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PROCEEDINGS BEFORE

STANDING COMMITTEE ON SOCIAL ISSUES

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

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At Forbes on Tuesday 28 February 2012

The Committee met in camera at 9.35 a.m.

PRESENT

The Hon. N. Blair (Chair)

The Hon. G. J. Donnelly

The Hon. Cate Faehrmann

The Hon. N. Maclaren-Jones

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

CHAIR: I acknowledge the Wiradjuri people, the traditional owners of the land on which we meet today. I also pay respect to the elders both past and present of the Wiradjuri nation and extend that respect to other Indigenous Australians who are present. I thank the Binaal Billa Family Violence Prevention Legal Service. That organisation operates under the auspices of the Yoorana Gunya Family Violence Healing Centre Aboriginal Organisation and I thank that organisation for hosting us here for today's site visit and for inviting and liaising with all of today's participants.

[The Committee held an *in camera* briefing.]

KERRIE RADFORD, Family Support and Sexual Assault Worker, Binaal Billa Family Violence Prevention Legal Service,

GRANT NEILSEN, Branch Manager, CentaCare Wilcannia-Forbes,

RALPH SMITH, Aboriginal Men's Worker, CentaCare Wilcannia-Forbes,

BERYL POWELL, Family Support Worker, Condobolin Family Support,

HEATHER BLACKLEY, Youth Services Manager, Western Plains Regional Development,

BEV MAHER, Family Support Worker, Lake Cargelligo Family Support,

NICOLE HATLEY, Family Support Worker, Lake Cargelligo Family Support,

DONNA BLISS, Chief Executive Officer, Yoorana Gunya Family Healing Centre Aboriginal Corporation,

DEE ANDERSON, Aboriginal Family Support Worker, Yoorana Gunya Family Healing Centre Aboriginal Corporation,

JULIE WEBB, Coordinator, Aboriginal Community Support Services Carewest,

PETER HARRIS, Outreach Worker, Weigelli Centre Aboriginal Corporation,

CATHIE SCHATZ, Outreach Worker, Forbes Women's Refuge,

REBECCA SMITH, Outreach Worker, Forbes Women's Refuge,

LEANNE WALSH, Community Development Coordinator, Cowra Neighbourhood Centre, and

DEBBIE CALLIS, before the Committee:

CHAIR: I acknowledge the Wiradjuri people, who are the traditional owners of the land on which we meet today. I also pay respect to the elders, both past and present, of the Wiradjuri nation and extend that respect to other Indigenous Australians who are present. I thank you for coming to meet us this morning, particularly those who have travelled some distances. I know we have people from Condobolin, Lake Cargelligo, Parkes, Orange, Dubbo and Cowra, and I apologise if I have missed any other areas. The reason we are here today is to conduct an inquiry into domestic violence trends and issues in New South Wales. Site visits to rural communities are very important for us to meet particularly professionals who are invaluable in helping people and victims in the community and in helping us understand how the law and policies work on the ground.

There are many issues that you would no doubt like to raise with us today about the courts and the police, and about the services in Forbes and surrounding communities, but we would like to focus on the various systems for dealing with domestic and family violence. Within that context, not only do we want to focus on the problems, we would also like to hear about any solutions or recommendations that you may have. This session is being held in private, so please feel free to talk honestly and express your views and experiences. The session will run as a group forum and focus on seven key areas, and members of the Committee may want to pick up on some discussion points. How well do you think the system that deals with domestic violence works in this area? How do you think the current system is working?

Ms SCHATZ: Basically I do not think it is working very well at all. We have a yellow card system where the police refer to us any victims of domestic violence that they have come into contact with. At the moment we are only getting probably three to four, and they are coming six weeks to two months later, so the women have already been to court or decided not to go to court. There has been no contact with any services. They get to court, they have contact with the domestic violence court assistance support workers who, up until six weeks or so ago, were not referring anyone through to any of the domestic violence services—or I do not believe they were—so basically by the time we get them the women have already decided to go back or they have already been to court and got their apprehended violence order [AVO], and it is really hard to pick them up where we should be picking them up, that is, just after the domestic violence incident, when we can try to offer services and empower them with some knowledge and hopefully help them to make better decisions. So it is not working very well at all.

The Hon. HELEN WESTWOOD: Do you know why it is not working?

Ms SCHATZ: At the moment we do not have a domestic violence liaison officer. They tell us there is one coming next month I think, 20 March. Other than that, I do not really know. When we did have a domestic violence liaison officer, if she was on leave or on other duties for a week or two, we would not receive any yellow cards. She seemed to be solely responsible for it and if she was not there then they did not get sent through. I do not believe that the police are explaining to the women what they are, so basically the police are getting called, and this is where they are told by the women they deal with whatever they have to deal with, and then they get a yellow card shoved in their face that says, "Do you want to sign this? If you do then someone will contact you".

They are not having explained to them what the yellow card can do for them. I think the yellow card frightens a lot of the women because they believe that it will involve community services, and of course as soon as that is mentioned they do not want to know about it, so sometimes they are signing it to get the police out, over and done with, and when I ring them it is like, "No, don't need you" and they hang up, or they sign it and I am ringing and they say, "I don't even know what it is, I don't remember signing it." So there is no follow-up by the police to say what the yellow card is, why they signed it and what is going to happen, and we are not getting it until later and by then it is too late.

The Hon. CATE FAEHRMANN: What is the six-week delay, do you know? I assume the yellow card is given to the woman after the incident, at the time that they are reporting to police?

Ms SCHATZ: Yes.

The Hon. CATE FAEHRMANN: Do you know what that four to six week gap is?

Ms SCHATZ: I think over Christmas it was because we did not have a domestic violence liaison officer and nobody else took it upon themselves—I am only guessing because I am not there, but we were not receiving them. There were incidents that happened in November, the last domestic violence liaison officer left in November, and we did not receive them until about 16 January.

CHAIR: So when you had a domestic violence liaison officer, they took it upon themselves to get the yellow cards from the general duties police officers?

Ms SCHATZ: I think the way the system used to work was that they would put it in a particular box in both Parkes and Forbes stations and then they would both eventually make their way to her and once she got them she would send them on through to me.

CHAIR: We had some victims here this morning and we asked had they seen or had contact with the yellow cards, and they did not know what they were. It is a worry that the ones that have been filled in are taking a length of time to be processed.

Ms SCHATZ: Definitely.

CHAIR: It is another problem if they are not being offered and explained up-front.

Ms SCHATZ: Exactly.

CHAIR: Does anyone else have any other comment?

Ms BLISS: The WDVCS workers were funded to do court support, but it is not culturally appropriate for Aboriginal women or victims because they cannot keep the Aboriginal workforce. They will come in from other towns and they do not know the clients. They will just get the list and yell them out outside. That is not appropriate because a lot of the time they are standing with the perpetrator or the people they have the AVO against. We are funded under the NSW Health Aboriginal Family Health Strategy, which is predominantly about violence. We have had not one referral via a yellow card. That more or less tells us there are no Aboriginal victims. In Condobolin, the police do not get them filled out. We have been there several times because we do court support there too.

The women do not know about it; it is like it is non-existent. We had a meeting with the police and with the refuge and they told us that we could not have the yellow cards because we do not provide accommodation. We have not had one referral. Last week I was out the front and stood there and said, "This is our referral process. I think we should have referrals." They just wrote them out and handed them to me, but they were my own clients. They are confusing women. Our women are not getting continual care because they do not know what is going on in the community, the story behind the victims or what is happening. They are just there for the court and the numbers.

Ms BLACKLEY: For some of our service providers who are not aware, the DVLO is the police domestic violence liaison officer. The difficulty is that this one position is covering the whole of the Lachlan area command. They go to Parkes, Forbes, Condobolin and out to Lake Cargelligo. Lake Cargelligo is 200 kilometres away. It is a major concern that there is only one position for the Lachlan area command. We have recently had our Aboriginal liaison officer—the female position—at the Condobolin courthouse removed and placed in another section. It really is difficult for the service providers because there is not enough connection with them. Forbes is fifth in the State for domestic violence and Condobolin is tenth. They are two towns within the Lachlan area command. One DVLO position is not enough.

Ms BLISS: Our police liaison officer predominantly did family violence. They have taken that position away. I rang the police and asked them why and they said they could not get anyone suitable so they sent the position to Albury. We have one of the highest domestic violence incident rates. We wanted to work with them to get people involved and apply for the position, or to do it more culturally appropriately by working out of one of our offices or something like that to liaise with police in the community.

Mr HARRIS: I work for Weigelli Drug and Alcohol Outreach at Cowra. I have been an Aboriginal worker for the past six years. I have 10 towns in the area I cover, which is 300 kilometres. It is the first time I have heard about the yellow card. I have done court reports in all these little towns around here and I have heard nothing about the yellow card.

The Hon. HELEN WESTWOOD: Do you have a domestic violence network or liaison group that operates in the Lachlan area or in Forbes?

Ms BLISS: We have domestic violence committees in Forbes, Condobolin and Parkes.

The Hon. HELEN WESTWOOD: Do the police attend them?

Ms SCHATZ: Not very often. The domestic violence liaison officer is Rebecca Camilleri, and she is based in Dubbo. She attended the Parkes meeting not last week but the week before, but she has never been to the Forbes one. I broached the subject with her. I said I felt that it was really important that we get some kind of community awareness about yellow cards and help people to understand what they are. She said she did not know whether that was a police role. I said I thought it would be. It should not be our role; it is something that the police issue.

Ms BLACKLEY: The Department of Attorney General and Justice used to have funding for domestic violence committees under the Violence Against Women program. That funding stopped about six years ago. The only domestic violence committees that continued were in towns and communities that had those services. So within their own job roles they continued with a domestic violence committee. But for smaller communities, it just fell by the wayside. We are just now regrouping the Lake Cargelligo, Murrin Bridge and Condobolin domestic violence committees.

The Hon. HELEN WESTWOOD: You mentioned Rebecca Camilleri. Was she the domestic violence liaison officer or just an officer?

Ms BLISS: She is the coordinator. She is funded through the police to coordinate it, send out emails and talk about family violence.

Mr SMITH: She is in the Orana area.

Ms BLISS: She is not out this way.

Mr SMITH: She is not in our area.

Ms SCHATZ: She does cover this area. She is based in Dubbo, but she has a huge area to cover.

The Hon. HELEN WESTWOOD: Have you ever had any contact with the commander for this area? If so, has it been positive? Have you had the opportunity to talk about your concerns?

Ms BLACKLEY: Yes, we have in the past. It is usually that there are just not enough feet on the ground to cover the whole area. With respect, often the positions are changed. A staff member might go on maternity leave and then the position will not be filled for 12 months. It is a bureaucratic system and it takes so long to fill a position. I think Cathy is about to come back to that position at Parkes.

CHAIR: We will come back to the police role in a minute. We have touched very briefly on the problems in the system. I would like some information about the issues facing these communities, particularly the Aboriginal communities, and the problems with distance and isolation. Would anyone like to make some comments about the issues relating to domestic and family violence?

Ms POWELL: I am from Condobolin. The Forbes refuge home is always full. Why do we not have a safe house in Condobolin? The travel is a problem because people cannot get other people to bring them over. Before when I had family support, the people from Forbes used to meet us halfway, but sometimes they could not. We really want a safe house in Condobolin.

CHAIR: We heard this morning about the safe house at Lake Cargelligo and the fact that it was not considered safe. It is basically just a drop-off point until people get to Forbes.

Ms MAHER: We have looked into that safe house. It has been there for years. I thought it was being used. Apparently the hospital uses it. I do not think there has been anybody in there. I think someone from Mt Hope used it once. That is what I have heard. We have been looking into finding out how we can tap back into that house and see if we can use it, get the police to use it or let someone know. I have only been with Lake Cargelligo Family Support for 10 months. We do not even know who would contact us or how to help them with domestic violence.

I picked up one lady who had come from Forbes to Parkes. She had to wait to catch a bus from Parkes to Condobolin and then I had to come to Murrin Bridge to pick her up at Condobolin to take her back to Lake Cargelligo. That is a big day with three little kids. If we had had access to the house I think it would have worked better for her. Hopefully we could have kept her safe and he would have been taken away. It would not have stressed her as much with the three kids under five. That is a lot. She did not go back to her house. That became a big issue because of the violence in the house. She is now in a privately owned flat that we have to get her out of because there is asbestos in the place and one of the boys has a bleeding nose. We have to work to get her out, but we have nowhere else to put her. I was going to suggest we put her in the safe house until we get her a house. We but we do not know where it is to say we need it for her.

Ms BLISS: I worked at Yoorana Gunya for 10 years when there was a safe house at Lake Cargelligo, but it was taken by NSW Health because they wanted to put nurses in there. It was a safe house put there for the women of Lake Cargelligo and Murrin Bridge, but it was taken away from them. A lot of the funding has been taken from the refuges. They want more funding for homeless people and others, but I think there needs to be places for victims of violence. Perpetrators should be taken out of the house. Why should the women always have to move from their community and uproot all the children when there is just one perpetrator?

Ms SCHATZ: I back up what Donna has said. We have one of the lowest funded refuges in the State and we cover a huge area. I have been there for five years and originally we were able to transport from Condobolin and Lake Cargelligo. We cannot do that now because we do not have the money. We have a service ring us wanting to get a woman to a safe place and we have to say sorry unless the police help us, and sometimes they do. They have come from Condobolin with the whole family and unless one of the services is willing to help we cannot get to them. We have to tell them to check the bus timetables. These women have been through a traumatic event and do not feel like sitting on a bus with up to six children to get to safety. It is difficult for us because we want to pick them up but we cannot. It makes it hard for us to do our jobs properly.

Ms WEBB: We do not have any safe house in Parkes. If there is one, they are keeping it really safe.

The Hon. GREG DONNELLY: And secret.

Ms WEBB: I find the difficulty with my service when there is any domestic violence and a family member or the person themselves who is suffering the violence comes to me and there are little children involved. I cannot take them anywhere because the Department of Family and Community Services in all its wisdom says that my program is not a community transport service; I am not taxi and car seats are not provided. It is not in our position description. I cannot provide community transport because it is for Home and Community Care clients and they do not transport children because they do not have car seats. These mums are running, they are not going to think about transport or driving or who is going to drive them. And I cannot do it. If I break the law and put those kids in without a car seat I am gone.

The Hon. GREG DONNELLY: Can I ask Donna a question? I think I understood you correctly where you say that the perpetrator stays put and the family moves. Could you just explain that for me in a bit more detail and is that a change that has happened?

Ms BLISS: It has only recently happened in Orange. They have got, I forget the program now anyway, but they take the perpetrator out of the home so that the family can stay there.

The Hon. GREG DONNELLY: I had it the wrong way round there. The family stay.

Ms BLISS: They can stay in the house, yes.

The Hon. GREG DONNELLY: But do you say that that is a good development or not a good development?

Ms BLISS: It is a good development because the children are not uprooted and we can go into the homes and work with them on all of their issues.

The Hon. GREG DONNELLY: What was happening in the past?

Ms BLISS: Kids and women were getting dragged out and at all times of the night with the police and we would have to find housing. And if the refuges were full they would have to move on to Griffith or Bathurst. There are not many women's refuges around.

Mr HARRIS: I had that experience with that same girl. I had to take that girl and the three kids over to Griffith because I could not get into Forbes and I could not get in anywhere else. I am drug and alcohol, I am not domestic violence, but I took her anyway. And I met the bus in Rankin Springs but she had to get out at that time. She had to get out of the house because the bloke was there but the police could not catch him and she had to go at that time, so I done me duty for the sake of the little kids because there were three of them

The Hon. GREG DONNELLY: They were relocated, basically.

Mr HARRIS: Yeah, we did not worry about the car seat. We just bang, chucked them in and gone.

Ms WEBB: A lot of times the police's attitude when they are called to domestic violence situations is, "Not again." So they take their time getting to the family who are in danger.

CHAIR: We will come back to the police in a second.

Ms BLISS: I think too that a lot of ownership or community control has been taken away from our Aboriginal organisations with family violence because we can put different strategies in place that government and a lot of these organisations cannot put into place. We can provide travel, if we get the funding, we can go and pick them up. I think a lot of Aboriginal community control has been taken away so that we cannot put these things in place. As you will see, Aboriginal workers in other organisations will try but they are not allowed to, whereas we are set up a bit differently so we can.

The Hon. HELEN WESTWOOD: The issue of your workers or staff going to a woman who has been assaulted or is being assaulted and taking her away to a safe place, does that ever place your workers at risk?

Ms SCHATZ: We do not allow that to happen. If we are called out in the middle of the night even to go to a place in Forbes we will not go unless there is police involvement. We are not allowed to enter the home if that is going on. A lot of times if it is the woman that rings us we will arrange to meet her somewhere outside of that area, or we will make sure the police are there. We do not put ourselves at risk.

The Hon. HELEN WESTWOOD: Do you find the police are responsive when you call?

Ms SCHATZ: It depends. If it is a woman that has called the police numerous times, and we all know that with domestic violence that will happen, their response times do tend to get slower and slower. The police's response to those women if they are by themselves is not very nice at times. The whole question of, "You go back, why do you go back?"

Ms BLISS: I have had an incident where we have called the police and that was at our work in another office and I kept ringing, "Where are you? Where are you?" When they got there they said, "We thought you people liked to deal with these things yourselves, so we didn't bother." So it happens. And I have been in court only a couple of weeks ago and the woman police officer was there and the girl wanted the violence order lifted or changed and she stood in the court and said, "We will only be back there again." The poor girl just went—it is not appropriate. I think they have got to learn how women are, a lot of these are long-term relationships and they are not just going to cut off like that.

CHAIR: We might then start to talk about the role of the police. We are just after your experiences and observations of the role of the police in dealing with domestic violence and what could be improved. Also you may want to comment about their role in linking with your organisation.

Ms BLACKLEY: I think we need to look at really positive solutions. The police really need to have a lot more training in domestic violence so that they have a better understanding so that these reoccurring things do not happen over and over and over. So maybe that could be put into the background of their training. I think also that the police need to be working a lot more with their communities and getting away from this "them" and "us". If they were there, if there were enough assigned people to be going to these—most communities out here have a very strong interagency or they have a very strong community drug action team or they have a strong domestic violence, so police representation on those community support infrastructure groups would enhance everybody working together a lot more.

