing with violence are in the health system with all of the effects, but they are so different and varied the effects that they are not easy to fix and women do not disclose unless they are asked.

That policy of asking every woman and providing information no matter what she says I think is effective early intervention, and there is a little bit of research coming out now about that. It is hotly debated. Some people say you should not do routine screening because you cannot offer everyone the same intervention and prove it works on a strict controlled experiment sort of way. Others argue the very fact that a health provider raises it sensitively means you are actually planting a message to women and there is some qualitative information of women saying, "The health provider planted a seed. I started to think this was not right", but they might not make the change until down the track.

Some research by Jo Spangaro has followed up some of the women who were screened in New South Wales, whether or not they disclosed, and it is very interesting. I did not bring the reference with me, but she did find that six months after the screening the women in the abused group were more likely to agree with statements around domestic violence and that it was harmful and there was an actual reduction in abuse.

I think we should be proud in New South Wales we actually have got I think what I would call an effective early intervention program. We know there are victim survivors in our health system. Without pressuring them - it can go wrong if people pressure people to tell. Women have good reason for when they choose to tell and when it is safe to tell, but it certainly is a way of reaching a lot more women than ever come through the criminal justice system. That is probably the one I would think and I think that is going very well from what I understand.

CHAIR: Can I just touch on that? One of the previous witnesses said that we do not do

screening in emergency in our hospitals?

Dr LAING: Yes.

CHAIR: Would you like to comment on that?

Dr LAING: Health, as I understand it, did a pilot that included accident and emergency and those other sectors I have mentioned and it really was not successful in accident and emergency because of the high paced, high medical needs. My understanding was that they were going to develop another strategy for that and I do not know where that has gone, but I think emergency obviously is a place you are going to pick that up.

A lot of hospitals do have protocols for what to do and staff training around that, but not the screening of everybody. There is training but not the screening because of the nature of that high pace of emergency work, but you do pick up the more invisible victims through the mental health system. Certainly, when we did that work around collaboration and they started to do things differently. In one area they were picking up women who had been 20 years disclosing abuse and not ever referred for domestic violence assistance. Another one of the areas were picking up really young women in their first contact with mental health. So there is some really good work can be done around health.

The Hon. NATASHA MACLAREN-JONES: I just want to learn a little bit about the support services, particularly your view in relation to where the gaps are and the provision of support services?

Dr LAING: I do not think it matters in New South Wales that the provision of those specialist advocacy services is in different places. In fact, in England what they call them are independent women's domestic violence advisors and they can be located with the refugees whatever, whatever. They do a similar thing but they do have more overall policy about what they are going to do if you like and are they linked in with the multi-agency risk assessment process where risk assessment people are referred to multi-agency risk assessment conference and then the advocates work intensively with the women around that.

So as I say, the people in New South Wales are doing that work but it is not as structured into one system and it has been a bit ad hoc. As I say, the initial system of refuge, outreach and women's health have been pretty much funded as they always have been and continue to do it with more women. Then we have Staying Home Leaving Violence, some of the new schemes rolled out and they are all doing quite similar things.

I am not suggesting they should all necessarily be rolled into one, but it would be good if there was a whole system to see where are the gaps, where is there overlap? I do not know how you work it out on a population head that there should be so many advocates for women.

When you think about sexual assault, in contrast the government has a network of government sexual assault centres but it is not so obvious for women in domestic violence where is the person who is the specialist on domestic violence to be located in all these little agencies. As I say, the newer ones are usually short term funded so there is no guarantee to them or the women they are going to be going beyond this year, next year and that is a really unsatisfactory funding arrangement for the most vital part of the system.

The Hon. NATASHA MACLAREN-JONES: Have you found in your research there are any programs that we are lacking in New South Wales that are being implemented in other states or overseas?

Dr LAING: In terms of advocacy or more broadly?

The Hon. NATASHA MACLAREN-JONES: More broadly in support.

Dr LAING: I think one of the things, and New South Wales is working on it, is having a common risk assessment scheme. I think the Cardiff scheme, which really began with MARACS (Multi Agency Risk Assessment Committees) and has now spread to England is a really interesting

scheme because it is around the criminal justice system but the very centre of the scheme is women's advocacy, supporting women with the contact with the justice system, risk assessment; apart from helping with all the other aspects of their lives that are essential.

I do not know that I can say much about the New South Wales common risk assessment framework, because there has been a pilot. I do not think it is released but I would think that getting something up like that, where people have a common view of risk, so we are all talking the same language and there is an inter-agency group that looks at high risk cases and not just looks at risk but looks at managing that risk.

