



Submission by

**The Ipswich Women's Centre Against
Domestic Violence**

to the

**Parliamentary Committee for Legal Affairs &
Community Safety Inquiry**

July 2014

Our Service

The Ipswich Women's Centre Against Domestic Violence (IWCADV) is a community-based organisation located in Ipswich. Since April 1994 the IWCADV has been committed to working with our community towards the prevention and elimination of domestic and family violence. To this end, IWCADV is actively involved in supporting women and children who are experiencing or who have experienced domestic & family violence as well as providing information and education to the community at large.

IWCADV provides a range of services to the community of Ipswich and the regional communities of Gatton, Laidley, Esk, Toogoolawah, Lowood, Boonah, Goodna and Inala. These services include:

- Telephone information, referral, advocacy and support services to women and children;
- Court support for women in our four regional courts;
- Counselling services for women, children and young people;
- Group work for women, children and young people;
- Safety upgrades for women and children wanting to stay in their homes;
- Providing professional training and resources to other service providers and stakeholders;
- Community education and awareness raising events.

In addition to this, IWCADV has a lead agency role in the community facilitating an integrated response to domestic & family violence issues. This role involves encouraging other key stakeholders to engage in collaborative responses to domestic and family violence issues throughout our community to ensure safety for women and children and accountability for violent perpetrators.

IWCADV staff all hold tertiary qualifications, in fields such as Social Work, Community Development, Social Science, Human Services and Humanities. All staff are extremely experienced and are actively encouraged to undertake ongoing professional development opportunities to enhance their existing skills and knowledge.

Basis for submission

The Ipswich Women's Centre Against Domestic Violence (IWCADV) is pleased to have the opportunity to provide input into the Inquiry on strategies to prevent and reduce criminal activity in Queensland via the Legal Affairs & Community Safety Committee, and is optimistic about positive outcomes which may be generated by this inquiry, particularly for women and children who have experienced domestic and family violence.

Victims of domestic violence and their children rely heavily on the responses of the criminal justice sector to maintain and preserve their safety and hold the person using violence accountable. While the responses that some survivors have had from agencies such as the Qld Police Service, the courts, prosecuting authorities, legal and support services and compensation processes is exceptional, the unfortunate reality for many is that they remain

unsafe, unprotected and unsupported. There is also a distinct lack of integration between these services, which further undermines safety and accountability. This lack of integration represents a loss to our communities, where greater collaboration and support would lead to better outcomes for both adult and child victims of domestic violence and child abuse. For this reason, and other concerns outlined below, we respectfully submit the following contribution.

Areas of Concern

The IWCADV identifies a number of areas of concern, some of which are specific to particular sections of the criminal justice system, and others which appear to be more cross-sectional. This document will address some of the general areas of concern first, such as staff training regarding domestic & family violence, lack of shared understandings related to risk assessment & safety planning, lack of collaboration and information sharing, a lack of systems responsibility for offender accountability, access to justice, and secondly, will go on to discuss some issues particular to the Qld Police Service (including Police Prosecutions), Magistrate's Courts, and Victim Assist Queensland, and these issues are further extrapolated below.

Specific Training on Domestic & Family Violence

The *single most important resource* of any service is its staff, and the knowledge and skills that they hold. Within the criminal justice/community safety arena, staff are interacting with some of the most vulnerable members of our community, and are in a position of making critical decisions about safety and wellbeing, often with little information and in a context of adversity and conflict. Services providing support to victims of domestic and family violence, and sexual violence are highly specialised fields, with distinct knowledge, practice and skills that have developed over time. However, there is little meaningful interaction. For instance:

- Specific & ongoing training regarding domestic & family violence. As a long running service, we remain very aware of resource pressures, the need to get staff working on the ground with a focus on core business. However, modern research continues to point to the prevalence of domestic and family violence as a serious issue that interacts in complex ways with rates of criminal activity, drug and alcohol misuse, poverty, homelessness, family breakdown and so on. For example, domestic violence is the biggest cause of homelessness for Australian women, with almost half of the women with children staying in homeless assistance services escaping domestic violence (Australian Institute of Criminology, (2004). Domestic and family violence continues to be a key feature impacting on community safety overall, and a failure to provide adequate training appears to be a poor use of resources, and places individual staff members and their clients in difficult if not dangerous situations. It also means that professional staff may not be well equipped to conduct the assessments and make the decisions that are such an integral part of their work.