Ms SCHATZ: I am going to start with a story and it is a true story. I got a phone call one night from a police officer who said that he needed to do a welfare check on a young child who her and her mother had come into the refuge. So I went over to meet him, thinking that that is what he was doing. The first sentence out of his mouth was, "Tom said you need to go home mate. What are you doing?" He was a friend of the perpetrator. So I actually booted him out the door and I put a formal complaint in about him and nothing was ever done with it.

I can think because we have such a small community and everybody knows everybody these things do tend to happen. A lot of the times the police do know these perpetrators and they drink with them and they are friends with them. It does put them in a difficult situation, we understand that, but it is just quite ridiculous that that sort of thing can happen. We find it very hard to make waves because we are such a small community and we do depend on the police for a lot of things. We are quite often left thinking do we need to make waves over this, because we need their support. So those sorts of things just cannot happen.

Mr HARRIS: Like I was saying about that young girl, I said, "Why don't you ring the police?" She said, "We rung the police and the police said they can't do nothing until he comes and does the crime", you know.

Ms BLISS: When we had our police liaison officer in Forbes in the area as a female she was really making headway. If women came in with complaints and she was there and the police were there she would then get the police to come and talk to us and bring that lady or victim along and talk about what happened and the issues and how they felt about the police response. It was really starting to gain a bit of momentum and the victims just felt a bit better because they had that female liaison officer there.

CHAIR: Does anyone else want to make some comments about that domestic violence liaison officer if they have had some experience with their role?

Ms SCHATZ: She was brilliant. She worked really with us. We went out to Condobolin a couple of times to do a domestic violence education program and she was solely responsible for getting up to 15, 20 women there on two separate occasions and coming back every week for six weeks to do this program. It is fairly hard to do to get a woman to be interested enough to keep coming back. And this woman did that. She was excellent.

CHAIR: What did that program involve?

Ms SCHATZ: It is a six-week program that the refuge movement has come up with and I have kind of played around with. It involves education on domestic violence, effects of domestic violence on children. There is a legal side where they can talk to a solicitor from Binaal Billa about legalities involving AVOs, family law, anything they want to talk about. We talk about building self-esteem and safety plans that they can put in place if they decide that they are not ready to leave that relationship. It is a really good program, if I do say so myself, and we have had some really good success with it. But again it is funding. We do not have the funding to get it into the communities that we would really like to get it into. We have the people interested in doing it; we just do not have the money to get it out there.

The Hon. CATE FAEHRMANN: Was that an initial pilot program?

Ms SCHATZ: Yes.

The Hon. CATE FAEHRMANN: Who funded it and did it have a name?

Ms SCHATZ: It was called the—I cannot even remember now. It was called the Forbes intervention pilot project, or something like that. Sorry, I cannot think of what it was called.

Ms BLISS: Was that in partnership with the Department of Community Services [DOCS] and all that?

Ms SCHATZ: It was and it is still there, it is just because of the changes within DOCS that things have to sort of change with that. But it is still there and we just do not have the funding to run our part. I am still running the program in Forbes because we can do that, but I cannot take it anywhere else. But we have actually held a meeting with the crime manager in Parkes about holding an education program for police staff. It would be a similar program to the one that I give to the victims but they were not interested.

The Hon. GREG DONNELLY: Can I pose a hypothetical question to the group and I am just keen to get your response. Assume we had the power—we do not have this power—to appoint a domestic violence liaison officer who would be on the ground next week here operating locally. Would there be pros and cons associated with appointing an Indigenous domestic violence liaison officer versus a white domestic violence liaison officer?

The reason I ask the question is that the NSW Police Force in recent years has upped its program of recruiting Indigenous people into the force. You have probably seen those figures come through. But I am wondering, and I do not mean to offend, if there was an Indigenous domestic violence liaison officer put into a place like this who perhaps came from another part of the State originally, is that problematic for that person carrying out their role compared to a non-Indigenous person trying to deal with domestic violence here? Because if that was not an issue there might well be value in arguing the case for more Indigenous domestic violence liaison officers to be appointed by the NSW Police Force. Perhaps that is something that we could raise in our deliberation. I welcome your thoughts.

Ms RADFORD: I think that would be great. It would be great.

CHAIR: Kerry, you said it would be great.

Ms RADFORD: It would. I did a bit of court support work in Parkes with the Women's Domestic Violence Court Assistance Scheme [WDVCAS] and here in Forbes before I started this position. A lot of the clients from Condobolin go to court in both these towns and an Indigenous worker would be great.

Ms BLISS: Because I know there were people who applied for that position but they just do not give them a go.

The Hon. HELEN WESTWOOD: Indigenous people?

Ms BLISS: Indigenous Aboriginal people, yes. They apply for those positions and they do not give them a go, so I do not know who is on the panel.

The Hon. GREG DONNELLY: They applied for a position in the NSW Police Force?

Ms BLISS: No, as the liaison officer.

Ms RADFORD: It was like when I was doing the court support with WDVCAS. I as an Aboriginal worker got four hours a fortnight and the other girl that I was working with got 25 hours a fortnight. There were more Aboriginal clients who went through the court than non-Aboriginal.

The Hon. GREG DONNELLY: Is it taken as read that Aboriginal women in particular who had experience or potential experience in domestic violence would feel more comfortable talking about the issues with an Indigenous woman?

Ms RADFORD: Yes and no. I have just moved back here from Victoria. To me, in Forbes, Parkes and Condobolin, this whole area—we service 10 different towns—the racism out here in the Central West is unreal. It is not like this in Victoria where I come from. I grew up at Condobolin and Hay and still it is the same as it was when I was a child.

The Hon. HELEN WESTWOOD: When you say "racism", you mean—

Ms RADFORD: Towards Aboriginal people.

The Hon. HELEN WESTWOOD: I understand that, but from all levels of the community?

Ms RADFORD: Pretty much.

The Hon. HELEN WESTWOOD: So from your neighbours and shop businesses, as well as police, courts and schools?

Ms RADFORD: Yes, police, definitely.

Ms SCHATZ: I think it would be marvellous, but I think that the more important issue is the area that the domestic violence liaison officer covers. To Heather I have to ask: How often do you guys out at Condobolin see the domestic violence liaison officer?

Ms MAHER: Who are they?

Ms SCHATZ: It is a huge area, and they cover Lake Cargelligo I think. It is a very big area and they just cannot cover all of it. I think maybe the job needs to be divided into two, so their presence is there and they can do for those areas what they do for Parkes-Forbes.

CHAIR: I would like to move on to courts, but are there any more comments on the police?

Ms WEBB: The police force, in my opinion—and I have been working at a lot of non-Indigenous organisations most of my life—are culturally incompetent. I know they are restricted on a lot of things, but to be passionate or caring has not got a colour label. Nothing very much can be done about police attitude. Too much

power has been given to police and it has gone to their heads, and I am sure that a lot of people in this room will agree with me. There is no humanity in the police force. In the police stations that I have been involved with, and I do lock-up support too, the attitude and the comments are just disgusting. The comments about women who are beaten up by a man are disgusting too. Trying to fix the attitude at local police stations is an issue that should be at least second on the list.

The Hon. HELEN WESTWOOD: When you say comments about women or towards Aboriginal people are shocking, are they from police officers?

Ms WEBB: Yes.

The Hon. HELEN WESTWOOD: What sort of comments are you hearing?

Ms WEBB: Mainly from policewomen. I call them bitches with balls—excuse me. They say, "Well, she's going to go back", "She's a lost cause", or "Why bother?" They mainly are the three comments that I hear in my presence.

The Hon. HELEN WESTWOOD: Donna, did you want to add something?

Ms BLISS: I wanted to say there is a big difference if there is representation from an organisation, they know where you work and you have the shirt on. There is a big change. As soon as you go back and say you are taking someone in, it is totally different. They get treated totally differently, our people, if they have a worker with them.

The Hon. HELEN WESTWOOD: When you say it is totally different, is it better, more respectful?

Ms BLISS: Better, yes, because they are not game because we would report them, because we are trained in that.

Ms ANDERSON: I totally agree with that, because they have a voice then, because they can speak through the worker and they feel a bit stronger that they have got someone to back up what they are saying, whereas if they are with someone that they do not know and they are not game to speak, they just get pushed to the background.

Ms BLISS: Especially if you know the laws and that, what they have to do.

The Hon. HELEN WESTWOOD: Ralph, I notice that your organisation is Wilcannia-Forbes. As someone who has spent a bit of time in Broken Hill, I know there are significant issues in Wilcannia. Does your organisation find that the experiences we are hearing of today from people in Lachlan are similar to those in Wilcannia?

Mr SMITH: Maybe. I do not travel to that part of the world. We have an office in Broken Hill and Wilcannia. My area is here.

The Hon. HELEN WESTWOOD: Yours is Lachlan?

Mr SMITH: Yes, Lachlan. I have been a men's worker out here for five years and everything these guys have said is spot on—it is most of what I have written here in front of me. I have not seen a yellow card; I would not know what one looked like. The police do not seem to want to involve a lot of services. They would never think to ring you. I suppose they are busy doing what they think is police work. That is what I see. Because of my role as a men's support worker, a lot comes with the perpetrators. I have a thing about keeping the women and the kids in their environment and getting rid of the men. Surely it has to be easier. I cannot understand having to take the women and the kids away in the middle of the night when it would be just as easy getting rid of the bloke for a period of time or whatever.

I also think we do not do enough work with the perpetrators when we have them, whether in the jail system or wherever. While they are in jail they are supposed to be drug free and alcohol free, and I find that that is the time to talk to them. In the middle of the night when they are tanked up and you are trying to do something with them—it is like trying to handle a lion. You will get bitten. We do not seem to be doing enough

with them when we get them drug free and alcohol free. I would also like to see their bail conditions relate to access to alcohol. If they want access to their kids, they have to be drug and alcohol free to get that access.

Mr HARRIS: I have always thought that there was a police officer certified for domestic violence.

Ms BLISS: There is supposed to be, and mental health.

Mr SMITH: Who is it, though?

Mr HARRIS: You tell me. I always thought that in every police station there was a domestic violence officer.

Ms MAHER: Where?

Ms BLACKLEY: There is only one for the whole area command.

Mr HARRIS: I think someone in Lake Cargelligo was nominated.

Ms BLISS: I think they do little programs, but they are not fully fledged.

The Hon. CATE FAEHRMANN: We heard this morning about the constant breaches of apprehended domestic violence orders and we heard that the police in the area did not seem to be doing anything, that police were not responding and were saying, "There is nothing we can do about it; you need proof." I was wondering whether any of you wanted to comment about how you see police response to breaches of apprehended domestic violence orders. We have heard that they are not working and that police are not responding. Are there any instances where they do?

Mr SMITH: I know the police at Lake Cargelligo, if you went there tonight or this afternoon, it is not manned. You go there and are told, "We are not available at this time". If you want any assistance, you have to ring Parkes. If you ring Parkes and they deem it sufficient to maybe ring the local bloke and get him out of home or wherever he is, they will do that; otherwise it is a two-hour wait. And if you are one of these ladies that has been up previously and gone back to her husband, maybe you become the two-hour wait—this is not important, it can wait until the morning and it will all blow over. That is every week out there.

Ms SCHATZ: We tell all of our women that get an AVO that they have to write down in a diary any breach; they have to put down the date, the time and what exactly happened, and then ring the police and let them know. We also tell them that it will probably be three or four breaches before the police will even want to take action.

The Hon. GREG DONNELLY: You are saying that a single breach is generally seen as not sufficient to interest the police; there need to be multiple breaches to attract their interest?

Ms SCHATZ: If it is a non-violent breach then yes, they do not believe that it is necessary to make a statement and proceed with court proceedings because he is just making contact, he wants to know how the kids are, but at the end of the day if those conditions are in her AVO it is a breach. I am dealing with a woman who I have been working with for three years whose partner is now in jail, but it took eight breaches before he even did any jail time. This is a violent man.

The Hon. NATASHA MACLAREN-JONES: Do you think it is the attitude of the police that they are ignoring it, or is it a lack of resources, that they just do not have the ability to deal with perpetrators?

Ms SCHATZ: I think it is everything. I think there is a lack of information and there is a lack of knowledge on what domestic violence is and how it affects the victims. I think we are very easy to get on with. If we have a woman who has come to us and has not been to the police yet, we will ring and say, "This woman needs to make a statement. This is what has happened. Give us a time and we will come down with her", and that works quite well because they know we are coming, whether they want us to or not, and they will give us a time and we work around it. To me that is not an excuse. I just think that they do not take a lot of it seriously, and especially if it is a woman they have been dealing with as a victim of domestic violence over a number of years. As I said before, the response time gets slower and slower. I have heard them say, "She keeps going back,

what does she want us to do?" I do think they need to be educated, I really do. It is a major part of their work out here. I do not know if it is everywhere, but it is a major part of their work.

Ms BLISS: I think why because a lot of courts now are getting jam packed with apprehended personal violence orders. So our domestic violence ones are getting put back on the backburner, so they are treating them all the same. There is that much nitter-natter in communities—if I call you a so-and-so, "I am going straight down to the police". The police are saying, "Go away, I know what is going on". They are going down and doing a bit story at the courthouse, so they are writing out apprehended personal violence orders, and then the next person thinks, "Well, you're not going to get away with it, so I will go down and do the same." The court is just jam-packed with personal violence orders that are nitty-natty. It is pathetic. It is taking away from the serious violence orders that are in the court.

Ms BLACKLEY: If I can agree, it is exactly the same in Condobolin. The level of severity and importance of ADVOs has changed totally. We now have young girls printing off, "He said this, she said this, he said this, she said this" from Facebook, taking it to the police station and an AVO is made out with what was said on Facebook.

Ms BLISS: Yes, and all they have to say is, "My life is in danger."

Ms BLACKLEY: So the actual status of an AVO has declined so much that when we desperately need it for the woman who is in fear of her life it is disregarded. It is still at the same lower level, and I think that is really important.

CHAIR: In the development of the apprehended domestic violence order [ADVO], in your experience of the effort and time that goes into making sure that the details and the restrictions are appropriate, and that those restrictions and details are clearly communicated to both parties, we have heard that sometimes ADVOs are set for failure and we have heard that maybe they are just ringing to see how their kids are. Is there a level of not enough time going in to put realistic boundaries into ADVOs and also communicating to both parties what the clear boundaries are? I would like some comment on that.

Mr SMITH: That is a major part of my job—trying to get those blokes to understand that they should not go within 200 yards; that they should not go there. They do not understand, especially when three days later they get a phone call telling them that the kid wants them to come to a birthday party or whatever. They go because they have no comprehension of what the AVO is about. They do not seem to have any fear of the AVO or going to jail over it.

Ms SCHATZ: I totally agree. But I have been with a victim at the police station and I know how hard is it to encourage a police officer to apply for certain conditions. They will only do it if they believe that it is really important for the safety of the women and children that there is a no contact order or a distance order. In saying that, I know that within a month the majority are back in court making an application to have those conditions changed. If I had my way, I would impose a time limit of six months for changing those conditions. That would allow services like ours and others to work with these women and men on their relationship. They should be sure that it is really what they want rather than have that whole control element where they say, "I have to get back to him because this is what I have to do", and have the AVO changed. There should be a time limit before the courts can change those conditions and have them removed.

Ms BLISS: I think when the AVOs have special conditions—such as the man is not allowed to drink—what would a woman in her right mind do when a man is blind drunk in front of them or rings up and breaches the order? It is very hard for women. In our Aboriginal communities and out this way there are families that want to work together but none of that is done. There should be more family kinship and building in families so they can see what they are doing to each other. It is all about men's business and women's business. I know it is different up north because that is the way it is. But out this way we have women who say, "I love him. I just want the physical harm and the emotional abuse to stop." There needs to be some mediation and talk. There is none.

The Hon. GREG DONNELLY: What do you mean by "up north"?

Ms BLISS: Up the Top End in the Northern Territory. It is more about men's business and women's business. We have different communities and we work differently. We have to look at each community differently.

The Hon. GREG DONNELLY: How did the Territory come to that position? Has that built up over time or is it a feature of Indigenous—

Ms BLISS: They have more traditional elders.

The Hon. GREG DONNELLY: I am trying to get to the bottom of what you are saying. The community history here is more dysfunctional; it is broken down. We heard from witnesses earlier that a number of elders are not around so the leadership level does not exist.

Ms BLISS: That is right, and no-one is working on the issues of what happened years ago with dispossession of land and loss of culture. No-one is working in counselling roles; we have no Aboriginal counsellors. We have one at the Aboriginal Legal Service, but there is no funding. The Aboriginal Family Health Strategy should be a working guide for all workers. Many Aboriginal people do not have road maps through the strategy. There should be funding for trained workers and organisations to be dealing with all this counselling and going through all the grief and loss and what is happening with families, what they are going through. Alcohol and drugs are big issues because 80 per cent of our clients are alcohol and drug affected.

CHAIR: We heard this morning about people having to take it upon themselves to travel from Lake Cargelligo to Dubbo to get an AVO. Is that uncommon or is it the type of problem your clients are facing?

Ms BLACKLEY: Most of the people are able to get an ADVO within their own community because of how it has declined. It is, "Okay, you have told me a sad story so you can have an ADVO." It could be that they have had to go to Dubbo because the police station is closed. There is always staff at Parkes. That is where the phone call goes through to. If they have gone to Dubbo it would be for one reason or another.

Ms MAHER: I had a lady when I first became involved in a very severe domestic violence case. I had to bring her back from Lake Cargelligo to Forbes to have her visit ADVO amended. The judge did not even look at the case file. He just said, "No, she doesn't need it." It was horrendous for the girl. I had to bring her all the way over here just to have that done to her. That was not very good.

The Hon. HELEN WESTWOOD: The young woman came here to have the ADVO—

Ms MAHER: No, she already had the ADVO.

The Hon. HELEN WESTWOOD: She came to have it amended.

Ms MAHER: Yes, because he got out of jail. He told his solicitor he did not want anything to do with her again. The solicitor got up and said that. It was a horrendous case. He did not even look at what the fellow had done. He had been in jail. He did not even look at it. I was there and I watched him.

The Hon. HELEN WESTWOOD: Was there no opportunity to make representations to the judge?

Ms MAHER: No.