It has been very well regarded overseas; as I said, rolled out through England after Wales. I think that would be a good advance here, but again we have a very big complex state. Some of the solutions overseas start in smaller places and are not as readily transferable. They have to be rolled out in a local way and I think that multi-agency risk assessment is something we should be thinking about more in New South Wales.

CHAIR: If I could just go back to the bit about your research in the process of getting an AVO. You did mention earlier about tailored AVOs and one of our other witnesses also mentioned tailored AVO, which I imagine requires time to go through to tailor it.

One of the other witnesses also mentioned about the need for a separate AVO for children as to the mother. Did you want to add any comment through your research on the tailoring and the separation of those?

Dr LAING: I guess the tailoring is that this is only one of the supposed advantages, because they are meant to prevent future violence and they are meant to be tailored to the woman's situation. Again, if they were tied in with a thorough risk assessment you could get a more tailored one but as you know, people are processed very quickly, so I do not know that people always get the best protection that they could.

During the period of my research the law had changed and children were meant to be put on the AVO. That was really variable and in most cases it did not seem to be happening. There are quite a lot of different views in the field. I am not sure that I know which way to go on this. On the face of it it seems really important. Why would you protect the woman and not the children exposed to violence? But some of the practitioners we talked to said that once you say the children are on it, that makes the men object to the AVO and so it makes it a harder process to get one.

I am not sure if we had the resources whether you could not then address that. At the moment it makes it a problem because we do not have the resources to really have all those defended matters; so I am not sure but it does not seem as though it has been applied, the law saying children must be put on there. Some women were disappointed when they were not able to get that, certainly. But yes, I do not have a lot more information on that.

With the compliance of some of these AVOs, you will note on our terms of reference that one of the things that we have been asked to explore is the use of GPS bracelets as another way with trying to prevent the breach. Have you got any comments and views on that?

Dr LAING: I do not have any expertise on it. I guess I would put it in the category of target hardening protective measures such as panic alarms and other things that are done to enhance women's safety. I guess for me, because domestic violence is complex, it seems to me that emphasising one solution such as this, which sounds technical and helpful, is probably maybe going a bit down a long track. I am not saying it should not be included but I would say if you use something like this, it should be individually tailored to the woman's risk assessment and safety plan. I think all the other so-called target hardening activities, all the evidence from overseas says you cannot just have a panic alarm. It has got to be part of a whole risk assessment and a safety plan for that particular woman that she actually is agreeing to, is part of and feels would be helpful. Beyond that though, I do not know a lot about that particular technology.

Many women have to have contact because of family law, so in that case that sort of technology is not going to be much help, because we have a system where with the shared parenting emphasis, so many women are forced to still have that contact.

CHAIR: I think your comments and submissions around the overlap between the family law and this process is very interesting. It is not something that I was aware of.

Also through your research and through the process of obtaining these AVOs, were you able to look at the difference, for example, for women particularly in regional and remote area and some of the increased difficulties that they may go through, and also through the Aboriginal community because they do have a higher representation in the statistics?

Dr LAING: I have not analysed that. We were slow in getting the Aboriginal women but we have about a quarter, but I have not analysed it so I cannot say, but certainly the ones I have looked at from rural and regional, and certainly they give the very sort of issues that sadly you expect. One woman says it takes four hours for the police to get to this little town. The police are mates with everyone in town. She actually had to drive to a bigger regional centre and stay with a friend and escaped that way and move actually out of the small town.

I have not looked, as I say, at all that data in depth yet but there are particular issues, as you can imagine, in terms of fast assistance in terms of danger and even just accessing court. The travel costs, when you think of cases being adjourned many times as women say, the cost or just being able to get there, childcare, travel in the country are enormous barriers for women.

CHAIR: I am also curious, did you also look at - I know it is a very small percentage - men as a victim of domestic violence and also women maybe in a same sex relationship and any of the specific issues that they face in seeking support and help through the process?

Dr LAING: I sought women through women's services, so it does include one same sex couple and that was an older woman who actually had a very positive experience, but only one. I did not ask for men, not because men are not victims but because it is the majority of women and we recruited through women's services, so we wanted to know about their experiences.

On the question of men though, one of the things I might have been asked was about the one in three men as victims. One of the things I thought might be useful to draw to your attention as a Committee if you have not been appraised of it yet - and I am not Welsh, so I cannot pronounce the project - Dyn. It is really worthwhile. It is part of the multi-agency risk assessment Marrick system in Wales. They actually set up within that Project Dyn where there are four men who are victims of domestic violence recognising that it is mainly women but they wanted to help both gay, bisexual, transgender men and heterosexual men who were victims of violence, but they were very much aware with heterosexual men, it can be very difficult to know who is the perpetrator, are they really a perpetrator, are they really a victim?