- Training provided by specialist workers. While some agencies do provide domestic & family violence training, many utilise in-house trainers who may also lack specialised knowledge, or rely on generic training packages which may lack specific elements or knowledge required by that professional group. Further, drawing on local specialist domestic violence services would mean access to up-to-date issues, along with the opportunity to develop closer and more positive working relationships between services. Further to this, ongoing analysis from death review panels is increasingly pointing to the importance of training of the specific domestic violence risk indicators for professionals in a range of areas, including health, education, counselling, general welfare work, as well as with key stakeholders such as police, courts, and child protection agencies (Office of the Chief Coroner for Ontario, Feb 2014).
- Reciprocal training & support. Training is a two-way street, and developing training relationships between community safety agencies and specialist domestic violence or sexual violence services would also mean that these groups would have the opportunity to learn more about each other and work more effectively together.

Recommendation 1:

That agencies working within the criminal justice and community safety arena, commit to providing specialist domestic and family violence training to all frontline workers and their supervisors.

Recommendation 2:

That any comprehensive induction and training package provided explicitly allows for the inclusion of training delivered by specialist domestic violence services, or someone recognised as an expert by that service.

Recommendation 3:

That some specific frontline roles be supported to complete the '*Course in Responding to Domestic and Family Violence*' (30949QLD) and attend regular domestic violence training provided by the Regional Domestic Violence Service in order to maintain professional currency and relationships with the broader service sector.

Risk Assessment & Safety Planning

In relation to domestic and family violence, there is a growing body of evidence (mainly from international Domestic Violence Death Review Panels across multiple sites worldwide) suggesting that the risk of serious injury or death is largely predictable, and that domestic violence homicides are the most preventable in our community. Like any specialised assessment, domestic violence risk assessments are a dynamic and complex process, and are best conducted as an interactive and collaborative process with the victim, relying on the use of an evidence-based risk assessment tool combined with the professional judgement of the worker. The purpose of conducting a risk assessment is to identify both dynamic and static risk factors and then use this information to guide actions that will make adult and child victims safer. Some of the overall issues relating to risk assessment and safety planning with regard to non-specialist services include:

- **Lack of knowledge regarding risk indicators:** Many agencies, and the workers within them, often demonstrate both a lack of awareness of specific risk indicators and how to manage these risks safely. This is evidenced by practices such as:
 - Generalist agencies failing to refer women to appropriate specialist services or recommending couples counselling instead;
 - Failing to make DVO applications or referring women to make private applications, even in the face of significant evidence and risk (QPS);
 - Not noticing, acknowledging or addressing the most serious risk indicators, and particularly not making plans with women to address these risks in an effective and appropriate way.
- **Lack of recognition of the importance of adequately assessing risk:** When domestic violence is treated as a “private issue” or a reflection of poor impulse control or interpersonal skills, *the importance of risk assessment as a tool and a process that may prevent women and children from being killed can become lost*. It appears from the experiences of many of the women who come to our service that risk is not adequately assessed, either because a full process has not occurred, or because professional workers don’t understand the nature of the risks presented. An example of this would be when women who leave a violent relationship are treated as if they have achieved safety (the data indicates that they are much more at risk post separation and for up to 18 months afterwards – women who have separated are at higher risk of homicide victimisation by intimate partners than women in current relationships (Hotton2001; Wilson & Daly 1993;Johnson & Hotton 2003; Wallace1986; Barnard et al. 1982, in Mouzos & Rushforth, 2003).
- **Little shared language or cross-sectoral common understanding of risk assessment principles and risk indicators:** Due to the above points, professional workers in the criminal justice and community safety sector often have a limited frame of reference if specialist DV workers are trying to convey risk. If we don’t have some shared

meanings or frameworks, it can be hard to rate the importance of information that is being shared with each other.

- ***Not sharing information relating to risk with others:*** Death reviews in other countries (and in fact the only DV Coronial Inquiry to have occurred so far in Qld) have identified time and again that failure to both understand and share information about risk with key services has led to the deaths of women, their children and their family members and friends on many occasions.
- ***Oversharing non-risk related information:*** As a corollary to the above point, often when information is shared between services, the experience of our service as advocates for women is that information about women that is unrelated to risk is shared extensively, and often implies a judgement about the woman, and focuses on her perceived faults, and not the behaviour of the person using violence.

Recommendation 4:

That the criminal justice and community safety sector develop a shared risk assessment tool, in collaboration with nominated representatives from the specialist domestic violence sector. A working group with representatives from a number of different agencies may be the most effective and timely option for addressing this.

Recommendation 5:

That the criminal justice sector develop mechanisms that identify when information should be shared with each other and with specialist services, and that they also develop clear pathways and processes that enable this.

Recommendation 6:

That any processes or procedures developed are embedded into policies and protocols, and are framed as directives from the leadership of relevant agencies and sectors.