CHAIR: This is a good points to move on to the court system. Let us talk about the way the court system could deal better with domestic violence. We had one example of the judge not looking at the history of the case before making a decision. What about your clients giving evidence on court days, access to support, or the role of the police prosecutors? Does anyone have any information about the courts?

Ms WEBB: There is not a good knowledge of these women when they go to court to vary AVOs. There is no special room. They have to stand out the front with the perpetrators and wait for their name to be called out. There are not enough court support people to guide them to a room where they feel safe. At the North Coast where I come from, there is a specific room with a labelled door at the courthouse and they go there. There are volunteers who sit there with them.

The Hon. GREG DONNELLY: Which courthouse is that?

Ms WEBB: Ballina courthouse.

Ms SCHATZ: There is one at Forbes and Parkes, but Condobolin does not have one.

Ms BLISS: They do.

Ms BLACKLEY: We have had a safe room in the past, but that is only because of the funding available. There was a worker there on duty, but now we have to rely on Yoorana Gunya staff who might be there for the court support service or whoever else might be there. It is not a regular, ongoing thing.

Ms BLISS: I think the prosecutors should be more aware. They represent most of the victims. There needs to be worker saying what is happening and whether the AVO is right. They should be working with the victims so they get what they need. They are representing them and they do not even talk to them.

CHAIR: Does the domestic violence liaison officer attend on those days or is it an issue of resources?

Ms SCHATZ: When we have one they do and it works well.

CHAIR: So the DVLOs attend in areas where they can work with the victim and the prosecutor to ensure the conditions are right?

Ms SCHATZ: Only at Parkes and Forbes. In Condobolin that is not the case.

Ms BLACKLEY: The DVLO would not have the time to get out Condobolin and Lake Cargelligo. We have approximately 85 to 90 cases at Condobolin each year, and court is held every fortnight. So it is quite a large number.

CHAIR: I assume it is the same magistrate attending at all the local courts?

Ms BLACKLEY: Yes.

CHAIR: I also assume that some of the Yoorana Gunya and other support workers can get to the different court days?

Ms SCHATZ: It is the same magistrate at Parkes and Forbes, but Condobolin has a different one.

CHAIR: Is the scheduling of court sitting days looked at throughout the area to ensure if there is a DVLO they can be potentially at Lake Cargelligo on Monday, Parkes on Tuesday and so on? Do your organisations work like that to spread your resources to those different towns?

Mr SMITH: CentraCare allows me to follow the court dates, so I can be there. That is usually how it works.

Ms BLISS: We are only funded to Forbes, but we go out to Condobolin. There is not enough funding. Much of the time women do not turn up and the prosecutor does what he wants to do with the orders.

CHAIR: Do you have any comments to make about the way the magistrates work? It sounds as though their workload is ever increasing with the personal AVOs. Do you have any comments about magistrates?

Ms SCHATZ: I do not know what it is like at Parkes anymore; I used to do court support in both places. When the WDVCS started we were asked not to attend the court days anymore. I am told that the magistrate who comes to Forbes is the same one who does Orange. He does all the AVOs first up; it is all over and done with in the first hour and a half and all those people can go home. That does not happen in Forbes. We can still be there until 3.30 p.m. or 4.00 p.m. with victims waiting for the AVOs to be heard. It is really random. The same magistrate does all of them straightaway in Orange. I am not sure about that decision.

CHAIR: He has a list of all the ADVOs and he does them first?

Ms SCHATZ: Yes.

Ms WALSH: It is the same in Cowra. Victims are sitting around all day waiting for the ADVOs to be done and they are with the perpetrators. It is terrible for them.

The Hon. HELEN WESTWOOD: Do you have both Indigenous and non-Indigenous clients at Cowra?

Ms WALSH: Yes.

The Hon. HELEN WESTWOOD: You have heard what other services have said this morning. Do you see a difference with the way that police deal with Indigenous victims versus non-Indigenous victims? Have you observed any difference?

Ms WALSH: Yes. A lot of the Indigenous clients come in and have had a lot lower rate of satisfaction.

Ms RADFORD: Anne was doing court support and she was getting four hours a fortnight to be the Aboriginal support person and the other girl was getting about 25 hours.

Mr SMITH: Just on the magistrates, with the guy that works in Condobolin and Lake Cargelligo, I usually make it my business to get an appointment with him just to say g'day, tell him who I am and if he sees me in the court support with people he knows that I do not do it lightly and if I give them a support letter I do not do that lightly. I told him he would never see me there twice with the same person. He has been very open to meeting with me as a worker. I have had no problem with him.

CHAIR: I would like to move on to potential early intervention and prevention strategies. Before I do, we have had evidence from the police in some of our earlier hearings around the concept of what happens in some other States where the police can actually issue an apprehended domestic violence order [ADVO] once signed off by a supervising officer. As service providers I would like some feedback on that sort of concept and whether you think that would make a difference, particularly not having victims standing around all day at courts or having to be there when the perpetrator is there. Does anyone have a view on that?

Ms BLACKLEY: Can I just ask you to repeat that. So the police would be able to sign off the ADVO?

CHAIR: Police, for example, may attend an incident and may see that there is a need for an ADVO. That then would be submitted not to the local magistrate but potentially to a supervising officer at some level within an area command and they would then be able to issue that. One of the other things that we have heard from the police is that sometimes having to come back and serve the ADVO there is quite a difference in time lapse and there is also a risk of further assault during that period.

The Hon. HELEN WESTWOOD: It is an interim order.

CHAIR: Does anyone have any thoughts on that? Maybe it is something to take away and think about.

Mr SMITH: Do they not sign off on them now? Do the police not take out their own AVOs and sign them?

Ms BLISS: No.

Mr HARRIS: For me anyway, I have been involved with a lot of court support from young fellas out at Lake Cargelligo and Condobolin and here, but the fact is it is only the blokes, the perpetrators, that go to the court. I do not see the women there most of the time.

Ms SCHATZ: Apparently there is some sort of new legislation coming through that they are saying that the victims do not have to be at the first mention. So they do not have to go so they are not traumatised again by the whole court process which I think is a brilliant idea.

Mr HARRIS: For me again, I notice that every time they come back, the women are not there and then all of a sudden the magistrate says, "Well, the women are not here. Shut her off. Dismiss it." Three times and it is dismissed if the women do not turn up.

Ms BLACKLEY: Just getting back to that where the police could sign off, I would have some really major concerns with local police stations where the police officers have been there for a long, long period of time. And with going back to the comments before that they are mates with lots of other members, these are

small communities, they play sport together, they go to the clubs together, they drink together. I would have some concerns unless there was really major training done for them that the decision that they made in signing off or not signing off for an AVO would really worry me.

CHAIR: That is why we ask the questions.

Ms SCHATZ: Before we move away from the court system I would just like to bring to your attention the problems that we face with our family law courts here in remote areas. If allegations of abuse are made in a family law court straightaway it is sent to Sydney. We deal with women who do not have money, they do not have the time, they are single mothers. A lot of times, because of what they have been through with domestic violence, they do not have any family support, they do not have any friends and all of a sudden they have got to be in Sydney three or four times in a six-month period. It is just ridiculous. They cannot do it. Most of the time they have got Legal Aid and the Legal Aid money is ridiculous again. It is like \$1,200. So we are talking about a solicitor that has to go to Sydney with this woman, they have got \$1,200 and it goes on and on and on.

A woman I have just worked with, she has had to be in Sydney three times for court. She has had to go down with her children to meet an independent children's lawyer so that he can meet the children, they do not even dream of coming this way. She has had to then go down and meet a family case worker who decided that they did not want to work with her because it was not necessary but she still had to go down there. So that is five trips and we have not even set a date yet for hearing. The solicitor in question is now working for nothing because she is involved with it and she is a very nice lady and she has decided to do that, otherwise this woman would be representing herself.

Ms BLISS: That is where they should be accessing the family violence prevention legal services funded through the Attorney General's, because they can do family law if it relates to family violence. They are in Sydney. There are 52 set up over Australia.

Ms SCHATZ: She is not Aboriginal. Any Indigenous women that we do have in that regard we take them straight in Binaal Billa, but if she is not Indigenous then we are left with finding what we can get. And there are not a lot of solicitors in this area that will even take on family law.

CHAIR: Can we just spend the last 10 minutes talking about early intervention and prevention strategies. Are there examples of anything that you have been doing that we need to know about, anything that you have seen, anything that you think we should look at as far as trying to get to this problem before it actually becomes an incident?

Mr NEILSEN: I have not been in the job very long but probably the biggest thing is education. We need to nip it in the bud before the kids grow up.

CHAIR: Education at schools?

Mr NEILSEN: Education at the school level. I have seen kids come into CentaCare who are victims of violence and our youth workers deal with it. But I do not believe there is enough funding for the children. There is no notification. Someone might go through the court system, the mother might be part of the system but the children are left—no-one knows. They go to school, they have behaviour problems. Once it comes out you find out that they are victims as well. They grow up and they see dad giving mum a bit of a smack and they think it is normal. So it is a problem in society I think and we need to start with our children in the school education system and work our way through.

As far as communication goes, we have got all these inter-agencies which are working but it is still not good enough. The court system should be notifying the relevant authorities. We have got a family coming through, we need to see Donna, now we need to see the youth workers at CentaCare for the children, the school needs to be notified, and put it all in the one package. It is just too fragmented.

Ms BLISS: We are working in silos.

CHAIR: Grant, who do you think would be best placed to offer that education—the police, schools, youth workers?

Ms RADFORD: At Yoorana Gunya Donna and Dee run a program called the Love Bites program. They run it in high schools for year 9, 10 and 11 students on domestic violence and sexual assault. It is a really good program. And people offer a positive parenting program [PPP]. Like Kay from Yoorana Gunya does PPP for the parents. They do a lot of different drug courses, like how to drug-proof your children. They run all these courses but really it should be primary school children. They need to know it is not okay to get up and smack mum in the head.

VICTIM B: I went to a program called Safe from the Start and it caters for the impact of domestic violence between the ages of nought and 5. I think there is more of a need for those programs to be run because it is not just the woman; it has a big impact on the kids too.

CHAIR: Debbie, who did you do Safe from the Start through?

Ms BLISS: Yoorana Gunya. We got it through a Tasmanian women's refuge. We got them to come out, but we have got workers trained up now if we had the money to run the programs.

Ms SCHATZ: There are so many really good programs here and there are so many great workers trained to facilitate those programs. There is just a lack of funding to help us get out there and do it. The Love Bites program that Kerrie was talking about, the domestic violence [DV] groups in both Parkes and Forbes have been collaborating on that and we have been working in the high schools and it is a terrific program. We have had a lot of really good feedback from kids. But to me it is really important that we do get in and educate the children because it is about intervention as far as I am concerned.

But also I believe that the police and the teachers and all of those people, they also need to be educated too on what domestic violence is and the effects that it can have on the children that are living in these abusive homes. I do not believe that the teachers are really fully aware of the consequences of these abusive families. It is put down to—children are known to have behavioural issues that live in abusive homes but the teachers are unaware of this and so they are just marked as naughty children rather than worked with to help them through their issues. I think something needs to be done about that. But educating the students, getting them while they are young I think is really important.

The Hon. GREG DONNELLY: What is the biggest positive influence on young males and young adult males in this area? We know domestic violence is not exclusive to males; we have heard examples of females being involved in domestic violence acts. But with adolescent males and young adult males, what do you see as being the strongest influence that could be brought to bear to shape their thinking that this is something that they should not do and it is just not on?

Ms SCHATZ: My training is in education and five or six years ago now I worked with a lot of young Indigenous behaviourally challenged boys. Donna and I spoke then about some sort of big brother mentoring system getting up and running, but again it is about funding. We have quite a few great Indigenous men here that are successful and strong and would be quite happy, I believe, to come in and help us with these kids but it is just trying to get something like that happening.

Ms RADFORD: People like Peter to tell their stories about how they grew up and what it was like out at Murrin Bridge to grow up. All those things are important. A lot of the kids do not know really where they come from. They try to find themselves, they turn to drugs and alcohol. Mum and dad are parted, half of them do not know their father and this sort of thing. But if they have got someone like Peter—

The Hon. GREG DONNELLY: You have got a big job here Peter.

Ms RADFORD: Like a grandfather figure to look after them.

The Hon. GREG DONNELLY: A spritely grandfather.

Mr HARRIS: May I comment?

CHAIR: Yes, you have a right of reply on that one.

Mr HARRIS: What it is, I do work with Yoorana Gunya and I work with a lot of other services around the place, but I also belong to a men's group that is out there. We are not talking about a men's shed, we are

talking about a men's camp out there. We are always looking for leaders in the younger community and even in the older community. And it does not matter whether they are black or they are white, we are looking for leaders to come with us and we cannot find anyway. We cannot find any because they do not want to leave their world behind and come out there with us to the real world. Because we go out there and we do not drink, we do not smoke, we do not take drugs. We just go out there and do men's things. And none of these young fellas want to go out there. They do not want leave their girlfriends, their wives, they do not want to leave their mobile phones, they do not want to leave their grog, drugs, whatever it is.

That is the way the world is today. They do not want to go and if they do not have to go they will not go. But the fact is we had over 400 black and white people out there with us and we meet twice a year. As a matter of fact we have got a camp at ANZAC and it is every six months we go to camp. I am talking about the real world; I am not talking about men's sheds. We are talking about the real world. That is why a lot of people see me as an elder or a leader. I do not put myself as a leader because the fact is that I am one of them. I am out there; I am one of them.

VICTIM B: A good example of it is my son went to a place called Tirkandi Inaburra down at Coleambally. It is a cultural school for young boys. They go there and learn all these things. When they leave there they have to have a mentor, but it is very hard. When they come home, they have nobody really to follow up on it.

Ms BLACKLEY: The comment I think is exactly the same for Condobolin and Lake Cargelligo. We really want to look at breaking the cycle, getting in at the preschool or primary school age. The young people in our communities believe that violence is just in everybody's family—mums get slapped around and aunties get slapped around. They just accept it. Until we get in to break that cycle, I do not think that things will change a great deal. We are still looking for leaders. Forty-eight per cent of domestic violence situations in Condobolin and Lake Cargelligo have children and they are mandatorily reported through the Department of Community Services [DOCS]. There just are not enough workers, not enough people on the ground, and until we stop the cycle of the young people accepting violence it will not change a great deal.

Ms WALSH: In our service two of our Indigenous members have gone into Boorowa public school and taken up a mentorship program within the school, and it is working really well. They did an art program over the school holidays as well. It has just given those kids someone to talk to about anything and everything, like anything that is happening at home, and the kids are really starting to open up to those two workers. I think that is a start.

Mr SMITH: I would really like to see us not lose the opportunity to try to do something with the perpetrators whilst they are in prison. We can have all the victim help in the world, but until we do something about the people that are causing the problem, we are still going to have the problem, and I would just like to see us doing something with them, not restrict our help to the victims.

Ms BLISS: It is too late once they are in there.

Ms RADFORD: But while they are in there, they have all the education and all the groups.

Mr SMITH: That is not what you hear when they come out.

CHAIR: Unfortunately, we only have a certain amount of time today, but I encourage you all, if there is anything else that you think we need to know, please put it in a submission and send it to the Committee Secretariat, details of which are on the website or we can give you the details during the lunch break. On behalf of the Committee, I thank you all for coming today. It is this type of evidence that I believe makes a real difference to some of the key areas, particularly on how we can make recommendations that will hopefully make a difference on the ground.

The Committee will take the information from today and provide recommendations to Government in a report, which we hope to release in August. We would like to have your permission to put the transcript of today's session on our website. We will first make sure that any sensitive information is removed, but we need to let you know that your names will be on those transcripts, so if anyone would like us not to publish that information, please let us know. It appears that everyone is happy. Once again, thank you.

(The witnesses withdrew)

(Luncheon adjournment)

PATRICK LATHAM, Acting Solicitor-in-charge, Legal Aid NSW,

MARY DEMPSEY, Principal Solicitor, Binaal Billa Family Violence Prevention Legal Service,

CHRIS HELBY, Callachor and Helby, Solicitors,

STEPHEN LAWRENCE, Solicitor Advocate Western Zone, Aboriginal Legal Service,

MATILDA JULIAN, and

KRISTY KENNEDY before the Committee:

CHAIR: I acknowledge the Wiradjuri people, who are the traditional owners of the land on which we meet today. I also pay respect to the elders, both past and present, of the Wiradjuri nation and extend that respect to other Indigenous Australians who are present. Thank you for coming this afternoon to share your experience as legal practitioners dealing with domestic and family violence, especially those of you who have travelled, particularly those from Dubbo and Parkes. As you know, we are conducting an inquiry into domestic violence trends and issues in New South Wales. Site visits to communities such as this to meet with people are invaluable in helping us understand how the law and policies work on the ground. We have held hearings previously in Sydney with other legal practitioners, but it is very important for us to speak to you as practitioners in these regional communities so that we get your perspective on the issue.

I know there are many issues that you would like to raise today about how the courts, police and other services work in Forbes and surrounding communities, but we would like to focus on the systems for dealing with domestic and family violence. We would also like to focus on not just some of the problems, but any solutions or recommendations that you may have to create a better system. This session is being held in private, so feel free to talk honestly about your experience and views. It will run as a discussion session, but I would like you to keep in mind that the Hansard reporters will be trying to record what you say. We might start by discussing how well you think the system for dealing with domestic violence is working in the areas you practise in?

Mr LAWRENCE: I suppose it probably depends which perspective you are looking at it from. Talking from the Aboriginal Legal Service perspective, we represent generally people who are accused of crimes of domestic violence. We see a lot of problems, particularly with the operation of apprehended violence orders or domestic violence orders. I think the experience of most of our solicitors is that there are too many of these orders flying around. There are too many people covered by the orders—it is not just the person named, it is people in a domestic relationship with the person named. It is not possible, for example, in respect of an order which names a child specifically as a protected person, for anyone but the police to vary that order, which puts a lot of power in the hands of the police, so that is a particular problem that we experience in terms of those orders.

CHAIR: We have heard comments that those orders have almost been set up to fail.

Mr LAWRENCE: Yes.

CHAIR: Would you agree with that?