They have done a very interesting report on their assessment process that might be really useful, but I think there is lot of statistics thrown around about who is the victim, who is not. They have just sort of got on with it and said we know it is mostly women. There are some men though, homosexual men, some heterosexual men who need a service.

The advantage of Project Dyn being related with the women's safety unit is they have access to the data base so with heterosexual men who present as victims, they can check, for example, to see if they a record of being a perpetrator recently or not or whether there is no record and they have developed quite an interesting assessment of the men who come. They are subject to the same risk assessments, safety planning, whatever, so I think it is really useful because they tackle that issue that sometimes comes up with men who say they are victims, but they are actually perpetrators and they have been quite cunning. How do you sort that out amongst the men who are victims and are victims of controlled violence and do need that help, of which there is a group and they would certainly agree there is a group.

I think that is a quite interesting way to deal with it without just polarising, to make it integrated with their response overall about victim safety, but to really struggle with those dilemmas.

So they have actually done some of the work, which I think their report which is on the web or I can give you the reference, would be just useful in dealing with that issue.

It is a very constructive way to deal with it rather than getting to whose statistics are better than whose, which does not tend to go anywhere much.

CHAIR: On behalf of the Committee, firstly I would like to thank you for your time today and your evidence. It has been very valuable.

The questions that you have taken on notice, the Committee has resolved for those answers to be returned within 21 days. The Secretariat will liaise with you about that and also there were some other questions that we did not get through today that we will probably submit to you in writing on notice and if you could provide an answer to those. But once again thank you for all your work and we certainly would love to see the results of your research and the report once that is published.

Just to let you know, we have got seven hearing days and we will be moving well into the middle of next year. So there is plenty of time for us to review what you find. If we feel we need it as well, we may ask you to come back and explain some of those findings as well, once the report is completed.

Dr LAING: My aim is to focus on it once I teaching soon, by the end of the year, so I am happy to provide it to you when it is done.

(The witness withdrew)

(Short adjournment)

ANNETTE MICHAUX, General Manager, Policy and Research, The Benevolent Society,

JENNI HUTCHINS, Senior Manager, South West and Western Sydney, The Benevolent Society,
and

MELINA ISGRO-RARP, Program Manager, Centre for Women's Health, Macarthur, affirmed and
examined:

CHAIR: Would you like to make an opening statement? Please try to keep it to no more than five minutes and there is no need to repeat anything that is already in your submission.

Ms MICHAUX: Thank you very much. I would like to make a brief opening statement, and please stop me if I do go on. I firstly thank you very much for inviting us to be here at the inquiry today. We are honoured to be here.

In terms, really briefly, of our expertise in the area, we have had about 40,000 clients that we have helped in the last year across about 63 sites in New South Wales and Queensland, just to give you the context of our broad organisation in a lot of different communities. We have a strong focus across the spectrum from early intervention prevention through to when a crisis happens, as well as children's services, and we feel it is very important to have that prevention as well as the crisis service. We will go into a bit of detail about that today. We have been running our centre for women's health for about 14 years. In the last year we saw about 2000 contacts with clients, so quite a big service.

In our Brighter Futures service we just did a count and we have seen about 1600 families since that commenced about three years ago. Over 50 per cent of those are experiencing domestic violence, so quite a significant amount of those families. We have an increasing number of Aboriginal and Torres Strait Islanders families that we are working with. About 20 per cent in our Brighter Futures families, for example, and in our Centre for Women's Health about 11 per cent, so it is an expanding client group. In terms of CAL(?) families about three quarters of our services are at Bankstown and Fairfield. So again experience on the ground with those families.

We have brought along some publications today that I have left over there that go into a lot of detail about our research and evaluation, so you have the technical stuff about what we are saying that you are very welcome to refer to. I also wanted to make sure I invited you out to the Campbelltown to the Centre For Women's Health in particular so you could get a real taste of what we do on the ground and possibly meet some people that we are working with. I know you have got a few months for the inquiry, so you might have an opportunity to come out and we wanted to welcome you to come and visit us.

In terms of our priorities and policies, we have about six areas that are our priorities. Again, I want to emphasise prevention and early intervention, so doing things early on with families. We are keen to talk to you about some of the initiatives around things like early years centres, centres that are soft entry points where you get to talk to women and children very early in the life of a problem, before it escalates and you might prevent domestic violence indeed from happening in the first place. That is very important to us. Obviously children learning respectful relationships as early as possible; obviously the educators are experts on that and we do have something to offer in terms of our expertise in the area that might help curriculum development. We are keen to talk to you about coordinated responses and we have some ideas to share with you that were in our submission, but we might be able to go into a bit more detail today.