Collaboration & Information Sharing

Community partnerships and collaboration are an important element of violence prevention work in general, and have been demonstrated to be extremely effective in addressing domestic and family violence. Further, collaboration between government agencies and community services is generally a reflection of good practice and is currently being actively encouraged by both state and federal government departments.

However, the experience of the IWCADV is that collaboration is often not practised in a meaningful way on the ground, and that this is reflected in such ways as a lack of

attendance at meetings organised by community services, a lack of inclusion of support services in processes such as case planning and operational feedback, poor attendance at training, community forums and other professional development opportunities (even those organised internally), and an apparent resistance to receiving or prioritising notifications of risk or safety concerns from specialist domestic violence services (possibly stemming from a lack of understanding regarding the nature and scope of work performed by these services).

There are some well-developed and proven models for collaborative and integrated work around domestic and family violence that demonstrate the benefits of this work for creating victim safety and offender accountability (some well known examples are the long-running collaborative community initiatives in Duluth, Minneapolis and in San Diego, California). In many settings these coordinated community responses (CCR's) are **justice based**, with police, courts and corrective services being integral to their success and working closely with domestic violence services (particularly women's support and advocacy services and men's behaviour change programs). For instance:

- CCR's are based on purposeful partnerships: Most CCR's have a few key members, with other organisations joining depending on location, relevance and the project or target group being worked with. For example, key stakeholders tend to be:
 - Domestic violence specialist services, including DV offender programs;
 - Department of Justice, especially courts, and ideally including representatives from the Magistracy;
 - Police services, including prosecutions;
 - Department of Corrections, especially probation & parole services;
 - Child protection services.

Additional stakeholders may include other welfare or support services, community legal services, drug & alcohol services, mental health or community health services, educational agencies and so on.

- CCR's share similar goals and values. The fundamental platform is:
 1. Creating a coherent philosophical approach centralising victim safety and self determination.
 2. Developing "best practices" policies and protocols for intervention agencies that are part of an integrated response.
 3. Enhancing networking among service providers.
 4. Building monitoring and tracking into the system.
 5. Ensuring a supportive community infrastructure for women and children who have experienced DFV.
 6. Providing sanctions and rehabilitation opportunities for abusers.
 7. Undoing the harm violence [against] women does to children.
 8. Evaluating the coordinated community response from the standpoint of victim safety.

- CCR's are traditionally multi-level:
 - There need to be regular but not necessarily frequent meetings (*that are actually attended by most organisations most of the time*) between Managers and decision-makers of member organisations in order to make agreements, modify policies and organisational structures and ensure that organisations are philosophically aligned and moving in the same direction (for example, developing & signing off on MOU's, goal setting, applying for shared funding or establishing joint service delivery ventures).
 - Team leaders and Senior workers also need to meet regularly, and maybe a little more frequently in order to refine practice and processes (for example, shared risk assessments, case conferencing on offender dangerousness, highlighting & identifying internal processes that may be inhibiting good processes/safety/relationships and then either referring them up to Managers to make policy changes, or down to staff for practical implementation).
 - Staff on the ground need to be able to work together well, including rely on and trust one another, and prioritise each other's clients, share resources and ensure smooth transition for clients from one service to another where referrals are necessary. This can be facilitated with regular but not necessarily frequent informal catch ups, agency visits and maybe even secondments or working out of each other's office space on occasion and where appropriate.
- Members work together jointly and with equal responsibility.
 - One of the great benefits of a CCR to all involved is that risk and accountability can be shared between members, along with the workload. This has benefits for clients in terms of service integration and streamlined responses, but also indirectly benefits partner agencies for the same reason (reduced workload for individual clients in the long run).
 - Working closely together also opens up the possibility for new and creative ways of working together, sometimes in cost-neutral or very cost-effective ways.

The costs of not working together are far greater in the end than the costs of working together collaboratively. In particular, women, their children and other community members will continue to die or be seriously injured. Is this a social cost we really want to bear, especially when it is largely preventable?

Recommendation 7:

That the Department of Justice & Attorney-General, the Queensland Police Service, the Magistrates Court of Queensland and the Department of Corrections make public and funded commitments to collaborative work with specialist domestic violence services and their communities in which they reside.

Recommendation 8:

That the Department of Justice and funding bodies for other associated support services prioritise the development of Coordinated Community Responses at a local level in each region. This would include both a commitment of time, personnel, funding and other resources.