Mr LAWRENCE: You see very commonly orders that have conditions that are very specific, for example, not consume alcohol within 12 hours of being in contact with the protected person, which means that if you are living with the protected person—and a lot of these orders allow that—you cannot have a beer after work, effectively, without being in breach. I think a lot of people do not truly understand the conditions. In saying that, I suppose I am bearing in mind that some of the orders include conditions—such as do not interfere with, do not intimidate, do not harass—that really only a lawyer can properly understand, and even in court sometimes there is very detailed argument about whether that particular order is offended or not.

I suppose these orders generally are setting up a regime of regulation on people's lives and making criminal what is normally not criminal, but it is so regulatory and so specific and there are so many of them flying around affecting so many different people that it is criminalising a whole cohort of people who would not normally always be in continual contact with the system. I think part of the reason why there are so many orders

flying around is that in this State the power is with the police to basically make the application and to appear on it. There are certain mandatory conditions that if a person is convicted or if a person is charged an order has to be made. I think that is a real and important, fundamental problem—there are too many of these orders flying around applying to too many people.

Mr HELBY: And they are implemented in a court system which is where some of these cases should never be. These are domestic disputes in many instances. I am not talking about situations of actual violence—where a crime is committed, a crime is committed—but in situations where there is the apprehension, which is what it was originally all about, it is a problem that the people involved, with assistance, should be able to resolve in a way without going to the courts. There should be some ability to regulate the behaviour until that assistance comes along. In perhaps a dream world, the police could make a very short-term order of 14 days with a condition that they go along to some counselling rather than a courtroom. I mean it is their dispute—husband and wife, call them what you want—it is not a matter for courts mostly.

I reiterate I am not talking about situations where crimes are committed. If they could sort it out rather than having a magistrate sitting on the bench with a list of 35 or 40 of these things, which he just wants to get rid of because they are the bane of his life, it would be far better for all. If people could work out their own solution they might be able to get on with their lives rather than have a court order made, which my friend has just indicated is set up for breach. I mean what if he had a drink only eleven and a half hours before he saw her, or what if some harassment was welcome? Who knows? It can change your mind. I just think these are not problems for the courts always.

Ms DEMPSEY: I think the two-week cooling off period is an excellent idea because it gives the parties time to calm down. Quite frequently, one of the parties will calm down, change their mind and want to resume their relationship, and they have made things up. It would lessen the workload for the courts. Also I think if it is their first apprehended violence order it would be a good opportunity to resolve their issues the first time as opposed to the third, fourth or fifth AVO down the line. Intervene then.

Ms JULIAN: I think there is a lot to be said for review of what the person in need of protection [PINOP] or victim wants from when the order is taken out, because the police have the power from day one and it is mandatory for them to take out the initial order, but after they have found out at the time when the incident has just occurred what the PINOP or the victim wants there does not seem to be much review or any kind of communication between the police and that same person at every stage of the process until any final order is made, so yes, I think not just a cooling-off period but definitely more review. I see so often that the initial orders that are sought are then made the final orders and I guess I think that police are listening too much about what victims want rather than thinking what is necessary and what is reasonable in the circumstances, not just then but later down the track.

Mr LAWRENCE: And that translates in the context of apprehended violence orders or domestic violence orders that travel through the system with a criminal charge, so that if the victim has spoken to the police at the time when it happened and said, "I do not want contact, I do not want him in the house", et cetera, it might then have the criminal charge travel through the court system for three, six or nine months. Then the same police officer who has conducted the prosecution, who will not have spoken to the victim in that entire time, will stand up and ask for an order. Certain magistrates will, for example, at the conclusion of that sort of criminal matter—assault or assault causing actual bodily harm—make an order prohibiting contact between the accused and their partner, and that will therefore include the children because they are in a designated relationship with her, so the magistrate has, in effect, prohibited any contact between the accused person and their children for up to five years, and the person seeking that order has not spoken to her or might not have spoken to her for six months.

Because of the fluid dynamic involved in these relationships things change. But sometimes the courts are not getting the right information. I think there is a tendency for a magistrate sitting in a State court to make a very draconian order prohibiting all contact knowing in the back of their mind that the person can apply to the Family Court and that Family Court orders trump State orders. This is a very unsatisfactory, B-grade justice system where very draconian orders are made that affect families in these fundamental ways. They are really made only because the court knows that there is this other court that exists if the person chooses to access it that can sort things out properly. In my view, this sort of AVO/DVO system delivers B-grade justice that is impacting adversely on a range of people who do not often have the wherewithal to access the Family Court or for various reasons slip through the system and might have no contact with their children for four or five years because of that.

Mr HELBY: It is also an abuse of the system. I can get an AVO so I can get him out of the house and keep him away from the kids. There are legal practitioners who send their clients straight down to the police to get an AVO to get rid of him. At least it gets them started on the family law road.

Ms DEMPSEY: It is a stick to hit them with.

Mr HELBY: AVOs are power source anyway. You can go to any court and you will see the cast of thousands with someone trying to exercise power over someone else. These things have to be there, but they are abused.

CHAIR: One of the service providers this morning commented that the court system, particularly when it comes to these domestic violence orders, is getting clogged up with personal violence orders. As a consequence domestic violence orders become a thing that magistrates just want to clear out because they have 40 or 50 of them on their list.

Mr HELBY: There is no differentiation in the Local Court between personal violence and domestic violence orders. It is all in together this fine weather. Magistrates do not differentiate. It is a case of which is the next one as he goes through the alphabet.

CHAIR: We heard that there is a local magistrate who lists domestic violence orders first.

Mr HELBY: The lists vary. The magistrate who sits in Parkes and Orange does them fairly early in the day. I like Terry. He generally takes appearances from the bar table—that is us. When that slows down after the first 20 minutes or so he will do the AVOs one after another. I am not critical of him personally; I like him. It is like all the courts—it is a sausage factory and they get churned through. My friend is indicating that these things are not given much thought; they are just pushed through. It ain't what it was supposed to be.

Ms JULIAN: Having done heaps of lists in the Local Court, AVOs are an afterthought for the magistrate, the legal representative and the prosecutor. As much as the criminal charge matters are churned through like a sausage factory, for the AVOs to be an afterthought suggests that no-one is putting any thought into them on a daily basis. There must be some kind of review, preferably before they get to the court stage. If there is a defendant in an AVO who was originally granted bail by the police, it will often be one or two months before the matter gets to court. So there is nothing that person can do between getting bail, being served with the AVO and getting to court, and then it is an afterthought.

As a practitioner I spend my time thinking about the charge matter. Even though I know that AVOs can have a massive impact, it is still an afterthought for me and everybody else on that day. Nothing actually happens with the AVO matter until the last day when the person is getting his penalty, sentence or whatever. Everyone then says, "What do you want to do about the AVO, sergeant?" He looks at his file and says, "They want this, this and this order." As the lawyer I ask, "Is this going to be an issue for you?" and they say, "No." That is what happens. I know that having it done two or three days a week for the past three years.

Mr HELBY: And on every day at each adjournment you work out the bail, directions and so forth.

Ms JULIAN: And the AVO is continued.

Mr LAWRENCE: That is why people are complaining about the personal violence orders and not the domestic violence orders. The domestic violence orders generally go along with a criminal matter. The majority of these orders in the court system are running alongside a criminal matter and they are not normally personal violence orders. I would say that the majority of domestic violence orders are travelling with a criminal matter. But people have obviously complained to the Committee about personal violence orders because they are more likely to take up court time. These other orders are just rubber stamped; they are just travelling alongside the criminal matter and they will rise and fall alongside that matter.

Mr LATHAM: And the personal violence orders are more likely to involve a cross application. Someone has complained against someone and someone else has done it back. Where there is not a charge with the domestic violence order there is a risk that services will not be available to defendants. That is where you get defendants appearing unrepresented. They do not know what is happening, they are nervous and they do not understand the implications of some of the conditions, some of which are ambiguous.

That is why some excessive conditions are being put through. No-one takes the point with the magistrate. For example, I saw one the other day ordering that the person must not approach premises at a unit in a block of flats. It was where the defendant lived. On one view he probably would not have been breached and you would read it down in the narrow construction. However, there is the risk that a police officer might view it differently and the person will be arrested. The answer is that the order should not have been made; it should have been simply "not to assault". The magistrate does not have the time when there is a sausage list to be pushed through.

Ms DEMPSEY: From a victim's point of view, frequently when police are called to a domestic violence incident they do not want the perpetrator charged, they just want him removed. Often the police say, "No, we are going to place an AVO." When they get to court many of my clients do not even speak to the prosecutor. The prosecutor will frequently speak to me to put her story across and she does not get a say in the matter. These are the orders—x, y and z—and it is done. She does not have a voice much of the time.

Ms JULIAN: A prosecutor on a list day has no time for anyone—a lawyer or a person in need of protection. No-one will be heard on that day; I have to fight to be heard. Police have to take out an AVO; they do not have any discretion. The legislation states that and they have to comply with it.

Ms DEMPSEY: And they do not have anywhere to take the perpetrators, who could be drunk.

CHAIR: Ms Dempsey has mentioned a temporary intervention order or something of the sort. What should such an order look like and what benefits would it bring to the court process with regard to criminal matters, personal violence matters and domestic violence matters?

Mr HELBY: If a senior police officer, whatever that might be, could make a temporary order that would be no different from bail, which they impose at present on charges. It could simply be for a short period and impose restrictions on the person's behaviour. It could be a condition that it not go to court at all but that the perpetrator must get some help. If they fail to get help, it could then go to court. That would get it out of the court system and take a lot of the heat out of it. The universities are churning out counsellors, mediators and God knows what else and some of them must be unemployed. They could refer it to someone and if it does not work it could go to court. We should get it out of the court system. Let the police make these orders for a short term—14 days, 21 days or a month.

CHAIR: The Police Association gave the Committee very similar evidence. That is what it wants. From what we can gather, the problem in the Department of Attorney General and Justice is that the police want to remove the perpetrator to the police station to serve the order. The example given was similar to a drink-driving incident, where they take them back to the station and process them there. Do you have a view on the perpetrator being taken away from the scene? I understand the Attorney General had some issue with that?

Mr HELBY: They do not necessarily take drink-drivers to the police station; they give them court attendance notices on the spot and suspended their licence and say "work it out from there" as they drive away.

Mr LAWRENCE: It depends on the testing; they have to have a second test. If they do not have the equipment they have to take them to the police station.

Mr HELBY: Sure. However, when the facilities are available exactly what I said happens. You go into the police wagon, blow in the bag, and, if it is bad luck, your car is locked up and off you go. Why can the police not generate the document in their patrol car send the offender off, but if they come back they will be locked up?

Mr LAWRENCE: Is this in circumstances where no criminal offence has been committed or police do not have a basis to arrest or is it proposed to be used in circumstances where there might have been a defence but the police might be exercising their discretion not to arrest?

The Hon. HELEN WESTWOOD: The offender may have left the scene, the police have arrived and they want to track down the offender. They are saying that they then have to apply to get the order and by the time they get back the offender could have returned. They want to be able to do it once the evidence is there at the time. They want the capacity to issue an interim order.

Mr LATHAM: They can get a telephone interim order from the registry.

The Hon. HELEN WESTWOOD: That was not the advice they gave us.

Mr HELBY: They can get an order at the moment by ringing the duty justice of the peace. There is someone on duty 24 hours a day within the Local Court administration to do these things by email, fax or whatever and to make interim orders over the phone. I am saying that we should let the police do it. However, it should not be sent back to the court until there is a real reason to do so. Again, as I have said many times, it should not happen until a crime has been committed. If the lady has been bashed—or in one case that I had the gentleman was bashed—it is a crime and it goes to court. But where it involves smashing up things around the house, screaming, yelling and threats, and all they want is for it to stop, let the police issue an order. That is exactly the same as the police arresting somebody and putting them on bail. It does not make any difference. You were talking about AVOs trailing on charges. Why can bail conditions not do that? We do not need AVOs to do that.

Ms JULIAN: That is a good period of time as well. After someone is first arrested or charged, it takes about four to eight months for the court process to be finalised. That is a good amount of time for there to have been some respite. We go to court after eight months and then they are making final orders for 12 months or more. Bail is a really good respite time in my view.

Mr HELBY: All the conditions in bail can be put in an AVO.

Mr LAWRENCE: That sort of order could be prone to abuse. You can compare it to bail, but it is philosophically different because with bail you are talking about someone who has been arrested for a criminal offence. In this case you are talking about someone who has not committed a crime who is to be ordered out of their own home by a police officer. It is an interesting idea, but I am not sure that it would address the problems. The majority of the matters in the system now would still be in the system if such an order existed. I mean if it was only in circumstances where there has not been a crime committed it is not going to alleviate the problems. And I think there are philosophical problems with it because it is another level of intrusion into people's lives. It is ordered by the police, it is potentially arbitrary and I do not know that it is a real solution, but it is an interesting idea.

Ms KENNEDY: I am only a graduate so this is only my second day, but one positive thing is it minimises the contact that that person would have with the criminal justice system. The more you divert people away from the justice system the less likely they are to actually go on to offend or do something that breaches some sort of order.

Mr HELBY: Once you are in you are in.

Ms KENNEDY: That is right. And one other thing to clarify in terms of the police making this interim order, were you saying that they make the referrals? Do police make the referrals?

Mr HELBY: To a panel of government sanctioned, sponsored, approved mediators, counsellors, conciliators, whatever they be—to give you all the terms of art that I know.

CHAIR: In general then, how do you think the police's role in dealing with domestic violence could be improved?

Ms DEMPSEY: I think if we had more domestic violence officers out there on the frontline as opposed to being in court when the persons in need of protection [PINOPs] arrive, to deal with the PINOPs at the scene when they are first called in, I think that would help a lot but I know it is a subject of resources. We just do not have the resources in our rural areas.

CHAIR: We have had evidence from domestic violence liaison officers and we have had a lot of different witnesses talking about the great work that they do, particularly today, but again at the moment with the position being vacant and also the large geographic area that they need to cover it is certainly a worthy comment to say that it comes down to resources.

Mr HELBY: But they are working in a very difficult situation where nobody is very happy with the situation. They are doing the best they can. They are bound by instructions that they must do these things. I do

not have any criticism of them. They are doing a very difficult job generally as best they can, some better than others of course, but some lawyers are better than others.

Ms JULIAN: My main problem with AVOs is all of the conditions apart from the mandatory condition which is if you breach a mandatory condition it means you are actually committing a proper offence, it is all those other conditions and I do not think enough time is spent on which of those conditions are necessary. It is not about what the PINOP wants or the victim wants; it is about what is necessary for their protection. I do not think that the police are putting enough thought into what conditions are necessary and perhaps maybe do more review and not just listen about what people want because it is not about that, it is about what is necessary and that is what I think police should be doing more.

The Hon. CATE FAEHRMANN: Can you explain the difference between mandatory conditions you referred to and conditions?

Mr LATHAM: Yes. A mandatory condition is not to assault, molest, harass, threaten or otherwise interfere with the person in need of protection or anyone that they are in a domestic relationship with. Anyone who is a defendant in an AVO order is always going to have that condition. Any other order may or may not be on there. So if you breach that condition you have committed an offence somewhere else in the Crimes Act or any other Act, so you have definitely committed an offence. It is all those other non-mandatory conditions that police just tick. Really they are just saying, "Do you want contact with them? No". Often it is just a tick box thing and not enough thought goes into maybe in 10 days' time this victim or PINOP is going to try and get back with them so they are going to breach the order by contacting them. That is where it becomes really difficult I think. It is not that condition one is so unreasonable, in my view, but it is all those other conditions that not enough thought is going into.

The Hon. HELEN WESTWOOD: Are the consequences of that you seeing your clients arrested for breaches and then that is clogging up the criminal justice system but other than the breach there has been no further assault upon the woman?

Ms JULIAN: I see so many clients in custody for breaching a condition by way of contacting, by being at their partner's place or where they live and they are drunk if they have walked home drunk or something like that. That can happen so often. And police have a policy, it is like some internal police thing that says breaches of bail and warrants will always go before a court. Any contravened AVO arrest, police will not grant bail because they need to protect themselves, they always go before the courts. So someone who would normally be granted bail because they do not have a criminal record, they have become a defendant in an AVO and then they are in custody overnight, over the weekend or whatever. It frustrates me more than anything else that I have to deal with.

The Hon. HELEN WESTWOOD: And you do not think that an element of that is about protecting the victim? Do you think that it results in fewer assaults or do you think it has no value at all in terms of protecting the woman?

Ms JULIAN: I just think it depends on the circumstances but if the victim is not living in the same town, they have got kids together, they are in an on-and-off relationship so sometimes she wants to stay at his house, sometimes she does not want to go near him, and there is an AVO condition for the next 12 months that he cannot have contact with her, but she calls him when she wants to, I have to advise my clients: If she calls you, you have kids with her, you have been with her for the last 10 years, if she calls you have to hang up otherwise you would be subject to arrest and then you would be in custody, because that is what it happens.

Ms DEMPSEY: Then you can apply for derivation of those AVO conditions.

Ms JULIAN: But she does.

Mr LAWRENCE: And you cannot apply to vary if there is a child named in the order. You can knock down the police's door asking them to vary and they will not do it.

Ms JULIAN: You cannot contact her to discuss whether or not a variation would be a good idea. That is why I think that police will not accept undertakings anymore; there is nothing in the domestic violence [DV] legislation for courts to consider mediation or anything like that. It is there for personal violence orders but not for domestic violence orders. I think there needs to be more mediation or arbitration at the very beginning about

what is going to work for the next 12 months because they are not just talking about the next two months, they are talking about the next year, two years.

The Hon. CATE FAEHRMANN: We heard this morning from some victims who were expressing a lot of frustration at what they saw was the lack of police response around breaches of AVOs and most of them were saying that they never get a response. The police often wait until four or five breaches until they do anything. In a general sense it was just extreme frustration. Some of these people were at Lake Cargelligo as well. What are your views on that? What is your response to those victims' statements?

Mr LAWRENCE: I suppose we do not see the people who are not responded to. We see the people who have been arrested for a breach and they do not generally tell you if they have been cautioned 10 times for it but the police have not acted against it, so I could not really comment. But in saying that, I am not surprised, particularly in small communities like Lake Cargelligo, because if the police are called away to do something else they are not there to do it. Exercising discretion by police is generally an important thing and they do so for a whole range of criminal offences. People are committing things all the time that they are not charged for. That is a healthy part of the system. But I am sure there are cases where it is not healthy; it is just a police officer who is not properly responsive.