In terms of whole of community responses as well, we have worked with a number of community members who are becoming leaders and talking about the impact of domestic violence and what they suggest, particularly in Ambervale and Rosemeadow where Jenni and Melina work. We wanted to talk to you about.

We will talk to you about professional development and worker supervision. We probably talked more about the professional development in our submission but we wanted to talk to you about what it means on a day-to-day basis to assist workers on the ground to deal with this sometimes very complex area of work and how to support them in the longer term.

Research and evaluation, we feel that there is a real need to understand what works, where, how and when, because it is not one size fits all. It is different for say Aboriginal people in Kempsey to what it is in Campbelltown, so to understand more about the evidence base of an intervention. We think there is quite a lot of work still to be done, because we are really keen that services are as effective as possible.

We will talk to you about ADVOS and how we think they are inconsistently applied and there are some real issues around that. The only other thing that was not in our submission that I just want to allude to is that we have been doing some work around an emerging issue for us. It is the link between family joblessness, which is a real concern for us because a lot of families we work with are experiencing quite a lot of poverty and one of the big barriers that they seem to be confronting is domestic violence and social isolation. There may be barriers to getting a lot of these women into the workforce. We are doing a piece of work around that at the moment, but I just wanted to alert you to it. It is a major barrier and preventing women from getting back into work so they can get back on their feet.

So that was the opening statement.

CHAIR: Thanks for that. If time gets away on us and we cannot get through all of our questions and some of those other areas, you can also take questions on notice and we will supply you with those questions. We will table these documents at the end as well. I think we have got a bit to get through, so we might jump straight in.

The Hon. HELEN WESTWOOD: Thank you very much for being here this afternoon. I know the great work that the Benevolent Society does, particularly in my own backyard of Bankstown, but also I have had the pleasure of being out to Campbelltown to the project there. So I thank you for that.

We have quite bit of information already obviously through our submissions. There are a couple of themes that are coming out of that. I would like to ask you some questions around that. I am just trying to recall when the Benevolent Society really started focussing on domestic violence service provision, because initially your work was fairly general. When you first came to Campbelltown it was a more generalist family service. I am really going by memory here. You did not have domestic violence. I am just interested in how long you have been providing specialist domestic violence services and in each location. I am interested in the difference of the demographics between Campbelltown, Bankstown and Fairfield, because you have got the complexities of contact and language. So if you could give me some of that information that would be great.

Ms ISGRO-RARP: Okay, so in terms of the special services that came into Campbelltown, Macarthur actually, the Centre For Women's Health was established there in 1994. So we have actually been there for 17 years. It emerged from the handing back of the Royal Women's Hospital in Paddington. A consultation process was taken out with the community in Macarthur to see what the emerging issues were there. My understanding was that Health was keen to continue to fund the Benevolent Society to provide services to women and children. After an extensive consultation with the community, the Centre for Women's Health was established to provide specialist services for women affected by current or past domestic violence, women in their older years, so women over 45, because we know that women as they age and over their lifespan become marginalised as they get older and part of that is the increase in isolation and all the health related effects that impact on health and wellbeing. That was a real health issue that was identified.

At that time Campbelltown had a service structure that was not as big as it is now. Aboriginal women was the other major group, because there is quite a large Aboriginal indigenous community there. My understanding was at that time the Child Protection Service was established in Macarthur. So that was the Benevolent Society then.

The Hon. HELEN WESTWOOD: In that time, over that period, what sort of trends have you seen emerging, both in terms of patterns of abuse, perpetrator programs, and also government response, the policy response and legislative response from government? Have you seen some changes there? Sorry, I know it is really broad.

Ms MICHAUX: Just in terms of some of the trends we have seen more broadly in terms of violence, I think what we are confronting is a lot more complexity with the increasing understanding of the intersection between domestic violence and child protection, certainly when we look at our children's services, Brighter Futures in particular, which is quite a large program run by the State Government. So it is a very vulnerable end but we will often see especially domestic violence, mental health and drug and alcohol. One of the issues we have is that you need a very sophisticated work force to deal with that level of complexity. We are also still understanding what are the best approaches when you have this intersection of issues confronting families, women and children in particular. So that is one piece.

In terms of domestic violence policy, I think it would not be out of turn for us to say that we think there has been a policy vacuum in this area for many years. It is of real concern to us that it has not been on the agenda enough. When you look at the needs of women, particularly the long-term needs when there has been trauma, there really are not many services available. Often they are short-term, they are available at the crisis point, but in terms of what we know about trauma experience they kind of come and go fairly quickly and the funding is quite limited to that. So in terms of specialist services, I think we have seen a real lag in terms of what we now know and specialist services.