Systems Responsibility for Offender Accountability

Overall as a community we have made significant progress in recognising domestic violence as a community and social problem, rather than an individual problem, and have taken many important steps towards addressing this issue, both socially and legislatively. However, for a long time we have mainly focused on women as responsible for their own safety and that of their children, even when she is actively seeking to protect herself and her family. We have relied on women to manage their violent partner's exercise of his own violence, rather than holding him fully accountable for his actions. This underlying community premise is demonstrated every time that we ask "Why does she stay?" or "What did she do to provoke him?" rather than asking "Why does he use violence against his partner and/or children?" This attitude also fails to recognise that women are often actively protecting their children within the relationship, intervening in violence or removing their children to safety. Further, many women (correctly) perceive that to leave their violent partner could place her children at greater risk, as it could escalate his use of violence towards her or the children, and that this would be compounded should he then have unsupervised contact with the children (frequently Family Court ordered). This perception is backed by research – "Separation from an abusive partner after cohabiting was associated with increased risk of femicide, particularly when the perpetrator was highly controlling. 'It is also clear that extremely controlling abusers are particularly dangerous under conditions of estrangement'." (Campbell et al, 2003, p. 1095 in Laing, L. *Australian Domestic and Family Violence Clearinghouse Topic Paper: Risk Assessment in Domestic Violence*, p.7).

Further, perpetrators of violence need to be held specifically accountable for their violence and abuse against women and children. It is the experience of our clients that the person using violence seems to have no consequences or expectation of responsibility attached to

their behaviour, and seem to be invisible in many processes, such as child protection, domestic violence order applications etc. Some examples of where there could be more accountability, even within the current system include:

- Higher rates of police applications for domestic violence orders (DVO's) in conjunction with a greater commitment to investigations. Many of the assaults that occur in the home are not fully investigated or ever prosecuted via the criminal justice system;
- Exercising steeper punishments more quickly for breaches of DVO's or criminal charges where they occur;
- Mandating offenders into Men's Behaviour Change programs, and requiring attendance at other programs (such as drug & alcohol support or mental health support) where indicated;
- Not requiring women to "press charges" in order to progress a criminal charge or conviction in relation to DV assaults or stalking.

Systems and offender accountability is a key component of effective coordinated community responses and assists in achieving greater safety for women, children and the community more broadly. Put simply, it is about clearly acknowledging that the only person responsible for the choice to use violence in relationship is the offender, and ensuring that systems reinforce that idea.

Recommendation 9:

That the Queensland Police Service demonstrates a greater commitment to the pro-investigative framework outlined in the Domestic & Family Violence Protection Act 2012, including ensuring criminal charges for offences of domestic violence are pursued.

Recommendation 10:

That Men's Behaviour Change Programs are more comprehensively funded, and that the number of programs offered in Queensland is significantly increased.

Recommendation 11:

That any new Men's Behaviour Change Programs funded are administered by local Domestic or Family Violence specialist services, and are delivered as part of an embedded or established CCR. Where a robust CCR does not exist, resources (such as training, funded positions, clear leadership support) should be provided to ensure the development of one.

Access to the Principles of Justice

Fair and dignified treatment

Many women encountering the criminal justice system experience what they feel is unfair treatment, such as not being believed, being treated as an annoyance or a potential criminal, failure to use interpreters (this has a serious impact on their ability to communicate concerns, be fully understood, and to understand any processes that may occur) and sometimes not even the opportunity to tell their side of the story.

Privacy of the victim

An important element of best practice in work with vulnerable populations is a focus on confidentiality. Confidentiality simply means that we respect a client's right to privacy, and will only breach that when other considerations outweigh this right, such as a duty of care to them or their children, serious safety concerns, etc. Client confidence in the operation of this principle allows for the building of rapport (hence disclosures and honest sharing of concerns and difficulties) and development of effective interventions, strategies for addressing barriers and issues of concern, and plans to achieve goals for the future and positive outcomes.

Information about services

Our client group is often confused about why certain actions have been taken or not taken (criminal charges or lack of). This lack of transparency reduces client confidence in, and understanding of, decisions which in turn has an impact on their ability or willingness to engage positively with these processes.

Recommendation 12:

That clear standards outlining what information is required to be shared with clients, and how and by whom it should be shared are developed and enforced. Minimum requirements of information sharing include client rights, confidentiality, actions taken by services and the reasons and rationale for any decisions or actions (or lack of action).

Recommendation 13:

That clear and transparent protocols regarding duty of care and risk reduction exist between key services that provide for the sharing of information in clearly defined circumstances in order to protect women, children, young people and the broader community.