The Hon. CATE FAEHRMANN: There was a sense from some of the witnesses this morning that the police were not taking them seriously at all and we were trying to ask questions about whether it was the general culture within the local area command [LAC], was it one or two constables, or was it about training around AVOs in terms of how to respond or when to respond. Have you got any views on that?

Mr LAWRENCE: My sense is that there is not a general culture of not responding and I have never really heard that suggested, but I am probably not in contact with the people who suggested that.

Mr HELBY: You are, actually.

Ms DEMPSEY: Most of my victims will say that an AVO is just a piece of paper, it does not protect them. We say if you report each breach then that is how you are protected. They say we can report the breach in Lake Cargelligo but if the police are in Condobolin they probably will not come until the next day, so I am just exposing myself to more violence by reporting it. So they really do not hold a lot of faith in AVOs, to be honest. And I think the police do a hard job and they do their best, particularly in Lake Cargelligo and Condobolin, because they are dealing with the same families all the time and their frustration levels are quite high.

The Hon. HELEN WESTWOOD: Mr Lawrence, does your service represent Aboriginal women who are victims or only Aboriginal men who are perpetrators?

Mr LAWRENCE: In the western zone, which I am part of in Dubbo, we only represent criminal accused. We have no role in relation to victims really, unless they are charged. Everyone to some extent looks at DV with a bit of a dichotomy in mind between victim and an accused and often it is on gender lines, but the reality is much more complicated than that. It is very common that we will have people accused who were victims in the past and people who are victims now ringing us up who have been our clients in the past. A lot of that has got to do with the relationship dynamics that go on. We deal with families and couples who are highly dysfunctional and mutually violent to each other.

CHAIR: One of the comments made by the police in one of our previous hearings was that the system is heavily in favour of the defendant and not the victim. I guess maybe Ms Dempsey may have a different view to some others on the panel, but you are all coming at it from different ways. I would like your thoughts on that statement. The comment was made by the assistant commissioner.

Mr LAWRENCE: It has changed a lot in recent times and the Evidence Act, which has been in this State since 1995, has dramatically changed the ground in terms of convicting people for DV offences when the victim comes to court and says, "It is not true, I made it up when I spoke to the police." Previously that was the law, that his or her previous statements outside court could not be used if the story had changed once they got to court, but the Evidence Act now facilitates those earlier statements being put in front of the magistrate or jury and the person can be convicted for it.

So the tables have turned a bit for sure. But it is true to say that it favours the defendant in some ways because that is one of the fundamental notions of our system, things have to be proved beyond reasonable doubt,

the person is presumed innocent, the person is entitled to a fair trial which includes all sorts of protections. So it is true basically to say that things are loaded in favour of the accused but it is also I think true to say that that is how people want the system to be because that is one of the hallmarks of our civilisation.

CHAIR: The comments were along the lines of that it is up to the victim to make the call, to give the evidence, to turn up on list day, like what we see in a normal system, but they feel that the support mechanisms were not there for the victims as they were for some of the defendants.

Mr LATHAM: How can they say that when they are the ones taking out the complaint? It is actually criticising New South Wales police role in applying for orders for victims, is it not?

CHAIR: As I said, I am just asking for your input.

Mr HELBY: But are we talking about cases where there are charges of breaches of domestic violence orders or in the complaint in the first instance? Is this where the police have their problems or their perceptions?

The Hon. CATE FAEHRMANN: I think it was the court system once perpetrators have been charged with violence. My sense of the assistant commissioner's comments was that the court system is very much in favour of the defendant at that time.

Mr HELBY: It always has been. That is the way it is made and unless you guys want to change it that is the way it is going to be.

CHAIR: The reason why we are asking the question is that we are after the input from those that actually would be there dealing with those laws.

Mr HELBY: Unless you want to shift the presumption of innocence.

CHAIR: No, I am just asking about the practicalities. When we hear a statement like that, obviously we are not the ones that are attending courts and things like that so we need to put those questions and comments to people like you for your input.

Mr HELBY: In charge matters it always will favour the accused person. That is the way our system is, in my view.

Mr LAWRENCE: In terms of support though that is interesting because there are certain people, particularly in more serious matters, that have the role to come with the victim to court to be supporting the victim, to provide counselling. You see some victims who come to court and they are quite supported and sort of fortified by those people. But I think half to maybe a majority of victims in DV matters seem to change their minds as the matter goes through the system and I suspect that is what he is talking about. And police will often impute the worst and believe that the accused has made threats to the victim and that is why she has changed her mind, or the accused's family is bearing down on her. That is true sometimes definitely but what is also true is that people are involved in these relationships and all of a sudden having their husband go to jail who is the father of their children, which seemed like a great idea when they were involved in this sort of awful fight at the house, no longer seems like a good idea.

Sometimes the police I deal with, you talk to them and get the impression that they struggle to understand that kind of dynamic. They get so annoyed and frustrated by the fact that the person has changed their mind, but it is just, I guess, reality. The Evidence Act now importantly allows the victim's earlier statements to go before the court, and that is a significant change from the past. That has really changed the way that domestic violence is prosecuted. I cannot think of anything more that you could do to infringe on the accused's rights to facilitate convictions. I am not sure what he is talking about.

Mr LATHAM: Was that Assistant Commissioner Murdoch?

CHAIR: Yes.

Mr LATHAM: I think it may say more about his general view about the whole judicial system.

Mr HELBY: But in what areas does he say there is more support—in the court proceedings itself or within the court, outside the court, or who brings the bigger team along? Was he saying where he sees this imbalance?

CHAIR: Without pulling out the transcript and going through it, whether it was a perception that it is heavily weighted against the victim to take a lot of the action and follow it through—

Mr HELBY: But what is heavily weighted? "It"—I do not follow.

The Hon. CATE FAEHRMANN: I do not think the Assistant Commissioner gave us that much evidence in relation to that.

CHAIR: No.

The Hon. CATE FAEHRMANN: It was his general comment and we were throwing it to you as legal professionals to see what your view of his general comment is, and that is probably it. We do not know much more than that because that was his general comment.

Ms DEMPSEY: I think a lot of the victims feel that they are not supported because perpetrators do not get the sentence that they feel they deserve because they perpetrated these awful crimes, they should not have any rights and should be punished to the full force of the law, which is not always the case and not always necessary. We cannot always say what they want to hear and we cannot always do what they want us to do, and I think that is where a lot of the frustration lies with my clients. The police cannot do the things that they want them to do; they cannot lock them up for four years because that is what they feel the punishment should be.

The Hon. CATE FAEHRMANN: Another issue that has come up with witnesses is the varying attitude of magistrates. Do you have any views on whether there should be more training for some magistrates dealing with domestic violence, whether you think that is an issue?

Ms JULIAN: I think that they completely understand what is going on, it is just their personality coming out and I do not think any training would take away their personality. They understand the context and they understand what is going on as much as we do in these domestic violence situations. Where some magistrates interrogate alleged victims as much as any defence lawyer would, it is their personality, it is not that they would need training in my view.

Mr HELBY: Is that not a bit general though—their personality. Are they injected with a personality when they are appointed? Everybody is a bit different. I just have a sense that they do not want to hear these cases because every time they go there there is a great stack of them and they are all the same, and again I am talking about "they" in the way I just criticised, but there are so many of these things that really should be resolved in some way that the court is not involved with. People do not have the capacity to resolve their own problems any more or to go and get some help. Maybe the court system will just keep handling them, I do not know, but you guys are paying somebody \$300,000 a year to do these things and it seems a waste to me.

Ms KENNEDY: In terms of training, obviously training is always a good thing. Sometimes a certain magistrate might have a certain opinion of you, but it could take one thing to trigger a change in the way they view something or the way they think about something in particular. Cultural awareness training is always a good thing because, me being Aboriginal, I have a different perspective. I look at an Aboriginal person applying for an AVO with other more complex needs and social implications that would come for a black family but not necessarily a non-Aboriginal family, so for me I would always want the magistrate, if possible, talking about AVOs, to have general training but also more specific cultural awareness training.

Mr HELBY: If you select an Aboriginal person, would they not be better resolving the problem amongst themselves, amongst their people?

Ms KENNEDY: It is very complex, and I do have other comments.

Mr HELBY: Sorry.

Ms KENNEDY: No, it is fine; it just made me think of them. With an Aboriginal person or woman applying for an AVO without a criminal charge attached to it would be a big step. That person would be saying,

"Okay, enough is enough, I am going to seek an AVO." To even get to that point would take a lot of courage. The thing is, though, often the AVO is just a piece of paper and if you do breach an AVO I think there is a three-month sentence.

Ms JULIAN: The maximum penalty is two years.

Ms KENNEDY: What is the minimum?

Ms JULIAN: There is no minimum, or 50 penalty units is also the maximum.

The Hon. GREG DONNELLY: Kristy, are you making a distinction between an Indigenous woman and a non-Indigenous woman in terms of getting to the threshold point of pursuing a charge? Is that the distinction you are making?

Ms KENNEDY: I can only talk from my perspective as an Aboriginal woman from the bush. It is a big step to even get to the police station. Often you do not like interacting with police officers initially because normally contact with the police is a negative—

The Hon. GREG DONNELLY: I just thought you were making a distinction.

Ms KENNEDY: It is only from my perspective, and I am only a graduate as well, so I should stop talking so much.

The Hon. GREG DONNELLY: We were all graduates once upon a time.

Ms KENNEDY: The thing is, though, from my growing up in a small community too, you would not get an AVO unless it was forced upon you by the police. You were not necessarily free to go and get your own AVO unless you knew you were going to be safe because that AVO is just a piece of paper. This is how I would see it as well, and I said this to my colleague on the way over here. I do not think I would necessarily get an AVO. I would probably get my family to try to sort it out for me first because if my ex-partner or whoever it is wanted to breach it, they would make it worth their while. A breach means you could possibly go to jail—that is how I have always thought.

I have not really looked into the law, but I have always assumed it was a three-month term of imprisonment if you breach—I have always thought that, and most of my cousins and family and friends and people in the community assume that as well—so if you are going to breach it, you would make it worth your while. I mean if you are going to go to jail, you are going to make going to jail worth your while, so that is a perspective in some small communities. In terms of getting an AVO sometimes there is not enough protection for the person who seeks an AVO. There is support at court to go through with it, but there is no support necessarily when they go home. There is no-one watching their house or guarding their doors when they go home, and that is where they could be killed in their sleep by the person they are seeking protection from.

Ms DEMPSEY: And I often hear that the community turned a blind eye because it is not their business. If they get involved they might get in trouble as well from the perpetrator and the perpetrator's family, because they do not act alone frequently, and it is females as well, not just males, I am talking about the mothers and sisters of the perpetrators that would pursue the PINOPs out of town. It is not just the perpetrators.

CHAIR: Can I ask how you think the community and health service providers in relation to domestic violence could be improved? Do you come into contact with those service providers?

Mr HELBY: I do not, I am afraid.

Ms DEMPSEY: I do because I also work as a nurse at weekends and I dealt with domestic violence at the hospital this weekend. If the hospitals document whether it was domestic violence or not and try to get a social worker to follow up to see if there is domestic violence, if children are involved, that would be an opening door for the girl to say, "Well, actually yes, he did bash me", because frequently the department is too busy and you do not ask the question, or they do not tell you the truth—if they have family with them they will not say, "My husband has beaten me", et cetera, so if you could get a social worker to follow it up post-discharge in their own home I think that might help.

Ms KENNEDY: And often, if you are a victim of abuse, you do not necessarily want to say, "This happened to me." Sometimes, if there are photos on record or whatever else, a nurse will say, "Were you hit? Are you okay? Do you want any help?" But a lot of the time those questions are not asked.

Ms DEMPSEY: I will ask them, but frequently I know they are going to say no.

Ms KENNEDY: Especially young girls who are in relationships at quite a young age, a lot of the time when I go home I say to them, if I see them with a black eye, "Are you okay? Did your boyfriend do this to you? Did you know that that is domestic violence? Do you know what you can do?" And they go, "Oh", and I say, "Well, you know where I live, just come and see me at home." A lot of the time—because in some communities it is normal for domestic violence to occur—people just let it go.

Ms DEMPSEY: It is a very too-hard basket thing.

Mr HELBY: Why do they have that attitude? Why will they not say, "My boyfriend did this"—because they will not get another boyfriend or "He won't love me anymore"?

Ms KENNEDY: When you are young you are very vulnerable and often that is what you see as being love as well. If you have grown up in a household where there is violence on a regular basis, you think that is just normal. That can be one way of thinking.

CHAIR: What about mandatory screening in emergency departments, and things like that, for domestic violence?

Ms DEMPSEY: I think it would work. We do it for FACS, children, so I think it would work with PINOPs, definitely. They would have to be informed that is what you were doing. I think it would work, but it would mean a bit of work. Even if you could say that you could follow up from a mental health point of view, follow up at home and check on the children. From that point of view I think it would be really good. From the police side of things, making sure that we follow up the perpetrator, a social worker sits down with them and talks to them, explains the avenues they have.

Ms KENNEDY: Not just going to the police; the counselling option as well.

Ms DEMPSEY: Yes.

Mr LATHAM: I think it would be good to see extra services that could deal with some of the causes whereas the AVO really just treats the symptoms. I do not know what the situation is with anger management programs and those things. I know that historically it was not always looked on as successful, but I think Don Weatherburn mentioned something the other day about what programs worked for different things and it might have made a difference. We were talking in the car on the way over that often for the defendants, unless they seek the services themselves, the only time they might get things addressed is if they are subject to probation and parole supervision. Then they might get involved in programs or some sort of involvement. Other than that they are just dealt with for the offence and no-one addresses that sort of issue, whether it be alcoholism or anger or other things.

There is an associated issue that I thought I would raise. We had to give a presentation at a Family Court user group meeting last week. The Family Relationship Centre is based at Dubbo and one of the problems they raised was with the wording of some of the orders in terms that it excludes them from taking referrals or from dealing with parties in the family law aspect of things because conditions 5, 6 and 7 are either ambiguous or perhaps interfere with them taking the referrals and they have to actually get them referred. Condition 5 is that the defendant must not approach, contact or telephone the protected person, except as agreed in writing or for any purpose permitted by an order or directions under the Family Law Act 1975 as to counselling, conciliation or mediation.

My understanding is that historically the domestic violence bank wanted all these orders to be standardised because it made it a lot easier for data entry with the police, so that they could put in the same ones. That is why they put in the numbers, but some of these say not to contact a protected person by any means, including through a third party, except through the defendant's legal representative. What if they are not legally represented? Is the Family Relationship Centre a third party? If you have an AVO but you want to be able to see the kids, you contact the Family Relationship Centre and they say, "We cannot do anything about it, you have to

go back to the court and get the order varied." It would just be a lot smoother if simple changes were made to those clauses to recognise the role that the Family Relationship Centre plays, because they are the gatekeeper for family law matters. Everyone has to go through them before they can go to a court for family laws.

CHAIR: Did they have examples of the changes that they would like?

Mr LATHAM: They had not thought about it. As they have exceptions under orders, it would be to make an exception, such as "except to approach family relationships" or something like that. There is one that says not to "approach, contact or telephone a protected person except for the purpose of arranging or exercising access to children as agreed in writing or as otherwise authorised by an order or under a registered parenting plan". Matilda said that they were interpreting it to mean that it had to be in writing. Although it says "to approach" to organise it, they say that if it is not in writing it cannot be done. They have probably put a lot of work into this, but a review would make things work more smoothly.

The Hon. GREG DONNELLY: We heard earlier today, and I have heard it on other occasions in other settings, that within Indigenous communities or groups there is not a great deal of downward pressure on domestic violence, particularly among males. In a sense, it has been normalised ranging from verbal violence through to the most extreme violence. There is a degree of normality in the communities in respect of domestic violence. Have you seen anything that has worked, or even partially worked, in influencing young males and young adult males that domestic violence is not acceptable and is not something they should participate in? In other words, it is not up for negotiation. I know that is very black and white, but have you seen any successful programs? We have heard bits and pieces. Have you seen anything that has influenced the thinking of young men and boys?

Mr LATHAM: In Dubbo we have had a big advertising campaign involving a lot of rugby league teams and Aboriginal players, including Larry Corowa and Dubbo CYMS. They have given a commitment to the department.

The Hon. GREG DONNELLY: Has there been any feedback so far?

Mr LATHAM: I am not in a position to say whether it has been successful. There is also the White Ribbon campaign about violence against women.

Mr LAWRENCE: I am only dealing with people who are being charged for it.

The Hon. GREG DONNELLY: It is definitely not getting through to them.

Mr LAWRENCE: Some people do respond to the court options.

The Hon. GREG DONNELLY: They will face serious consequences if they participate in behaviour like this. Does that shape thinking?

Mr LAWRENCE: The court is the end of the road; it is dealing with the person who is generally offending as an adult and all the causative factors lie deep in their childhood and their society or community. I have never seen a magic wand.

The Hon. GREG DONNELLY: I am not suggesting there is one.

Mr HELBY: All the domestic violence orders in the world have not made one bit of difference. It is not only in the Aboriginal community that violence exists. On the Indian subcontinent it is a national sport as it is in much of Asia. It is only we Anglo-Saxons who are pure and clean.

Ms DEMPSEY: I come from Ireland and it is rife there.

Mr HELBY: It happens everywhere. There must be cultural change everywhere, not only in Aboriginal communities.

Ms KENNEDY: Advertising in relation to domestic violence creates a dialogue. I make the point of commenting whenever I see an advertisement. I tell the kids, "Hitting your partner is not a good thing. It is a crime; it is domestic violence and it comes in all shapes and forms." It does create dialogue for many people

because it is an opportunity to laugh about the advertisement or to talk about it. There are many men's groups or men's sheds where they getting together and talking about issues and whatever else. I have been told that that is what they often talk about.

Ms DEMPSEY: We could do with a men's shed here.

Ms JULIAN: They are amazing.

Ms KENNEDY: I have definitely seen the change in people.

CHAIR: Thank you very much. Unfortunately we have run out of time. We appreciate your appearing this afternoon, particularly those of you who travelled long distances to be here. The information that we have gathered today will inform the Committee's findings and assist us in making recommendation to the Government. We hope that the report will be released in August. With your permission, we would like to publish the transcript of today's hearing on our website. We will ensure that any sensitive information is removed. Do you agree to it being published?