I will let Melina talk to some of the police responses, because Melina has some really good examples of what the experience is in Macarthur, but they are aspects of the broader context that we just wanted to put on the table. Of course, we have different communities, a lot more refugees experiencing trauma. We have women who have come to Australia to escape violence overseas, domestic violence. This was the catalyst to come to Australia and of course then they face quite extreme isolation and just do not know about the services, which is very hard to navigate as well.

Ms HUTCHINS: Just about gaps in services, the one highlight I would make that I have seen as the gap in service delivery is actually services directly to children who have been exposed to violence. We started a small program, which again Melina can speak to, which we have managed to sustain, around working with children and their experience with domestic violence and re-engaging and working with them and their non-offending parent to re-engage a very positive relationship, but I will let Melina speak more about that.

Ms ISGRO-RARP: I guess just in response to your initial question Helen in terms of trends, since my time within the sector, what I can see there has been a growing awareness and much more of a debate I guess about recognising domestic and family violence on the political agenda, but also on the service delivery spectrum.

What there seems to be a lag in is how services are coming together to have a shared understanding and a shared response approach in effectively trying to negotiate and ensure safety for women and children, and even for men, or the offender, in terms of what will sustain behaviour change or future safety.

In terms of the changes that have happened that have been government led or government initiatives, there has been the Domestic Violence Intervention Court Model, which was established at Campbelltown and at Wagga Wagga. That was one of the things of an integrated co-ordinated approach. That has worked I guess, which meant that response times in terms of police and the judiciary and outcomes for matters have shortened.

AVOs have been put in place, charge matters have been dealt with quickly, so in terms of the judicial process, that has been quite effective.

The Staying Home Leaving Violence Program is another one which means that women and children can remain in their home and have the violent person removed. That means that the courts will grant an exclusion order.

Whilst that is theoretically how it works, the reality is not always that way. We have highlighted some of the stuff that we wanted to say in terms of the response, highlighting consistency. What seems to be the gap is consistency of response in terms of police practices, judicial responses or

the implementation of policy or practice procedures that seems to be a code of practice but the reality on the ground, what happens, there does not seem to be a consistency in terms of outcome.

For example, a woman can go to the police and say: I would like to make an application because this and this is happening; depending on who she will get and what station or what area command, her response might be completely different. If she approaches Campbelltown as opposed to Camden courts - I am just using our local area - or Liverpool, she might get a very different response, depending on the general duties officer or the DVLO if they are available and often I guess for us the thing is that we would expect, given that there now is a code of practice, that the response would be consistent across all rather than it depending on a woman being able to access a service that will advocate for her when she needs that to happen.

So often it is about her fears were not taken seriously, there was not enough evidence to prove what she is claiming; it was his word against her word; the police do not think that will stand up in court. All those sorts of subjective type interpretations will then have an impact, which then means that there is a barrier for the woman to then approach and say: I am feeling unsafe and would like some protection.

What that then means is if there are child protection concerns that come into play; that will be seen that they are not really validated by the police. They sort of cannot move forward in terms of if they are wanting to access safety or leave the home or apply for other housing. There is a whole series of ramifications of what might come into play.

I guess one of the highlights for us is the consistency in approach. A victim should be able to approach an agency and expect a certain response.

The same thing is, sometimes there is a lack of information because not all categories of domestic violence actually come under a police initiated application. For those non-physical violent aspects of domestic violence or family violence, police will not make an application.

Often women are then not given the information that they can actually go for a private application with the chamber register. There is those gaps in information, which have implications for safety for women and children.

In terms of trends, the other thing that over the years has become quite apparent is older women and violence against older women. A lot of the research seems to stop at 45. Somehow violence disappears or as men age they become mellow and they are no longer violent. So the research sort of stops at 45 and there is no longer violence.

When a woman who is in her 60s presents, and they come from a different generation where their understanding even that what they have been living with constitutes domestic violence is not well understood or not well recognised but now they might have reached a point in their life, life stage transitions, life changes, they actually want to do something different or want a different life. There are all those barriers there. It is not well understood and then there are the system barriers that get in the way as well; because they might not want to approach police to take out an apprehended violence order.

The history in terms of the type of violence that has been perpetrated has changed over time and that is not well understood. Often the tactics of violence are not well understood. To have a woman explain what control looks like, what does it do, often that is really difficult. Oh well, that is not real violence, just a product of a generation that that is how it was in relationships or whatever. So they are the emerging issues.

The other thing that has been surfacing is sexual violence in relationships, which is also another area which has been termed intimate partner rape and that is another issue that is really difficult for women to disclose, women to talk about and particularly when it then crosses into child sexual abuse of their children. Those two issues at the same time and often they are the ones that are really difficult to identify.