Queensland Police Service (including Police Prosecutions)

The Queensland Police Service (QPS) perform a critical and specialised function in our community overall, and in responding to domestic and family violence in particular. Anecdotally, responding to domestic and family violence has become key element of the core work of modern policing, comprising up to a third of all calls for service. In many cases, police do solid, and sometimes exceptional work in responding in a timely fashion, performing basic risk assessments in a volatile situation with many pressures on their time, making referrals via Supportlink, and in ensuring that DVO' are applied for or that criminal charges are sought.

However, client issues with service responses from the QPS continue to be raised with our services (and those like us), and are of concern to the IWCADV. They are concerning because of the individual experiences that women have, and how poor policing impacts on their current safety and their future willingness to report abuse again. They are also concerning because they speak to broader structural issues, such as a lack of consistency in the administration of the legislation and the understanding of individual officers' roles, and to a lack of recognition of *the critical role that police have in working with the community to ensure offender accountability*.

Some of the specific issues and themes that have been raised with us by our clients include:

- **Inadequate investigations**: Many women report that when police arrive they fail to thoroughly investigate the domestic violence. This includes things such as:
 - Not taking photos or interviewing all witnesses;
 - Speaking to the alleged respondent but not the aggrieved, or not separating the parties for interview;

Not conducting adequate investigations is a direct contradiction of the express intent of the *Domestic & Family Violence Protection Act 2012 (Section 4 (e))*, which explicitly states that “a civil response under this Act should operate in conjunction with, not instead of, the criminal law”;

- **Lack of understanding of domestic & family violence**: Many women report that attending officers appear not to understand the dynamics of abuse/power & control inherent in DV, and will collude with the respondent's story (laugh at his jokes, agree that maybe she is crazy, privilege his story over hers, etc.) or suggest that she is lying because she has been drinking, or that she may have “provoked” the violence;
- **Not prioritising safety for victims and offender accountability**: Often women describe situations where attendance by police has left them feeling more unsafe, and where the offender feels more justified in using violence. This can occur when:
 - Inadequate assessments lead to offenders having orders taken out naming them as the aggrieved, or cross-orders being applied for (usually when women have defended themselves from assault – this is an example of the

- point above too, where police officers are looking at the incident in isolation instead of seeking to establish a pattern of behaviour);
- Police do assess the offender as respondent, but then leave him in the home, or take to a home nearby (family member or friend) and he returns home as soon as the police leave;
- Not seeking criminal charges, in conjunction with a DVO application, or not seeking criminal charges in conjunction with a breach of DVO;
- Expecting women to take out their own application for a DVO, even after attending an incident because “there is not enough evidence” (none has been collected);
- Not adding extra conditions to DVO applications, even where a clear need for further protection exists, or not acting adequately to enforce standard orders;
- Police prosecutions not challenging Magistrate’s interpretations of the Act, or advocating adequately for women.

The IWCADV believes that many of the issues outlined above could be at least partially addressed through more consistent and regular training for police officers at all levels of operations (not just first year Constables), and through the application of service models that recognise the benefits of greater collaboration and partnership between the police and domestic violence services. For example, the AIC recently reviewed the Prado model being piloted at Caboolture has a domestic violence specialist worker (employed by the Caboolture Domestic Violence Service) located part-time at the Caboolture police station. This has enabled the development of more collaborative relationships between the two services, and hence a more integrated and effective response for women and children experiencing domestic and family violence, particularly in addressing immediate risk and safety. This model has also recently introduced greater integration between the local Child Safety CSSC, along with the QPS and DV service. While more work needs to be done at addressing long term safety (**particularly offender accountability**) and stability for women and children affected by domestic violence, it is a great starting point (Meyer, 2014). Another example of more integrated work offering the opportunity for greater partnerships, understanding and service integration, **leading to improved services for our client group** occurs in Canberra and has been running for several years. In that model, domestic violence specialist workers (both men and women) attend DV callouts with police 24 hours per day. They wait outside while police make an initial assessment, secure the scene and potentially take the predominant aggressor into custody. At that point the DV workers enter the home, assess risk and plan for safety with the victim, including scoping the possibility of refuge placement. This model provided for both services to learn from each other about the nature of each other’s work, build strong partnerships and improve service integration. There are many more models like this working around Australia and worldwide.

Recommendation 14:

That the *Domestic & Family Violence Protection Act 2012* be administered in line with its stated objects and principles, particularly the recognition of the gendered nature of domestic violence, and the pro-investigative framework that are articulated in the Act.

Recommendation 15:

That the QPS overall commit to ongoing training in domestic and violence, for all operational staff and their superiors, and that this is delivered in collaboration with local domestic violence services, or an expert nominated by them.