Ms KENNEDY: Yes.

Ms JULIAN: Yes.

Mr LATHAM: Yes.

Mr HELBY: Yes.

Ms DEMPSEY: Yes.

Mr LAWRENCE: Yes.

CHAIR: If you believe that anything you said today is confidential, please contact the committee secretariat immediately. Once again, thank you very much for your time this afternoon.

(The witnesses withdrew)

BEVERLEY WALKER, Registrar, Parkes Local Court, Court Services, Department of Attorney General and Justice,

ROBERT RYAN, Commander, Lachlan Local Area Command, NSW Police Force,

MARTY FILEMAN, Lachlan Local Area Command, NSW Police Force,

PAUL JONES, Crime Manager, Lachlan Local Area Command, NSW Police Force,

JEFF FOX, Registrar, Forbes Local Court,

KEVIN READ, Aboriginal Community/Court Liaison Officer, NSW Police Force,

REBECCA CAMILLERI, Domestic Violence Coordinator, Western Region, Dubbo, NSW Police Force,

JUDY DINNINGTON, Forbes District Office, Community Offenders Service, and

ANTHONY TOWNEY, Forbes District Office, Community Offenders Service, before the Committee

CHAIR: Thank you for coming along. I acknowledge the Wiradjuri people, the traditional owners of the land on which we meet today. I also pay respect to the elders both past and present of the Wiradjuri nation and extend that respect to other Indigenous Australians who are present. Thank you for meeting with us this afternoon to share your experiences as police officers, probation and parole officers and court representatives dealing with domestic violence a daily basis, particularly those who have travelled long distances. I know some of you have travelled from Parkes, Dubbo, Bathurst and Mudgee.

The Social Issues Committee is conducting an inquiry into domestic violence trends and issues in New South Wales. This is our first regional visit and it will provide us with a good opportunity to meet with real professionals who understand how the law and policies work on the ground. We have held a hearing in Sydney with NSW Police Force representatives in attendance. Although we have heard from them, it is important for us to gather your rural and regional perspective of policing in this area. We could talk about many issues regarding the systems and the way they operate in the Lachlan area. However, we would like to concentrate on domestic and family violence. We want to look at not only some of the problems but also the solutions. This session is being held in private, so please feel free to talk honestly and openly about your experience and views. We will run this session as a group forum concentrating on some key areas. Would anyone like to tell us how well you think the system deals with domestic violence, particularly in this area?

Ms DINNINGTON: I am a probation and parole officer at the Forbes district office of the Community Offenders Service. We are trying to address perpetrators of domestic abuse through the Domestic Abuse Program, which is run by Corrective Services. It is a 21-week program, but we have condensed it to nine weeks because of the remote areas. We have been having fantastic results with regard to recidivism. The offenders are not going out and doing the same type of things over and over again; they seem to be learning from this program that they must take responsibility for what they do.

As far as the victims are concerned, we do try to address them, but at this point we do not have anything in place. However, I understand that Community Services has programs for victims. We work closely with the police. In fact, one of our co-facilitators is Kevin Read, who is an Aboriginal community liaison officer. Kevin has been trained by our service and he is paid for his services when he facilitates a program. Our major concern with the domestic abuse program is delivering it in remote areas. We are finding it difficult to have facilitators travel the distances involved and to get offenders together in a group so that we can do the program with them.

CHAIR: What is the situation from a policing point of view?

Mr RYAN: One of the issues for us is that we have enormous distances to travel and that affects response times. All but one of the stations in my command operates 24 hours a day. We have a lot of call-outs. Quite often domestic violence does occur within the towns, but a lot of people in these towns are unemployed, alcohol is a problem. There are delays in court processes because of the electronic document lodgement approach to having to make an application. Quite often you cannot do that in the field because the

telecommunication system has black spots in it. You cannot make application over the radio, you cannot process those things, so you are forever going back to the station. Police from some of these stations travel 100 kilometres to get to a job. So from that point of view that affects the timeliness of the service delivery. I am sure we will talk more about other aspects later.

CHAIR: What about the courts?

Ms WALKER: I know that a couple of the local magistrates were invited to attend today and because they have actually court sitting they cannot be here, but I contacted the magistrate, his Honour Magistrate Lucas who does Orange, Parkes and Forbes courts, and he had a couple of issues that he wanted me to bring up with you. He personally thinks that the AVO system works reasonably well as it is at the moment but he would like more priority to be given to the domestic violence liaison officer—the police officer that represents the protected persons at court. He feels they play a very important role and it is necessary that they are there every court day.

Perhaps as we have been talking about previously, the distances involved, there perhaps should be some system in place where the protected persons can be assisted to get to court because we have very limited public transport in this area. A lot of the courthouses in this area are old buildings and there are not enough rooms for there to be a protective environment for the protected persons and their children. We need some sort of care facilities for them when they are attending court. Magistrate Lucas was also hoping that the victims' statements that are taken by police in AVO applications could be granted admissible in evidence in the application proceedings because often it happens when court does not sit for a month that during that month's period they have made up again, but then things deteriorate and they are back at court in another month's time. So he would like to see the statements that are taken on the report of the initial incident being taken as admissible evidence.

Mr FILEMAN: Just in terms of a comment made about domestic violence liaison officers [DVLOs]. I am Mr Murdoch's spokesperson for the western regions for domestic violence. That is why I am here. In terms of the DVLOs, and I am sure that you are aware of the domestic violence liaison officers, having worked in Sydney for 23 years prior to coming out here very much the crime management units where the DVLOs are housed are busting at the seams down there in terms of staff. They have the staff and they have the resources in the crime management units down there. In terms of the country areas the resources are very thin on the ground in local area commands in terms of crime management units.

As a commander, it is very difficult where I need to balance up putting a car on the road, especially when, as Superintendent Ryan said, like him I have 10 sectors that stretch 38,000 square kilometres where I have got to ensure that I have cars on the road and that is my priority. So it is very difficult to balance up the fact that I have got to drag staff from first response or from the frontline staff and pull them into the crime management unit. Whereas you will find that a lot of the domestic violence officers and DVLOs in the country regions are part time, where they are working two or three days a week, they may be on restricted duties, whereas in the city we have got full-time domestic violence officers and full-time domestic violence liaison officers. The difference is one is offender based and one is victim based. Our biggest issue is the resources we face in the country areas.

In terms of the crime management unit I think the domestic violence liaison office is probably the most important role due to the fact of the amount of domestic violence offences that are occurring that we face every day. It probably tends to be 50 per cent of our work at times. So that is our biggest issue in the country where we would love to have that position filled full-time. Rebecca will probably back me up here, she is the coordinator for the western region. We would love to have them so they could be solely victim based and attend to court where I am not dragging police officers from frontline duties and saying, "Today you are the domestic violence liaison officer. I am sorry, you are going to have to go to court all day." They are not aware of the actual processes or the systems that the DVLO has and that is our biggest issue. That is across the board in the western region. If we are short a car crew the first thing we do is go to crime management and say, "I'm sorry, you have to work on the truck today", because we need to make sure that we have a car on the road.

CHAIR: Is it true that the position that would service Forbes is currently vacant as well?

Mr RYAN: The domestic violence liaison officer at Parkes covers Parkes and Forbes all the way out to Lake Cargelligo which is about 230 kilometres west of here, up to Tottenham which is 154 kilometres from Parkes, and also Peak Hill. The position has been vacant now for going on three months. We have recruited a

person. That person actually starts on 17 March and is an experienced DVLO from Bourke, but I would say that is not the norm. The recruitment processes within the police require a position to be vacant before you can advertise it and that is across the board. So that then causes some delays in recruiting. I am not suggesting the Committee might change the whole recruitment, transfer and tenure process within police but it does create a void.

CHAIR: Does that mean Bourke then will be without a DVLO for up to three months?

Mr RYAN: I believe they have someone identified internally.

CHAIR: But they have to wait for the position to become vacant and advertised?

Mr RYAN: Yes, to do that formally through a transfer process, yes, but they can do it internally through an expression of interest.

Mr FOX: First of all, I would like to put a view that a lot of women who are the victims of domestic violence just do not want to come to court, which is a great problem because in the court environment on court day, list day, there could be 100 people at court, mostly criminals, and these ladies are the victims and have to come to the court. As Mrs Walker said we are stretched for facilities to keep them apart. But in relation to domestic violence liaison officers, quite often it can be up to a month between the offence occurring and coming to court and, as mentioned, many times they may make up. There is a lack of coordination between the victim, the DVLO and the prosecutor which then is not conveyed to the court that they do not want to go on with it and orders are made, then it creates a lot of other problems in relation to children and access. Then they come in to vary the orders. Then they have got to go through the court process again and the police may object to that of course because of circumstances.

There are many issues that arise because of—basically it gets down to the lack of DVLOs. I do not even know if we have got a DVO in this area for the perpetrators, which is another problem. They apparently they have them in other areas. A lot of problems, as I say, arise because orders are being made that are not wanted. With relation to one DVLO in this area, Forbes and Condobolin list days are often on the same day so the person cannot be in two courts at once.

The Hon. CATE FAEHRMANN: We did hear from some witnesses this morning who suggested that even one full-time DVLO probably is not enough ideally. Is that what you are suggesting?

Mr FOX: That is correct.

Mr FILEMAN: When you have got an area where you have got 10 sectors and you have got a DVLO who is based at Parkes or Mudgee, they solely deal with the Mudgee area Local Court and they may travel to Dunedoo which is an hour away, but Coonabarabran is two-and-a-half to three hours away and we have got to get an officer up there who is not trained to deal with that court matter on the day. That is the difficult part.

CHAIR: On the resourcing, Superintendent, have you had a chance to look at the Parsons review?

Mr FILEMAN: It came out yesterday in terms of the computer, 220 pages. I have looked at the recommendations.

CHAIR: I am sure you have had plenty of time.

Mr FILEMAN: I have not actually sat down and gone through it but it is something that we spoke about with our assistant commissioner yesterday on the telephone and it is something we need to do this week. It is just finding the time to sit down and go through it.

CHAIR: I absolutely appreciate that but it is good for us to now go and have a look and see if that review is talking about the allocation of resources into regional areas to hopefully overcome the one-size-fits-all model that we seem to have from the metropolitan across to the regional areas.

Mr FILEMAN: And another thing on top of that, the mining boom is just bringing—some of these towns are busting at the seams at the moment where the numbers are increasing in terms of population. Like Mudgee and a lot of the other areas you cannot rent a property; however, resources stay the same and the

population is busting at the seams. So that is something. I know that it is a very difficult situation we are in and it is unprecedented in some areas in terms of the actual population growth in the next five years that we are expecting and infrastructure comes into that because of how far we are going to fall behind. But yes, resources are so important in the country. Coming from the city I always viewed the country areas as nothing ever happens out there, until I came out here myself and I had to deal with it. Then I realised the resources are so thin on the ground it is to the point where I had to close a police station down last year for eight months because I did not have a staff member.

CHAIR: We heard from some witnesses this morning about the delay in response because of some stations not being manned and things like that. On previous hearing days we have heard about the yellow cards, so we are aware of the yellow card system and we have asked about the training involved in that, but we have heard evidence today of the infrequent or inconsistent use of yellow cards, particularly when the domestic violence liaison position is not in place, so I would like your comments on that, particularly about delay in referral of six to eight weeks in some cases.

Ms CAMILLERI: There are a lot of challenges with the yellow card system and, as you say, without that crucial position of domestic violence liaison officer there can be a delay in referral to the support agency. Certainly we can put systems in place with our support agencies, which we have been attempting to do in this region where we have put in place some formal protocols, but at the end of the day a lot rides on the domestic violence liaison officer for that referral to happen. The other issue is victims actually signing the consent for their information to be provided to the support agency. The uptake on that is not great.

CHAIR: Is that a fear factor, an education factor, or a cultural factor?

Ms CAMILLERI: I think there are a lot of issues and a lot of challenges around why that might occur. Fear certainly can be one. There is obviously a lot of emotion. There are a lot of things happening and sometimes it might be that the victim may not even quite understand what it is about. Again, this is where the domestic violence liaison officer can be so critical because they can recontact later and ask again, maybe when the victim is not in such an emotional state. Also, culturally I think there is a fear of the unknown sometimes, a fear of retribution from the community or from family, particularly if they might be seen to be supporting the police. From our point of view, we would really like to see some legislative changes that would enable us to be able to refer without consent. We think that would solve some of those issues. It would also take that out of the victims' hands and it becomes a police responsibility.

The Hon. HELEN WESTWOOD: Is it you who would organise a training program for police around domestic violence, or is that someone's role?

Ms CAMILLERI: Our training command organises the training for police.

The Hon. HELEN WESTWOOD: Does that happen regularly?

Ms CAMILLERI: Domestic violence liaison officers have a particular training course. We also have an Investigate Domestic Violence course, which unfortunately is not a mandatory course, although we do try to encourage the commands to nominate once a year. It is a two-day training course, but again, being a two-day course, what we have to ask commands to do is run this training and have their troops basically out of action for two days.

The Hon. HELEN WESTWOOD: Is there a big take-up of that training?

Ms CAMILLERI: I have to say no. We do have some issues, particularly out here where our commands are so geographically large and our resources are very thin, in getting that training to run.

CHAIR: Going back to Superintendent Fileman's comment earlier, up to 50 per cent of the workload could be on domestic violence. Is the two-day training course a general duties course?

Ms CAMILLERI: Yes.

The Hon. CATE FAEHRMANN: Within the Lachlan Local Area Command how many of your officers would have undertaken that two-day course?

Mr RYAN: Off the top of my head I could not tell you. I know we have run at least one since I have been here.

CHAIR: Do you want to take that on notice and come back to us with that information?

Mr RYAN: Yes.

The Hon. CATE FAEHRMANN: Some of the victims this morning raised their concern, as I am sure you have heard, about the culture of the police force and they sometimes feel that some officers do not have as thorough an understanding of the complexities of domestic violence potentially as they would like. They also suggested that sometimes they get frustrated, for example, in phoning for assistance in terms of breaches of AVOs, which is potentially a separate question. In your opinion, do you think that domestic violence training—that two-day course, for example—should be mandatory for your officers and those working in the field, Superintendent?

Mr RYAN: Certainly I do. The difficulty, as Mr Fileman has mentioned, is putting car crews on the road. I have 32,000 square kilometres and I have four one-man stations, one three-person station, one five-person station and a seven-person station. By the time you take into account leave, sick leave, pregnancy and a whole range of other things, including corporate commitments, that spreads very thin, so to take someone off the road for two days is nearly impossible.

Mr FILEMAN: If we can up-skill our officers to deal with domestic violence situations, the more the better. We are not making excuses here, but it is just so difficult, and we are going to these jobs every day. If you look at when the court days are sitting, up to 70 per cent of the people outside court—and this would be backed up by the registries—are domestic violence related. If we can train more and more police to deal with this—but they are dealing with this every day, so it is not as if we have to retrain them. They are dealing with these matters every day. Really we are going to be up-skilling them in terms that there might be legislation or a policy that they need to know about, or from a victim's perspective. You probably had some of those people here today and it is always effective to get their feedback on how we can do our jobs better.

The Hon. HELEN WESTWOOD: Do you think there is an appreciation of the issue of resourcing within the hierarchy of the force, or do you get the opportunity to submit to particularly those who make the budgetary decisions in the force about the need for this training and additional resources to allow it to happen?

Mr RYAN: I think there is definitely an appreciation of the difficulties that we have here, but there is a limited number of police and a limited budget. In order to put more police out here to enable these things to happen, they have to come from somewhere else, and I do not know of a single community in New South Wales that is prepared to give up a single officer to enable another community to have something happen. Lachlan local area command and most local area commands would have one education officer.

Like I said, it is 230 kilometres from Parkes to Lake Cargelligo. To pull him off the road for two days means I need to send at least two people to Lake Cargelligo to cover the roster. That costs me \$196 in travelling allowance for each person for each day that they are there. It is those sorts of costs. The police out there are already working dozens of hours overtime every year—\$46,000 so far is the count for five officers at Lake Cargelligo for this financial year in overtime. I would hazard a guess that prisoner escorts and domestic violence would account for the majority of that amount of money. So they are quite overworked now and every chance they get they take time in lieu as opposed to payment because they just need the time off.

The Hon. GREG DONNELLY: On the issue of training, in the context of other organisations, the New South Wales Police Force obviously has the same training regime and practices and procedures, but in terms of being able to train with respect to domestic and family violence matters, do you believe it is something that could be done down the line? In other words, could you have officers at police stations doing a module—and let us assume it is a five-module program—for two hours where they are taken through some enhancement of training that they might have received at the academy, and training that way as opposed to physically bringing them together and training through that particular arrangement? It is just a thought. Increasingly in the private sector training is done remotely and is computer-based. It may not have merit, but I thought I would raise it.

Ms CAMILLERI: One of the suggestions that we put forward from the western region was that the face-to-face component of training be reduced to one day and other parts of the training be done via e-learning, but unfortunately that was not accepted.

The Hon. GREG DONNELLY: People have commented to me about the issue of pubs being open until 2, 3 or 4 o'clock in the morning—not just restricted to this area. I suppose it is a political question and you might want to take it on notice, but what is your view about earlier closing hours restricting the flow of alcohol into the morning and that linking back to domestic violence?

Mr FILEMAN: If you want to close hotels at 10 o'clock at night, we are happy with that.

Mr JONES: If I could make a comment about that, we have found that licensed premises, particularly pubs and clubs, are a lot better behaved in our area than people think. Our biggest issue is with takeaway liquor and the person who turns up at 9 o'clock in the morning to a supermarket with a bottle shop, loads up the trolley and goes home. We have more problems with that particular drinker than we will with any late night drinker on a Friday night at a pub. We really target licensed premises and the Liquor Act as part of our crime reduction. We ran the Bedgerabong picnic races the other day with over 1,000 people there and not one assault. Condobolin picnic races were on the weekend, with about 700 people and not one assault. We are saying our licensed premises and our publicans are doing a very good job. It is the issue with the takeaway shop at the supermarket selling at 9 o'clock in the morning that is causing us a lot more dramas, and that is a significant factor at Condobolin and at Lake Cargelligo.