I guess it is in that training and this is across services, this just is not about police or the judiciary, but it is across all of community services I guess. There needs to be an understanding in terms of what to be listening for, what to be looking for, in what way to engage and ask the questions, which is often a real barrier. Often the questions are not asked and you are not going to get the answers.

If I could just add one more thing, the adolescent violence against parents is also quite an emerging issue. These are children that often have grown up in the context of domestic and family violence who then are using violence against parents, and often it is against the woman. That is quite a big issue and again the police response to that is quite difficult and it is really harrowing for a mother to go to police and say: Here is my 16 year old daughter who is doing this that or the other or this is my son who is taking my money and blah, blah, blah. They are the emerging issues that we are working a lot more with.

The Hon. HELEN WESTWOOD: I actually am interested in the comment that you made Jenny about the gap for the services for children who have been exposed to domestic violence. I raised this with the previous witness and you all might have a view about this, is that one of the issues I recall being raised by domestic violence workers quite a few years ago now when that focus went to child protection, and there was a view that women's safety was going to be very much secondary. I am surprised to hear, given that our focus definitely through DOCS has certainly been about child protection that there is that gap. Do you have an explanation for that and I just would like your view on whether you have seen a shift from women's safety to child protection and what that has meant for women who are victims?

Ms HUTCHINS: Just in response to that, one of our services in Macarthur, if I just stay and focus there for a minute, is Scarba, which is a high risk child protection service funded by Health and we provide services to the whole family and to children, and therapeutic support for children to understand the context of violence, it is not their fault, work with them around increasing safety and with the parents about decreasing risk.

I know when I used to directly oversee that program and this is where one of our programs came out of actually, Kids Create Tomorrow, was because of this yawning gap. People would ring and say: We have got some children here that have been exposed to domestic violence, community services are not involved and they need some help to understand it. They are traumatised. It is actually working with the children's trauma, and there was not a service that could provide that free.

Often when we have got domestic violence involved there are financial insecurities as well for the sole parent caring for the children and KCT came out of the acknowledgment of that gap and some consultation with clients around actually working with those children to work with the trauma and reduce the trauma of the children.

That is where that comment came from. I know Melina has done an evaluation of Kids Create Tomorrow with some great results but in terms of, for example, getting ongoing funding for that, it has not been a priority. So we actually self fund it through philanthropic funding.

Ms MICHAUX: In terms of the evidence base for what Jenny is talking about, we got the Domestic Violence Clearinghouse to look at this intersection and they are saying exactly what Jenny is saying, some of the evidence from overseas is you have got to really repair this and bridge the relationship between the mother and the child.

I used to work at the New South Wales Child Protection Council in 1994, I can remember it; we did a publication, the Intersection of Domestic Violence and Child Protection. We brought the field together at the Masonic Centre in the city and that is what I mean about that; that was 1994; it is 2011 now. This is not a new story. This was a story that was being told back then. Those workers were in a room like this talking about these issues.

So I guess that is the concern, what is it and what do we as NGOs need to do differently? How do we work better with government? That was one of the other things, in some of the work we would like to have more of a voice I think, for NGOs to work more closely with senior officers' groups in government to actually work out what might work on the ground.

Do you want to talk to that Melina, just that example you gave earlier about how that was happening and it is not anymore?

Ms ISGRO-RARP: I guess in terms of what Annette was saying in terms of that collaborative co-ordinated regional approach, one of the things that has been lacking for us is that the senior officers' group that meet in our region are all government agencies and so they are all representing the government perspective but what seems to be lacking is the NGO perspective from on the ground.

In terms of what it actually means to have a collaborative co-ordinated approach, that we are actually not invited. We were invited, I am not saying we have not been, but then decisions are made at that level to say: Well, the NGOs are now out of the room.

I guess our position would be that it would be useful and effective and productive to have key stakeholders represented at that level, so it does seem to be a whole of government, a whole of community approach and it is inclusive and collaborative in a true spirit. We cannot do this separated or in isolation.

Ms HUTCHINS: Can I just add one comment to that, which is I think when we are doing that at higher levels and that trickles down to the field, that you are getting shared philosophies and shared approaches, shared training and there is a consistency of approach. I think thematically through our submission but through the work that you hear that consistency of approach is really important and shared training, sharing stories of how we are working. There might be different windows into the issue, but if we can work collaboratively I think there are some solutions in there.