Recommendation 16:

That there be greater integration between domestic violence services and the QPS using mechanisms described above such as placing DV specialist workers on site/in teams with police officers or other collaborative models.

Magistrate's Courts

Magistrate's courts are a critical component of the overall community response to domestic and family violence. They provide a clear opportunity to uphold community standards in relation to domestic violence, and also to hold offenders of violence accountable for their actions. When this occurs, individually it makes women and children safer and more broadly it creates a safer society for us all. Magistrates' courts have also been very responsive over the years to the continuous challenges and changes to legislation, funding, service delivery models, and policy direction. For example, the Richlands Magistrate's Court has led the way in providing telephone interpreters at domestic violence mentions using modern technology, and this has provided a great benefits: it has streamlined the process; ensured the both respondents and aggrieveds are aware of the intent, meaning and consequences of an order, and; most importantly, have ensured the improved safety of women as an outcomes of the process.

However, like most of the systems responding to domestic and family violence, there remains room for improvement. As previously outlined, specific training to all services responding to domestic violence is critical in moving forward. For Magistrates Courts, this means registry staff, and other volunteers, including Justices of the Peace being trained and supported to understand:

- the nature and dynamics of domestic violence;
- presentation of both offenders and victims;
- the importance of sensitive and timely information sharing and appropriate referral (they are sometimes ‘first responders’ in a sense);
- identifying and managing potential risks.

Regular and professional training about domestic and family violence for legal professionals and Magistrates is also indicated. Our service provides court support at the four Magistrates courts in our region (two of them on a weekly basis), which affords us the opportunity to witness many interactions between victims of domestic violence, legal professionals and Magistrates. While it is clear that most people are caring and focused on doing the best job that they can, it is often apparent that many professionals are acting without a clear understanding of the risk factors present, nor how to respond effectively and safely to domestic violence risk. This leads to actions such as:

- Lawyers encouraging aggrieved women to agree to an “undertaking” that the respondent not commit domestic violence and withdraw their private domestic violence protection order application;
- Magistrates not adding specific requested conditions, even in the presence of a great deal of risk;
- Within the court room, both Police Prosecutors and Magistrates failing to respond to clear threats of future violence with an immediate breach of the order just made – this would send a clear message of both offender and systems accountability.

The other main issue currently encountered in the Magistrates courts is the lack of clarity about their role in Family Law proceedings. There is a great deal of inconsistency between individual Magistrates and regional courts regarding their treatment of naming children on domestic violence protection orders. Of most concern is where:

- Magistrates will refuse to name children on orders, even where a clear risk of harm exists. This is often framed as not wanting to “prevent fathers from seeing their children”. However, the *Domestic and Family Violence Protection Act 2012* clearly allows for respondent parents to have contact with named children for the purposes of family law orders, and states that protection orders “should only limit contact between parent and child to the extent necessary” to ensure safety. Even more importantly though, the Act (Section 78(2)) clearly states “*However, the court must*

not diminish the standard of protection given by a domestic violence order for the purpose of facilitating consistency with a family law order.”

- Magistrates request/order parties out of the court to develop a “consent order” relating to children’s contact. On a number of occasions we have witnessed parties to a matter being sent out of the court, sometimes with other staff such as Police Prosecutors or domestic violence support workers, with the instruction that the Magistrate will only hear the order when they return with an “agreement/parenting plan regarding the children”. This practice is extremely unsafe for both women and children, and is breach of the Family Law Act 1975. The Family Law Act 1975 (Section 63C:1A) clearly states that *“An agreement is not a parenting plan [and therefore not legally enforceable] for the purposes of this Act unless it is made free from any threat, duress or coercion”*. Further, the principles of justice reinforce the importance of both parties being fully informed in the process of making an agreement.

As outlined above, greater consistency of practice and awareness of risk indicators and safe responses would greatly improve outcomes for women and children in relation to domestic and family violence. Justice responses are also an integral element of ensuring offender accountability, and therefore reducing the incidence of violence in our community over time.

Recommendation 17:

That regular training of all court staff (including Registry staff, volunteers and Justice’s of the Peace), legal professionals and the Magistracy about the nature, dynamics and risk indicators of domestic and family violence occurs, and is provided by specialist domestic violence workers.

Recommendation 18:

That all Queensland Magistrates, Registrars and senior legal officials be fully and immediately instructed regarding the operation and integration of the Queensland Domestic and Family Violence Protection Act 2012 and the Family Law Act 1975 (with relevant amendments), and that the priority focus on safety outlined in both Acts be highlighted.