Mr FOX: I agree with the Inspector about late night trading. It has not had a real lot of effect on domestic violence I think. It is people drinking at home all day. I just had two provisional orders come through the fax yesterday—domestic violence ones—and each party was full of alcohol. They were not at the pub or anything like that; it was home drinking and that sort of thing.

The Hon. HELEN WESTWOOD: One of the issues raised this morning by victims and their advocates was mandatory reporting for clubs and pubs. These people suggested there were incidents of assault at licensed premises and they were not reported—in fact the attitude was, "Could you just take it outside?" Is it possible that you do not get the report because people choose not to deal with it?

Mr JONES: That may be the case, but a lot of the pubs and clubs have closed-circuit television [CCTV] and they have incident books. We are speaking to them on a weekly basis or thereabouts. I would still suggest and maintain quite strongly that it is home consumption of alcohol that by far and away has a greater impact on this particular issue. They will pool their money together, there will be 15 or 20 adults at a place, the beer runs out and that is when the fight starts. Pubs and clubs just cannot afford to have intoxicated people on their premises. It is a \$1,200 on-the-spot fine.

CHAIR: We will come to perpetrators and perpetrator programs shortly, but we have heard a lot today about personal violence orders clogging up the court system and having an impact on the way that domestic violence orders are dealt with in detail, and also that lack of detail transferring into breaches. Would anyone like to make comments on that?

Mr READ: I am the Aboriginal community liaison officer in the Lachlan area command. I do a fair bit within the communities of Peak Hill to Lake Cargelligo to small areas. I work with perpetrators and also victims and the schools. I work with various organisations dealing with probation and parole, and the departments of community services, health and employment. One of the main things the victims are talking about—and we met again only on Monday with about 20 victims and perpetrators—is that there is nowhere for the victims or the perpetrator to go when the assault happens. They are asking for a safe house. Victims would like to see a safe house at a hospital where they can access the service for 24 hours a day. The victims are also asking that the perpetrator have somewhere to go as well while they are intoxicated so they can come together the next morning with service providers and work with the families as a unit and try to keep them together. Like Mr Fox said, it is causing lots of other issues. I have been hanging around here for 15-odd years. What has been going on is leading to Community Services being involved in the removal of children.

CHAIR: We have heard a lot about that today. In fact, legal practitioners seem to want an interim order that would allow the parties to cool off and sort out their differences without clogging up the court system. Obviously, if violence is involved or a crime has been committed, we must go down that path. In light of that feedback, perhaps you would like to comment on such an interim order that the police could serve.

Mr FOX: I have been thinking of that. I am not sure, but I believe that police in Victoria and possibly the Northern Territory can issue an on-the-spot ticket. I do not know whether it is for a set time or whether they determine the period. Often it needs only a day or two for alcohol intoxication or the effects of drugs to wear off and everybody is back together. It would be good if the police could issue a temporary order separating the parties without having to go to court. If there are repeat offences, more serious action could be taken. At present they are obliged to bring the matters to court. As I said, many people do not want to do that and there are inappropriate orders for those circumstances.

CHAIR: How would that work from a practical policing point of view?

Mr JONES: We are happy to take that up. It is in line with our current policy for a sergeant or someone above to have the authority to write out an AVO or a standard AVO stating that the perpetrator is not allowed back for 10 days or whatever and to have that served. Nine times out of 10 they just need to stop and separate. If an assault has occurred at the same time, obviously we have to investigate that. If it is just a breach of an AVO by turning up drunk or approaching within a certain distance or something along those lines—DVO with no assault—I do not see why it needs to go to court.

CHAIR: We have heard that a lot of ADVOs are almost set up to fail given some of restrictions which the perpetrator does not understand or which are unrealistic. For want of a better term, these minor breaches are occurring as a result. Are you suggesting these minor breaches could be dealt with like that?

Mr JONES: The condition could be that they are not to go within 50 metres of the house. Who measures it? They might be able to go to certain parts of the street. Those types of things are quite onerous. Non-attendance at a residence or at work is certainly required. There is no problem with that. It could involve someone ringing up to organise a child access visit and getting into an argument and it then becomes a breach. That where these issues get really clouded and difficult. We were obliged to act because that is what our policies say. It is a thought.

Mr FILEMAN: A police-issued AVO would save a lot of time. Under the current legislation, we know the perpetrator is going to abscond and while we are applying for the order we can take him into custody. If we do not think that is going to happen, we might go back and apply for the AVO, but when we get back they might be gone. Then we have to take out a warrant and that person is in the community again. We might not come across them, especially in the country because they move about. The legislation should allow officers at the sergeant or above level to do that. Sergeants do run the stations. I think that is something to consider.

CHAIR: Would they need to take the person back to the station? This is where the Attorney General's—

Mr FILEMAN: It depends on how we issue. It is different in the city because they have laptops in their car. In the country you lose coverage five minutes out of town. It might have to be paper based depending where you are. It will save a lot of time and it will allow the perpetrator—if that is what we are going to be calling them—to receive that paperwork straight away.

The Hon. HELEN WESTWOOD: A number of issues have been raised today specifically about regional communities but also about domestic violence in Aboriginal communities. The relationship between domestic violence and alcohol has not featured as strongly in the other evidence the Committee has received. Do you find there is a difference in domestic violence related to alcohol in Aboriginal communities versus domestic violence in non-Aboriginal families?

Mr JONES: There are two types of domestic violence offenders in this area. Our main offender is aged between 20 and 30, but our victims are much older—between 40 and 70 years of age. With our top perpetrators—for the want of a better word—alcohol is not involved. They are just very nasty people. However, the volume of our work appears to be alcohol related. The boss has the exact figures for the 12-month download.

Mr RYAN: In the Lachlan area command in 2011, in Parkes police attended 428 domestics, and 110, or roughly 25 per cent, were alcohol related; in Forbes, there were 410, and 134 were alcohol related. The percentage goes up as you go further west. There were 142 in Condobolin, and 90 of those were alcohol related, 81 at Lake Cargelligo and 42 were alcohol related, and 158 at Peak Hill, of which 73 were alcohol related. I can provide this table. It also shows that 62.5 per cent of people who are identified as repeat offenders—that is, they

were involved in a domestic violence offence three or more times in the past year—were unemployed and 70 per cent were Aboriginal or Torres Strait Islanders. Unemployment, Aboriginality and alcohol are all contributing factors.

Mr JONES: When you go further into that, you find that the truancy rate of the kids in those families is up to 50 per cent, 60 per cent or 70 per cent. It is compounding all the time. We are trying to get these kids to go to school. Under the legislation it is up to the Department of Education and Training to do something. It is a long and convoluted process. If we see a kid we should be able to say, "Why aren't you at school?" If they say they are wagging, we should be able to put them in the truck and take them to school and speak to mum.

As a crime management unit, we engage with the housing, probation and parole, Families First, the Department of Community Services and NSW Health; we deal with everyone. We also deal with Juvenile Justice. We are trying to identify the problems for a family, why the family coming to notice and what we can do to fix it. In 99 out of 100 cases, it is not a police problem. However, if we do not do anything it will soon become a police problem. We are trying to get Families First into the house to see what is going on and how we can make things better. For any of that to work, we must remove the violence from that family.

Violence is the most debilitating factor impacting on family functioning. Kids do not want to be at home, mum is getting towelled up all around the house and cannot cook a meal, go to the shop or sit down and do homework with the kids and so on. We need to remove the violence. That is the overriding thing we must do to make sure the family can function. If they are functioning, no outside help is required. The family does it itself.

Mr RYAN: You said that AVOs are potentially set up to fail in many instances. Instead of prosecuting people for breaches of individual conditions, if we had a police-issued AVO it could have certain conditions and it could apply automatically for a set period, for example, three months. If there was another domestic within that timeframe, action could be taken for breaching the AVO. That is opposed to the situation where a person comes to the house speaks to the person and suddenly they are back in court. If the person were to attend various places and we had a set of conditions that were designed to prevent violence as opposed to not going places and they then committed some act of violence, they would end up in the court system. At the moment it is all about confrontation.

The Hon. GREG DONNELLY: I am interested in the issue of reducing recidivism. I presume you are involved in dealing with young males and not so young males who have the potential to or who may have acted violently in the past in a domestic setting. Judy, can you tell us the full name of the program you mentioned that is an abridged version of a longer program that you say has reduced recidivism? Have you had direct involvement in that program?

Ms DINNINGTON: Yes, I have. It is the Domestic Violence Program, which runs for 21 weeks. However, because of the area we facilitate, we have to condense it down to a nine to 10-week program. It addresses the perpetrator's behaviour, emotions, beliefs and attitudes, the victim impact, relationship skills, safety strategies, sexual respect, identifying abuse and offence mapping. All these things are done over nine weeks in a four-and-a-half hour session one day a week.

The Hon. CATE FAEHRMANN: Is that for perpetrators or victims?

Ms DINNINGTON: This is for the perpetrators.

The Hon. GREG DONNELLY: You speak quite highly of it. You seem to believe that from your observation it is a good program. Are you prepared to say that?

Ms DINNINGTON: I am the co-facilitator of the program. Kevin Read and Anthony Towney have also co-facilitated it. It is excellent. Once they are in the program and they are starting to take on board what we are teaching them, showing them or challenging them about, something seems to click. Mr Jones and I talked about it earlier. It takes few weeks for them to take on board what the program is all about and then they realise that it is their responsibility. They understand that they are a domestic violence abuse perpetrator and that they have to look within themselves and their family to see how they can rectify the issue and stop reoffending.

The Hon. GREG DONNELLY: Is there evidence that once they leave incarceration that the rate of recidivism declines?

Ms DINNINGTON: These programs are delivered in the community and Mr Jones has evidence, because he has been keeping track of the people that do attend, the perpetrators that attend each program, and how often they reoffend if they reoffend at all.

Mr JONES: Just so you get the whole history of it, when I came to Lachlan three-and-a-half years ago it was a fairly critical issue. I spoke with probation and parole, I spoke with the women's refuge here at Forbes, I engaged Rebecca, I engaged the magistrates, I engaged the Department of Community Services and other service providers. There are two parts to this program. One is the offender side of it, the perpetrator side of it, where anyone that is convicted of a domestic violence [DV] offence goes off to probation and patrol and does this program. That is just what happens. We are also addressing victim behaviour, for want of a better word, where they engage with staff from the women's refuge who wrote their own program and had to get it approved. They deal with the victims of domestic violence, how to recognise what violence is, what the impact is of it. It gives them a bit of resilience, teaches them to recognise behaviour, take steps to avoid becoming a victim and all that sort of stuff.

So in conjunction with each other these programs run. We will pick our offenders, they go to Probation and Parole. We pick our victims, they go off to the women's refuge. For all except for one particular person at the women's refuge we found that they now will take out AVOs, they will now report breaches and they will now assist police with prosecuting these matters through court. With our offenders, we have found that some offenders have just stopped offending and not only DV, I am talking about breaking into houses, stealing from cars and driving stupidly. They are 40 years old, they have been criminals all their life and they have stopped.

CHAIR: Is this process and this model that you have come up with documented?

Mr JONES: Yes, we have got a document.

CHAIR: And is it across other area commands?

Mr JONES: No, this is still a pilot program.

Mr RYAN: It is a great program.

Ms WALKER: We set this up as the pilot program.

CHAIR: Inspector Jones, it must be put on the record that we did hear wonderful things about you this morning from some other witnesses who spoke very highly of you and the interaction they have had with you. Is this the sort of thing that we can look towards as a model that you can provide to us?

Mr JONES: I believe that this model can roll out across nearly every local area command in New South Wales.

CHAIR: Can we get a copy of that document and also the statistics that you have got in front of you?

Ms WALKER: It was set up as the Lachlan domestic violence intervention pilot program and it was hoped by us all that it would be taken on statewide. But we have been running it, as the inspector said, I think since 2008 when we formed a formative committee. I am still on the ongoing committee that meets in relation to this and we get reports on the perpetrator program and the victim programs. I have been especially impressed by the victim programs by speaking at these committee meetings with the ladies from the women's refuge in that it is empowering women to do something about domestic violence. What they are finding is the women that attend the course are then going out into the community with their friends and telling them what they can and cannot do about domestic violence and getting them to do the course as well. So it is growing, but it is my wish that this would be taken on everywhere and expanded.

The Hon. GREG DONNELLY: Kevin and Anthony, given your involvement, would you mind making some observations?

Mr READ: We have run about five. Even from Lake Cargelligo to perpetrators from Peak Hill, some of the males that have been involved with it have actually said, "What do we do? Where do we go from here?" So we will sit down and talk to them and say, "What would you like to you?" They say, "Well, I don't want to

go back to that, I would not mind getting a job." So we will actually go and talk to the employees at GrainCorp and mining and TAFE and ask what skills have they got. And especially GrainCorp, last year I think we got about 15 young fellas working at GrainCorp. There are nine fellas that are still there. There are fellas that have gone on to TAFE, now they are actually working in the mines. A lot of these fellas have got their licences back. Everywhere you see these fellas they just pull you up and say, "Thanks, I've got me life back."

CHAIR: Have you had a look at whether the program would be suitable for those that you identified as people at risk of being perpetrators and using it as a preventative program as well?

Mr JONES: The Department of Corrective Services has done a lot of profiling. They find that this type of programming is good for the bloke who presents outside as a good bloke but goes home and gives his wife a touch up. The bloke who is a very violent person everywhere he goes, the program does not seem to quite suit him. Is that fair to say?

Ms DINNINGTON: Yes.

Mr JONES: So they have done a lot of their work with it and obviously we have not been overly selective with the program, but there is an assessment and there are a couple of people that we have not put on or who we have dealt with on an individual basis rather than in a group model.

The Hon. HELEN WESTWOOD: Does it work with Indigenous and non-Indigenous people?

Mr JONES: Yes.

Mr TOWNEY: A lot of the guys are of Aboriginal descent. As Kevin was saying earlier and Judy was saying, the first few days they are sort of trying to get their head around it and then it just seems to click halfway through. Then by the end of it they have got a completely different mindset, their goals have changed, their outlook on life has changed and they are starting to experience things that they could only dream of. When alcohol becomes a part of their life and they are involved in domestic violence, their hopes of getting a job, their hopes of gaining their licence are virtually impossible. But by the end of the program their mindset changes and they are linking with people like Kevin and other people, linking up with the State Debt Recovery Office, fixing up their fines, getting their licence, going to TAFE, applying for jobs. It is really good to see. You can see the change as it goes.

CHAIR: Unfortunately, we have run out of time. We could spend the rest of the afternoon here. If there is other information that you think would be beneficial to the Committee we would ask that you put that into a submission and provide it to us. The information that we have gathered from today will go towards hopefully providing recommendations to Government. We expect our report to be released in August. We would like your permission to publish today's transcript on our website. We will make sure that any sensitive information is removed first. If you think there is anything that needs to be confidential please contact the secretariat immediately. On behalf of the Committee, we thank you for coming along this afternoon. Your evidence has been very valuable. If you would like to stay for afternoon tea, that would be great.

(The witnesses withdrew)

(Short adjournment)

JANE BEACH, Coordinator Women's Health/Domestic Violence, Western NSW Local Health Network,

CHERIE CROTHERS, Community Liaison Officer, NSW Central West Division of General Practice,

ANNA TODD, Registrar Clinical Psychologist, Sexual Assault Services, Parkes Community Health,

ANDREA BUTLER, Social Worker, Parkes Community Health,

MARGARET BURNS, Drug and Alcohol Specialist Worker, Forbes Community Health Service, and

PATRICK ROSSER, Social Worker, Forbes Community Health Service, before the Committee:

CHAIR: I acknowledge the Wiradjuri people who are the traditional owners of the land on which we meet. I also pay respect to the elders both past and present of the Wiradjuri nation and extend that respect to other Indigenous Australians who are present. Thank you for coming here this afternoon to provide us with evidence as health professionals that provide services particularly in the area of domestic and family violence. I also acknowledge those who have travelled. I know we have got some people from Dubbo, Parkes and Condobolin. The Social Issues Committee is conducting an inquiry into domestic violence trends and issues in New South Wales so regional visits like this with the community and meeting practitioners and service providers are invaluable to us to see how the law and the policies are working on the ground.

Today we are focusing particularly in the area of domestic and family violence. I know we could talk about a range of subjects but today we want to look at the system as it relates to those areas. We not only want to look at problems today, we also want to hear if you have any recommendations for solutions on any part of the system that could be changed. This session is being held in private so please feel free to speak openly and honestly and tell us about your experience within the system. Would anyone like to open up and give us an overall view of how well you think the system for dealing with domestic violence is working in this area? I know that is very broad. Do you have any general comments about what you are experiencing?

Ms TODD: I work in the health service with a number of my colleagues and we had a bit of a discussion before we came here today about how we felt that the service was working for domestic violence. I suppose we unanimously felt that there were a number of flaws for our clients and that it was not enormously as effective as we would have liked it to have been in terms of service provision for our clients.

A number of us work specifically within domestic violence and I work specifically within sexual assault. I guess we felt that some of those flaws were in the areas around other service providers' understanding around domestic violence, particularly around the cycle of violence. We have all encountered a bit of frustration when working with police services around their understanding about why women return to domestic violence relationships. As service providers who try to support our clients, that has been quite frustrating and is something we see as quite a big flaw.

CHAIR: Can you expand on that?

Mr ROSSER: I think when AVOs and ADVOs are issued a lot of the time they are issued in times where the victims are traumatised or really fearful or really anxious or it is that point where things have cracked. A lot of the time the information that is passed on to victims is quite quick, it is quite short and it is not very clear a lot of the time. I have victims then come in for counselling to deal with relationship breakdowns or just dealing with being educated and supported around being in a violent relationship and they are not sure about what a standard AVO even means. They are not sure what a standard AVO is, they are not sure about what special conditions are, they are not sure about the process. So on top of all that violence and manipulation and power and control and all that stuff that happens within the relationship, they are really uncertain about where to go with pursuing the AVO. So I guess we have sort of gone through all of these questions and we have tried to break things down a little bit.

The Hon. GREG DONNELLY: But in the first instance they came to a view or they were influenced by somebody that trying to take out an AVO would be the appropriate step to take? Is there a baseline of information they have before they act, or they just go off and get it?