The Hon. CATE FAEHRMANN: Thank you for appearing today and for your very comprehensive submission. It was a great submission. This morning we had the Department of Attorney General and Justice appear and questions were asked of them about early intervention programs and the response to a question about whether they were effective was that to their knowledge, no, they said early early intervention compared to early intervention. I am curious as to whether there are stages of early early intervention and early intervention, but I am aware that you do programs that in your submission you say are effective in preventing violence. Do you want to expand on that for the Committee, what programs, and maybe not even purely yours, but others that you may see as being successful in other jurisdictions to prevent that violence happening in the first place and of course to prevent it re-occurring, but particularly spotting vulnerable families and families at risk of violence and what programs may be effective?

Ms MICHAUX: In terms of prevention and early prevention, there is a bit of a lack of data. I was just looking at the national evaluation of things like Communities for Children, which has been a really interesting, community based approach to improving outcomes for children, so things like increasing breast feeding, children's learning. There have actually been quite good outcomes for parents, getting into employment, parental confidence, less hostile parenting, a whole lot of stuff. They were not actually measuring reductions in violence, but that kind of approach I think has a range of positive outcomes that you would expect to actually lead to some better outcomes around those things because you are getting in early around some key issues and preventing abuse, violence happening in the first place.

I think we are seeing some reductions in aspects of crime in those areas over time. Some of the anecdotal evidence from our community work is certainly talking about, "Thank God, I have found this service or this approach. It has got me away from the life I was having and some women are talking about "You help me leave the violence" and "you worked with me for a few months and now I have a job". There are definitely those kind of stories from this holistic approach. It is about those soft entry points.

A lot of these women would never normally have come into contact with a formal service and this is a way of them building up trust, through - it might be a community cafe, it might be a family fun day, all these kind of approaches mean we can get earlier and work on domestic violence or work on the issues before they escalate. Those kind of programs are not just run by us and we are not the only agency that can run them. They can be run by a whole range of really great NGOs across

Australia. That is one of piece of the pie that is really really important.

In terms of that intergenerational stuff, we are getting in early with their kids, we are looking at their educational outcomes. We are looking at getting those kids on a different kind of track I guess. Having said, I think domestic violence goes across all socio-economic groups, but those kind of early intervention programs show a lot of promise.

The other area that is important to note is we know there is a really strong link between becoming extremely socially isolated out there in domestic violence, because of perpetrator tactics. These kind of programs give actually give women, and men, young dads, opportunities to connect up with other people in the community and to actually talk to people and get help. So that is a kind of broad picture on those issues.

Ms HUTCHINS: Brighter Futures was originally badged as an early intervention program but clearly through an evaluation of Brighter Futures it is not. It is a secondary program that families really are requiring some multiple and complex problems to really be able to access a program. Sometimes barriers to access services are the criteria themselves. I hope that makes sense.

The Hon. CATE FAEHRMANN: Yes, it does.

Ms HUTCHINS: Which is unfortunate because we are undoing ourselves in some way, because a parent will not initially put up their hand and say, "Excuse me, I am experiencing domestic violence". It takes a lot of trust and engagement and sometimes anonymity before they can progress to the next stage. I just wanted to make that comment.

The other program that we have found successful in supporting and engaging women is something called Really Good Fun. You might know about it. It is like a community hub in the park where there are no physical barriers to access and families can generally start engaging, engaging with their children and engaging with us and slowly over time issues emerge and we are able to refer on. Then it is important to be able to the referral point to be able to access and engage more intensive service deliveries when it is required. As Annette said, soft entry points are really important.

The Hon. CATE FAEHRMANN: Melina, you spoke a fair bit before about inconsistency in police responses. Does the Benevolent Society have any specific recommendations as to how to make improvements and make the police responses more consistent?

Ms ISGRO-RARP: As we said in our submission, it is around the ongoing training and the professional development. It really depends on the station commander's view and the importance of instigating that into the station's command area. The other thing to recognise is that police officers do a fantastic job and it is a hard job that they do. We know that in our area at least 80 to 90 per cent of call-outs are around domestic and family violence. We know there is no supervision, or hardly any supervision, there is hardly any support for the police front line. It is the front line officers that go out. So the risk of vicarious trauma is really high.

What supports are in place for them? I know they have a training unit within police that often happens at the cadet level at Goulburn and any training after that is voluntary. So if they are interested they can put their hand up and maybe go off, but then it depends whether they will be released for that training. That is my understanding of how it works for police. They will often get people from the local area to go in and do an hour presentation at what they call mess time or muster or something, which is at an ungodly hour. You go in and do 15 minutes and you are out of there, so that is training.

That stuff around being really linked in, and the work demand is really high and it is ongoing and it is really difficult to get people off the floor. It is a bit like Health, like any of the services really. We can all claim the same. It is a commitment to the ongoing professional development and training and it is not just the police, it is also the judiciary. It is across all of that layer and they are supported by the community to really understand and to have that shared understanding and shared approach of what we are talking about. Sometimes we are at odds with which each other in terms of our understanding of what we are talking about, like what domestic violence is. You can have polarities in even just the understanding, which is going to get you nowhere in terms of trying to get victim safety on the agenda. We are talking two different things.