Victim Assist Queensland

Victim Assist Queensland (VAQ) offer a range of important services to Queensland victims of crime, and also administer compensation monies within defined statutory requirements. Since the changes to the legislation in 2009, they have also demonstrated a commitment to

providing compensation to victims of domestic violence specifically, in line with their statutory and administrative requirements. While our service is extremely supportive of these developments, and has also experienced the organisation as being open to feedback and flexible within existing constraints, our clients have experienced a number of issues in attempting to access support and financial compensation. The main issues are:

- Assessment Processes: Both our clients and staff have experienced the assessment process as both cumbersome and time-consuming. The form that needs to be filled in is 14 pages long, and many of the questions are confusing or require extensive additional information. Our staff have been trained in how to fill in these forms and still encounter a number of difficulties. Also, due to the nature of our work, and the priorities of women in crisis, while many women would be eligible for financial compensation and really need the support, they have neither the time nor the energy to devote to such a process, especially when achieving safety and stable accommodation is often the priority.
- Approval Times: The experience of many of our clients in making applications has been waiting for several months to be told that they have been approved. This is a long time to wait for women who are often bearing multiple financial costs of the violence against them, such as difficulties finding secure accommodation, medical bills for family members, counselling and other emotional recovery needs, even lack of clothing or other household items (often damaged, destroyed or stolen by the offender as a function of the abuse).
- Understanding of the dynamics of domestic violence: All of the workers at VAQ are working very hard, and making tough decisions on a daily basis. The experience of our clients is that many of the assessors and support staff are very supportive of them personally, and reasonably well aware of the dynamics of domestic violence. However, a number of our clients have had some negative experiences, including being treated with disbelief regarding their story of violence, being questioned about why they stayed in a violent relationship or did not report the violence to police or doctors (in a judgemental way) or being made to provide a lot of “evidence” of abuse. This is problematic, as domestic violence is by definition often a ‘private’ crime with limited demonstrable ‘evidence’, but this does not necessarily mean it did not and does not happen. We recognise the limitations of workers who have to meet the evidentiary requirements required to administer a fund such as this, but maintain that victim compensation is (quite rightly) a “**beneficial fund**” and where there is doubt, benefit of the doubt should go to the victim.
- Offender Debt Recovery: For a category of our clients who are at high risk, even years after ending a violent relationship, or who may still be in touch with the offender (for example, due to family court orders requiring contact with children be maintained), the prospect of VAQ seeking the recovery of compensation monies paid out from

offenders is a critical barrier in seeking compensation. Victims are concerned that this process could trigger further violence, or escalate existing violence, and this fear is enough to prevent them even making an application. While the IWCADV strongly supports the concept of offender accountability, this is not an abstract concept and should only be applied where it is safe to do so. Safety should be the primary consideration at all time in relation to actions regarding domestic violence.

In order to address some of the issues outlined above, the IWCADV proposes that VAQ and JAG consider developing a differential response model in assessing applications for compensation. This recognises that while all assessments are potentially complex, where there has been a conviction or charge, the process is more straightforward and requires less “judgement” of behalf of the assessor. In general terms, a differential response model may be 2- or 3-tiered with:

1. Standard Assessors – professional assessors who would process the more straightforward cases, and seek support or review from senior assessors when required.
2. Complex Case Assessors – professional assessors with more experience, and training specific to particular areas, including domestic and family violence, who handle cases that require a greater level of discretionary judgement and specialised training.
3. Senior Assessors – very experienced professional assessors who have case review and oversight, provide supervision, and may make assessments on extremely complex cases or sensitive cases requiring discretionary judgement.

Recommendation 19:

That the application process for access to victim compensation be reviewed, simplified and streamlined in order to make the process more accessible and timely, and also to make the distinction between statutory requirements and policy requirements in the process.

Recommendation 20:

That workers are fully and regularly trained in the dynamics of domestic violence, the presentation of victims and offenders, and the ongoing risk indicators, and that workers are supported in various ways to apply this knowledge meaningfully to cases.

Recommendation 21:

That Victim Assist Queensland consider a differential assessment process for domestic violence cases as outlined above.

Recommendation 22:

That Offender Debt Recovery in domestic violence cases is only sought with victim consent and where it is deemed safe to do so.

Conclusion

Overall, there are many current examples of best practice in relation to responding to domestic and family violence in Queensland, and it is heartening to see the progress that has been made in many areas in the last few decades. However, we are at a critical juncture in relation to our responses to domestic violence. The current period represents an excellent opportunity to move to more integrated service responses to domestic and family violence – service responses that centralise victims’ voices, prioritise safety, and ensure that offenders are both held accountable and offered an opportunity to change.