Mr ROSSER: Not all the time because the police can be called to a domestic dispute and obviously if police feel that they have got sufficient information or evidence at that point they can issue an interim AVO on behalf of the victim. So my experience is a lot of the AVOs that are issued are in a domestic situation where the victim or a neighbour or someone has called the police.

Ms TODD: Can I add to that, because often an AVO might occur at a point of crisis, so the client is in a particularly traumatised state at that moment when they are provided with the information, and from what we know about trauma and the way the brain processes trauma and information, your memory and concentration and your capacity to take on information is very reduced, it is very low, so if your capacity to make really informed choices at that time is also not functioning as highly as it could be, when given that information at the time of crisis clients do not retain all of that as well as they could at another point in time.

CHAIR: One of the issues that we have been looking at is the yellow card and the police offering the opportunity to victims to give their consent to be referred off to other services. Do you think that their state of trauma and ability to process what is happening are reasons potentially why there is such a low uptake of that yellow card, particularly in this area, or are there other reasons? Is it that the police are poorly explaining it?

Mr ROSSER: I think it is a combination. When victims are in that state of real hyper-vigilance, anxiety and crisis, obviously they do not process information like they would if they were feeling calm and gathered. It also depends on the personnel, it depends on the police officer, and that does not necessarily mean that someone that has been in the force for 30 years explains the process better than the 20-year-old graduate straight out of Goulburn. I think there is so much variation with all of that. I personally had not heard of the yellow card. I had not heard of the yellow card formally by the police or the court system, and probably 70 per cent of my work is working with and supporting victims of domestic and family violence.

Ms TODD: And I would agree with that. I only found out within the last fortnight what a yellow card was.

The Hon. HELEN WESTWOOD: Is that because you received a referral to you through the yellow card system?

Ms TODD: No, it was raised at a domestic violence meeting. Somebody mentioned the yellow cards.

Ms CROTHERS: I work in a counselling role as well and I had never heard of the yellow card.

Mr ROSSER: There is a domestic violence committee in Parkes and Forbes and I only heard of the yellow card in Forbes two weeks ago. I had never heard of it before.

Ms CROTHERS: I would like to support what Anna and Patrick have said as far as people being absolutely traumatised, but there is one area that I think we keep failing to mention—the impact of domestic violence on children. The other victims of domestic violence are children. I have printed something off that I would like to hand out to the panel because we are getting this intergenerational thing. We can talk about power and control, but at the same time children are witnessing—monkey see, monkey do sort of stuff. I have worked in child protection too in the Condobolin area and it is just appalling in some households.

Ms TODD: The other area where I feel that the system may be flawed is in how services, maybe court services and police services, can have the capacity to identify domestic violence. A lot of domestic violence that might occur in terms of social, emotional and financial abuse, and sexual abuse as well, is missed within that judicial system. It tends to be more the domestic violence that has involved physical abuse that goes through that system rather than the other forms of abuse, which can have a bigger impact.

Ms BEACH: My role is coordinator of the New South Wales Health domestic violence policy, coordinating the policy across our western New South Wales local health district. I am involved with our domestic violence senior officers group in Dubbo and the Dubbo domestic violence committee. My role is ensuring that all our staff across the area are appropriately trained around prevention and intervention, but getting back to interagency work, talking about roles and responsibilities and not knowing what the yellow card system is, I have known more about the yellow card system only since I have been involved in the senior officers group. That group is all the senior interagency staff across Dubbo that meet around domestic violence issues, not so much our on-the-ground domestic violence committee, because quite often we do not have police attending—they are a committee member but quite often they cannot attend the meetings. So I think it depends

on the attendance at the meetings, the participation at the meetings across the region, so that agencies get a feel for the roles and responsibilities around domestic violence, around supporting and managing victim referrals.

The Hon. GREG DONNELLY: In relation to the non-attendance by police—and this is without criticism—is the explanation that they are too busy or have other matters to deal with, or they do not provide an explanation at all?

Ms BEACH: I guess I am speaking for Dubbo, but we have had quite a significant number of changes with the domestic violence liaison officer [DVLO] position. Quite often they are required to do other duties rather than just the DVLO position, so more often than not they are not available to attend. The other significant gap across the area is referral to generalist counsellors for victims of domestic violence. The southern sector would probably be one of the most resourced, I suppose, and they are very few and far between across this sector, but still in the rest of the area there is a huge gap in counselling support services for victims specifically of domestic violence.

The Hon. CATE FAEHRMANN: I want to tease out a bit more about the traumatised state of victims when they are in the police station or wherever, when they are being interviewed and when they are given all this information. You had interesting statistical evidence about how little information we can absorb when we are in a state of trauma. I do not think the Committee has heard that before, so I think that is an important part of your evidence today and I found that quite interesting. Do you have any suggestions as to how that could be better handled? Is there a cooling-off period? A number of people have talked about that in relation to AVOs, particularly in terms of some of the information provided to victims.

Ms TODD: I think it is just about making sure our clients' needs are adequately met, so treating a client who is a victim of domestic violence as you would treat any person who has been the victim of a major trauma, like an earthquake or a train crash or something like that. You would make sure that their physical needs are attended to, that their physical welfare has been looked after, make sure that they are as comfortable and treated as respectfully and as calmly as possible to increase their capacity to be able to make those choices.

The Hon. GREG DONNELLY: Is the distinction that a tragedy such as the ones you mentioned is generally a one-off incident, but what we are talking about here involves continuity. They may well be observing a period of time of domestic violence acts of a man towards a woman. Does that put it in another dimension, reinforcing over time of this action?

Ms CROTHERS: The cycle of violence you mean?

The Hon. GREG DONNELLY: Yes.

Ms CROTHERS: The honeymoon phase and back they go again, and around it goes.

The Hon. GREG DONNELLY: Yes.

Ms TODD: In terms of neurological impacts, there is certainly a cumulative impact of trauma. The brain is impacted by cumulative trauma and you become sensitised, so a smaller event might sensitise the brain to have a bigger reaction the second time an incident occurs because you have been traumatised the first time neurologically.

Ms BURNS: The police, or whoever would be dealing with it, would be desensitised because they are seeing the same victims all the time and they are returning to the perpetrator all the time.

CHAIR: How are victims referred to you? We know that we do not have a screening process in the emergency department. Is it referral by the police or—

The Hon. HELEN WESTWOOD: Self?

Ms BUTLER: Yes, in our service we find that clients often refer themselves to us. We have not had a lot of referrals from the emergency room recently, so yes, clients generally come to us themselves.

Ms BURNS: Or we may refer within—I may see someone for drug and alcohol issues, and in the domestic violence situation I will refer to Pat.

Mr ROSSER: I do not receive many referrals from the police at all. It is more from other disciplines within the service.

Ms BUTLER: Or the clients themselves.

Mr ROSSER: The clients themselves, but also other non-government organisations that the victims come into contact with.

CHAIR: We heard today from legal practitioners particularly that they would like to see, whether by a court issued notice or some other way, referral to providers like yourselves before the family ends up in the justice system—the term they used was that once you are in, you are in—to intervene in a situation of domestic argument without violence. Do you have any views on that?

Mr ROSSER: I think it relates to early intervention and prevention. When you are looking at the cycle of violence and the behaviours and tactics used by perpetrators, unless that behaviour is identified at an early stage things tend to get worse, victims tend to be more vulnerable and less confident with less coping strategies with the trauma and the impact of trauma in ongoing crises, as we talked about. I think it is really crucial to be identifying early on that this is not a healthy and appropriate relationship, and I think that is a really difficult thing because I know police are desensitised if they have seen a lot, they are dealing with this stuff all the time, but if they can identify it early on then we might prevent things from progressing.

Ms TODD: I think it is also important to make really clear that New South Wales Health policy is we do not work with perpetrators of domestic violence, so we would only be working with victims.

Ms CROTHERS: I work for the Central West division of general practice. We know about the cycle of violence, the power and control issues, the fact that not all domestic violence is black eyes, that sometimes the control aspects can be very subtle, verbal or non-verbal—it might be that just a look can be enough to send a woman spiralling downwards again. So the weak link is in fact these men that continue on and they go from relationship to relationship and nothing changes. We are not about excusing them. There is zero tolerance for domestic violence. I think there needs to be more—I will not use the term "counselling services"—services for men along the lines of the Alan Jenkins model, "Invitations to Responsibility". There is also a book *Mirrors Windows and Doors*, which emphasises respectful relationships between the two halves of the population.

In a way it is a weak link, and I understand very well where Health is coming from, that they cannot see perpetrators, but somehow or other we need to get some programs up and running for these men. There is the national men's helpline, which I think is a start, but there is a lot more that needs to be done. As I said with children who are impacted by domestic violence, there is family violence too. I do not think you can necessarily separate them when the gin bottles are flying through the air, the holes are in the walls, every stick of furniture is broken and there is no food. Nutrition is poor with the children. They go on, their brains are hardwired too, their amygdala in the brain is affected, they are hyper-vigilant, they cannot learn, and we wonder why. We just think we need to throw more effort into education, but they are not able to learn because they are traumatised. We have children who are like little Vietnam veterans. It is like a war zone. I have also worked in child protection.

The Hon. GREG DONNELLY: In terms of dealing with domestic violence, is it appropriate to draw a distinction between how we tackle domestic violence in the context of Indigenous communities and non-Indigenous communities? Domestic violence is domestic violence no matter where it is manifested in whatever community, but should we make a distinction because there are particular matters we should concentrate on in dealing with Indigenous communities?

Mr ROSSER: Obviously when we look at Indigenous communities we need to be aware that there is this intergenerational grief, loss and dispossession. It is like the environment that anyone grows up in: If you grew up in an environment where mum and dad were happy, confident and sure of themselves, that is a fair indication that you will model that behaviour and your brain will develop in similar ways. That is not rocket science. Families dealing with the social disadvantage that Cherie mentioned will not be helped by a blanket approach. There are so many different things we have to deal with, not only violence and AVOs.

Ms BUTLER: You mentioned the legal profession saying that we need a framework or referral system.

CHAIR: They are hoping we can find a way to divert people from the court system. Perhaps they could be referred to counselling or mediation to work on their relationships to address some of these issues rather than the first option being the courts.

Ms BUTLER: I still think it comes back to the woman's or victim's choices. We need to be very careful that we are not taking control of their situation and not disempowering them. Many of the women I have seen have gone through a long, traumatic process and much of it has been controlled by the system—the courts—and their cases have been adjourned and so on. As a worker working with this woman, walking her journey and hearing her story, it is my role to help her through that process and to ensure that she is safe. The frustration comes from the fact that often we see women who are in a relationship being controlled and manipulated for a variety of reasons—not only through emotional and physical abuse. It is also about the fact that they need to have choices and to have a voice. We walk with them on that journey.

CHAIR: To put it into context, the comment was absolutely not about whether violence occurs. It was more about intervention. The argument might be about a financial matter. The victims said that they wanted to get back with the perpetrator and they did not want an AVO; they just wanted the financial problem or something else to be fixed. That was cases where it had not escalated to physical violence. They were talking about a circuit breaker. I ask this question because it is more than likely your services that would be involved in that intervention and seeing these people to address those problems before the situation deteriorated into violence.

Ms TODD: Mediation is really inappropriate in domestic violence cases.

Mr ROSSER: You are talking about there being a dispute, perhaps about financial issues, and how that family comes into contact with the legal services.

The Hon. HELEN WESTWOOD: It is the scenario involving an argument and broken furniture. They also said that much of it is alcohol related. If you let them sober up, cool down and have mediation and counselling, it will all be okay.

CHAIR: Please speak one at a time. We have different witnesses from different sectors so that when we are told one thing by one group we can then ask others for their opinion. This is where we give your feedback on someone else's view. I know you are passionate about this.

Ms BEACH: I would like to reinforce that it is incredibly rare to have three or four social workers or psychologists sitting around the table in this area working with victims of domestic violence. That does not happen across the rest of the area.

CHAIR: Why do we have them here?

Ms BEACH: Historically, there have been positions in the eastern and southern sector and fortunately we have been able to retain them. But there is a huge gap across the rest of the area. That is where the gap is.

Ms TODD: To ensure that there is no confusion, I work for sexual assault services.

Ms BEACH: That is a different program.

Ms CROTHERS: I should add that I am the community liaison officer for the Central West Division of General Practice, soon to be Western Medicare Local in the rollout of the Federal health reforms, which will interface with NSW Health. We hope that will provide more seamless service delivery not only in primary health care but also in mental health services. I also work as counsellor with another hat on and I get referrals from general practitioners. People with depression and anxiety fit the criteria for that. I am run off my feet. I have only one day a week at Condobolin and one at Lake Cargelligo.

Often when you drill down into the issues confronting a depressed person domestic violence is involved. I am not saying that that is true in all cases, but that is often the issue. There are also dual diagnoses. We are getting alcohol and drugs and mental health issues. That is huge. As Patrick said, in communities like Condobolin there is a high level of alienation. People feel a sense of hopelessness and there is a high crime rate. Children are running across the rooftops of the shops and breaking in through the roofs. The place is out of

control, it would seem. The police do the best they can. There are active drug dealers out there, I am told. One can observe them active in the streets.

Mr ROSSER: I want to get back to what we were discussing about legal representatives and furniture being broken and things like that. If that is an act of anger, it is intimidating and the other party is fearful, and that is domestic violence. People should understand what is under the umbrella of domestic violence.

Ms BURNS: It might be a "nicer" bit of domestic violence, but it is still domestic violence.

Ms TODD: We might be seeing it when people use drugs and alcohol, but they still do it when they are not using them. It is just escalated to crisis level when drugs and alcohol are involved.

Mr ROSSER: I want to make the point that throwing furniture across a room is a choice whether they are drunk, sober or indifferent or inebriated in any other way. I have been in this role for two and a half years since I moved back to the country. I ask clients whether their husband or partner would threaten people down the pub the way that he threatens them. The answer is no. It is about power, control and the fear factor; it is about intimidation. That tells me, and anyone else with a brain, that it is a choice. They make a choice to do that. They get drunk down at the pub but they do not get locked up every Saturday night for breaking someone's jaw. I think that is crap and a cop-out.

CHAIR: I think we have addressed their concerns. Case management has also been mentioned by some as very important to enable the coordination of services. You are obviously working closely with one another. Who does the case management? For example, if someone presents with drug and alcohol issues to you, Margaret, and you refer them to other services, who handles the case management in that setting?

Ms BURNS: I refer to Patrick for domestic violence issues and the person becomes a dual client. I concentrate on their drug and alcohol issues and substance abuse and Patrick will see them for domestic violence counselling. In saying that, it also backs up what Cherie was saying about the children. About 90 per cent of my clients who have drug and alcohol issues have grown up suffering some form of abuse or they have witnessed domestic violence. They have been exposed to trauma in some way. The cycle continues and they become addicted or perpetrators themselves.

CHAIR: How does that link in with other services? If there are children involved, how does that link in with the Department of Community Services? What if they need refuge? Who has carriage? Is it the person who sees the victim first, or are they siloed managed in every service they go to? Is there any linking across the agencies?

Mr ROSSER: It is the lead agency or organisation presenting issues or taking on the referral. It could be drug and alcohol or they could self refer or probation and parole could refer them. That person would be the lead. That is the way I manage my referrals and clients.

Ms TODD: I agree. It is a bit different with sexual assaults because we get referrals from the police and the Joint Investigation Response Team, which involves the Department of Community Services, the police and a response team health worker. They refer children under 16 years of age. If referrals come through the response team and they are already a departmental client, the department would do the case management.

Ms BUTLER: I agree. We get clients from Community Services. They manage the clients and we provide the counselling services.

Ms BEACH: I also agree. The sharing of information is an issue. Up to 16 years of age aside, agencies must share information. When there are no children involved, there is a real issue around sharing of information between agencies. That is a challenge.

The Hon. GREG DONNELLY: Is that because they do not wish to do so or that they are operating under procedures and practices that say they cannot do it?

Ms BEACH: There is a privacy issue around that. It is an issue for NSW Health and across all agencies.

Ms TODD: For example, if I have a client and Jane had the same client, if I wanted to talk to her about that client I would need a signed consent form.

CHAIR: Do you have consistent consent forms across the area?

Ms BEACH: Yes. I want to mention crisis management of domestic violence. We are developing a joint agency protocol between our emergency departments, Community Services, the police, emergency accommodation and the domestic violence units in Dubbo, Bathurst and Orange. Once we have those bedded down, we will replicate them across the area. That is about trying to improve crisis coordination. We want each agency to understand the role and responsibilities around managing victims in crisis involving domestic violence. That is one strategy we are progressing.

CHAIR: What is the time frame for that protocol?

Ms BEACH: We hope to have the three regional towns well and truly in place within this next six month period. We will then be looking at some of the priority towns in the western area.

Ms CROTHERS: Given that Forbes is classed as the fifth highest domestic violence area in New South Wales and Condobolin is 10th, Condobolin has a 17 per cent Indigenous population compared with the national average of 2.3 per cent. I think it is underreported in Condobolin so I would not be relying on those sorts of statistics.

CHAIR: The statistics are why we are here, to be honest. The Auditor-General's report and some of the statistics also that we received from the bureau are a couple of reasons why we are here. Unfortunately time has beaten us. I know that you are very passionate about this so if you have further information that you think we would benefit from please provide that information to us in the form of a submission. Thank you again, and I am sorry that we have run out of time.

We will take away the information that you have given us and compile a report with recommendations to the Government. The report is due to be released in August. We also would like to get your permission to publish the transcripts from today. We will make sure that we remove any sensitive information. If you think there is something that should remain confidential or if you would prefer to have your name suppressed please have a chat to us. We will send you the transcript before it is published.

On behalf of the Committee, I offer a very special thank you to Binaal Billa and Yoorana Gunya for hosting us today and making us feel so welcome. In particular I thank Karen O'Malley, the program coordinator, Donna Bliss, Debb Anderson and the other staff for all their work. The effort you have gone to today to get us here, feed us and provide us with an amazing array of witnesses and people who have attended today is a testament to your work and we thoroughly appreciate it. On behalf of the Committee I present you with a small gift from the Parliament of New South Wales. Finally, thank you to our Hansard reporters. I know it has been hot and exhausting work. Thank you very much.

(The witnesses withdrew)

The Committee adjourned at 4.19 p.m.