The Hon. NATASHA MACLAREN-JONES: One question in relation to penalties and your comments that the adequacy of penalties needs to be measured on whether or not the victim feels safe and is safe. Can you expand on how the current systems could be improved?

Ms ISGRO-RARP: In terms of penalties, one of the things we have got to acknowledge is that penalties are there and in place. It is not like they do not exist. Again, it is about the lack of them being consistently applied or not applied. So whilst they are there, it is rare say for a first offence or for a breach, even for the reporting of a breach, that there will be a penalty imposed, depending on the severity of that, and then of course there is the whole process of whether it will be taken up as being serious or not. Again, it is about that consistency about believing that a breach has actually been imposed and not having that subjective judgment about 100 threats - "Well, he did not actually assault you. So we can't do anything."

Just as an example, this is a story which really highlights it. I got called to assist a woman with her 15-year-old daughter a couple of weeks ago, or a week or so ago, not from our area, she was up on the Central Coast. The 15-year-old was trying to separate from her 19-year-old boy friend. They had been together for six months. There was an escalation of controlling behaviours. We found out later he is known to police as being violent. She wants to separate as a 15-year-old. He intensifies, "You can't leave me", blah, blah, blah, started texting, Facebook, all that sort of stuff, started threatening her friends. He was rocking up at her workplace, all sorts of things.

We supported her to go to the police with her mum to make an application. They went. 15-years-old really scared, really frightened, believing that it will escalate and aggravate things and that will make him more angry and he will actually act out what he is saying. So she has real fears. They met with the police and the police said, "Actually, you know what, we can't proceed". She had all the texts on her phone. "Well, he is only threatening. He's just really upset because you dumped him, but we can't actually do anything because he actually hasn't done anything yet. So we have to wait." That was the response. So it was just like, "No, actually, let's talk to the DVLO because that is not actually" - one of the conditions is that it is based on fear. I think that has been forgotten in the whole legislation. An apprehended violence order is based on fear of future violence. It is not having to prove that something has happened. The fact that there have been threats, intimidation and harassment which is the first statutory condition of an AVO, to have police say you cannot do anything, but you have all the texts, so he is threatening her harm.

CHAIR: Can I pick up on that. One of the earlier witnesses spoke about the Victorian policing model where the Victorian police have three options. They have to carry out a risk assessment and then there are three options and one of those is referral. Is that something that if it was available to the police in New South Wales would provide better outcomes particularly in that example there?

Ms ISGRO-RARP: I think in that situation they failed to act to protect, but in other situations whether they proceed or not proceed, so what they call the non-charge related domestic violence offence, they do have a referral process or some areas do, and we have that in our area, so the police will refer victims to us and we will offer them support services.

CHAIR: So you are aware of the Victorian model?

Ms ISGRO-RARP: Yes. It is a very integrated model, similar to - well, it is a bit different to the Tasmanian model, but there was a lot of work done in the Victorian model to have it where it is now, but it is more of an integrated whole of government NGO involvement. It is a model that should be looked at.

Annette was just saying that part of the Victorian model, which I understand has been the training, the professional development of police and judiciary, is really high on the agenda and really dedicated. So the magistrates are not appointed to court. They become specialist magistrates who have an interest and a commitment to work in that area.

CHAIR: In your submission you suggested about early intervention strategies for Aboriginal and Torres Strait Islander people. Are you referring to new services there or enhancement of existing

programs?

Ms MICHAUX: There are a couple of things there. Having begun work in Kempsey with the Aboriginal Child and Family Centres, not that we are running them but we work with them. I think there is a real opportunity there to have that holistic approach. As we said in our submission, when working with Aboriginal and Torres Strait Islander people it is really important to work with communities. We do that in anyway, but even more so, and to hear the voices that do not always get heard, to spend a lot of time working with people in different kinds of ways to understand what is going on.

I think there are some contextual issues that are really important. I think there are some really important early intervention opportunities in New South Wales with those new centres and I am not sure the extent to which that has been thought about, but it is a real opportunity to have a look at that aspect. I am sure it will be but I think that is very important.

CHAIR: Unfortunately time is beating us so on behalf of the Committee I would like to thank you very much for your fantastic submission and also your evidence today. There are other questions that we have that we will submit to you in writing and you can provide those answers on notice back to us.

We will also consider that invitation to come out and visit you at Campbelltown. On behalf of the Committee thank you.

(The witnesses withdrew)

(The Committee adjourned at 5.15 p.m.)