Further, it is important to note that while enhanced service integration and collaborative models improve services, and tend to save work and time down the track, collaborative work **is not cost neutral** and does require an investment of time and resources. Even more critically, women’s safety in the context of domestic violence is not a one off or short term event and does not occur in a vacuum. It will require investment in multiple arenas, such as victim (adults and children & young people) support, housing, education, legal advice and support, employment and wellbeing opportunities and a greater concentration on holding offenders accountable in order to really intervene consistently and effectively in the long term.

Summary of Recommendations

Recommendation 1:

That agencies working within the criminal justice and community safety arena, commit to providing specialist domestic and family violence training to all frontline workers and their supervisors.

Recommendation 2:

That any comprehensive induction and training package provided explicitly allows for the inclusion of training delivered by specialist domestic violence services, or someone recognised as an expert by that service.

Recommendation 3:

That some specific frontline roles be supported to complete the '*Course in Responding to Domestic and Family Violence*' (30949QLD) and attend regular domestic violence training provided by the Regional Domestic Violence Service in order to maintain professional currency and relationships with the broader service sector.

Recommendation 4:

That the criminal justice and community safety sector develop a shared risk assessment tool, in collaboration with nominated representatives from the specialist domestic violence sector. A working group with representatives from a number of different agencies may be the most effective and timely option for addressing this.

Recommendation 5:

That the criminal justice sector develop mechanisms that identify when information should be shared with each other and with specialist services, and that they also develop clear pathways and processes that enable this.

Recommendation 6:

That any processes or procedures developed are embedded into policies and protocols, and are framed as directives from the leadership of relevant agencies and sectors.

Recommendation 7:

That the Department of Justice & Attorney-General, the Queensland Police Service, the Magistrates Court of Queensland and the Department of Corrections make public and funded commitments to collaborative work with specialist domestic violence services and their communities in which they reside.

Recommendation 8:

That the Department of Justice and funding bodies for other associated support services prioritise the development of Coordinated Community Responses at a local level in each region. This would include both a commitment of time, personnel, funding and other resources.

Recommendation 9:

That the Queensland Police Service demonstrate a greater commitment to the pro-investigative framework outlined in the Domestic & Family Violence Protection Act 2012, including ensuring criminal charges for offences of domestic violence are pursued.

Recommendation 10:

That Men's Behaviour Change Programs are more comprehensively funded, and that the number of programs offered in Queensland is significantly increased.

Recommendation 11:

That any new Men's Behaviour Change Programs funded are administered by local Domestic or Family Violence specialist services, and are delivered as part of an embedded or established CCR. Where a robust CCR does not exist, resources (such as training, funded positions, clear leadership support) should be provided to ensure the development of one.

Recommendation 12:

That clear standards outlining what information is required to be shared with clients, and how and by whom it should be shared are developed and enforced. Minimum requirements of information sharing include client rights, confidentiality, actions taken by services and the reasons and rationale for any decisions or actions (or lack of action).

Recommendation 13:

That clear and transparent protocols regarding duty of care and risk reduction exist between key services that provide for the sharing of information in clearly defined circumstances in order to protect women, children, young people and the broader community.

Recommendation 14:

That the *Domestic & Family Violence Protection Act 2012* be administered in line with its stated objects and principles, particularly the recognition of the gendered nature of domestic violence, and the pro-investigative framework that are articulated in the Act.

Recommendation 15:

That the QPS overall commit to ongoing training in domestic and violence, for all operational staff and their superiors, and that this is delivered in collaboration with local domestic violence services, or an expert nominated by them.

Recommendation 16:

That there be greater integration between domestic violence services and the QPS using mechanisms described above such as placing DV specialist workers on site/in teams with police officers or other collaborative models.

Recommendation 17:

That regular training of all court staff (including Registry staff, volunteers and Justice's of the Peace), legal professionals and the Magistracy about the nature, dynamics and risk indicators of domestic and family violence occurs, and is provided by specialist domestic violence workers.

Recommendation 18:

That all Queensland Magistrates, Registrars and senior legal officials be fully and immediately instructed regarding the operation and integration of the Queensland Domestic and Family Violence Protection Act 2012 and the Family Law Act 1975 (with relevant amendments), and that the priority focus on safety outlined in both Acts be highlighted.

Recommendation 19:

That the application process for access to victim compensation be reviewed, simplified and streamlined in order to make the process more accessible and timely, and also to make the distinction between statutory requirements and policy requirements in the process.

Recommendation 20:

That workers are fully and regularly trained in the dynamics of domestic violence, the presentation of victims and offenders, and the ongoing risk indicators, and that workers are supported in various ways to apply this knowledge meaningfully to cases.

Recommendation 21:

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