

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane. Qld 4000

To Whom it May Concern

This submission is prepared by the Brisbane Domestic Violence Service staff and women who access the service in response to the Inquiry on strategies to prevent and reduce criminal activity in Queensland.

The Brisbane Domestic Violence Service (BDVS) is a free and confidential service for people in the Brisbane Metropolitan area who are affected by domestic and family violence. The service supports women, children, family members, same sex couples and others.

BDVS' goal is to support women and children to reach a stage where they are safe and free from fear of domestic and family violence. We provide a range of services, including information and referral, crisis support, practical assistance, advocacy, counselling and emotional support.

Brisbane Domestic Violence Service is an activity of Micah Projects a not for profit organisation located in Brisbane .

Interactions with Queensland Police Service

For many women involvement with Queensland Police Service is often their first interaction around seeking safety and support as a victim of domestic violence. Trained, competent, timely and consistent Police responses across Regions is key to ensuring the safety and engagement of victims of domestic and family violence and importantly holding those perpetrating violence accountable for their actions.

For example, women say:

- *I called the Police a number of times and they would attend but leave without taking any action. Each time this happened, it handed more power to him.*

- *The police put responsibility on me to be safe, they told me that I should leave the house for the night to let him calm down.*
- *I have had to go hospital twice as it is the only place while I am pregnant that I feel safe going to as they won't take my partner away when he harasses me*
- *I was told that unless it is physical, they (Police) cannot do anything.*
- *The best response I had from the Police was when he threatened the police.*
- *There is no continuity amongst Police. It depends on who you get, some can be great and some aren't. They should all be the same, you should get a good response no matter who you get and what station you go to.*
- *I felt I had to know my rights to get a good responses.*
- *I felt very judged when I had protected myself (sometimes physically)*
- *The onus is on the victim to prove it happened instead of the perpetrator proving it didn't*

For many women, their safety continues to be compromised once they have a Domestic Violence Protection Order. The process for women to report a breach of a domestic violence orders is often characterised by inconsistent responses, lack of response and lack of information.

For example women say:

- *If I have gone to the trouble of applying for a DVPO and I'm fearful enough to apply for one, the police need to take the same perspective and back up breaches immediately.*
- *To date I do not know what penalty has been issued to my ex-husband for breaching my protection order. I was informed by the police that he was charged and would be appearing in court. When I asked when this would be the police officer said that it was of "no concern to me as I did not have to appear in court". I think he totally missed the point. My children still see him so there is face to face contact every week and I need to know what and how he is going to behave towards me and in front of the children. I have to keep recording every changeover to ensure my own safety and that of the boys. The next time he breaches the protection order I will be going to another police station to report it. I don't feel comfortable or supported by the officer's at that Station.*

- *When it comes to domestic violence I do not think very highly of the police (the ones I had to personally deal with), I felt like I was wasting their time. I had to keep going back to the station and reporting breaches (on each occasion I spoke with a different police officer – there was no continuity at all. I don't think police truly appreciate the devastating effect that domestic violence has on the aggrieved and their immediate family. I had to stand my ground for 3 hours at the front counter of the Police Station before I finally convinced the Constable on front desk duty that my protection order had been breached.*

Women do report positive and effective responses from Police, often the result of interactions with Domestic and Family Violence Co-ordinators. These specialised officers can provide information, enact responses and oversee actions by other officers. However their role is often limited with only five located in the Brisbane Region. These officers face their own challenges from volume of work, battling inherent cultural within the QPS and Justice systems.

- *Domestic and Family Violence Co-ordinators have been a helpful QPS resource in assisting me with the writing of a private applications (Domestic Violence Protection Order).*
- *The police came to my home to help me feel safe when my ex was coming over to pick up his property. This made me feel more confident to call them again. The police even sent patrol cars out to her area to keep an eye on her.*

The Courts

Womens' experiences with the court system are often characterised by confusion, intimidation, lack of autonomy and understanding of processes. Timeframes to obtain orders and access to quality legal support are key themes that women expressed:

- *I felt more abused and violated through the legal and court system than I ever did in the relationship. It was his ultimate tool, if I had known how bad the court system was going to be I would have fled instead.*
- *The length of time between making application to the court for a protection order and actual appearance in court is very lengthy. In my case only a temporary protection order was given initially. I then had to wait another 6 weeks before I appeared in court to then be told the case was going to trial. I had to wait another 6 weeks to go to trial to get a 2 year protection order granted.*

- *I felt that it was too hard to get Legal Aid, when I did get legal assistance I felt very pushed and brushed off. I really felt I was only given the minimum of service as it was “just a DV case”.*
- *As I could no longer afford any legal fees and my experiences with legal aid lawyers were so poor I had to learn the legislation myself and self-represent. He was able to afford barristers at each court hearing.*
- *Private lawyers too expensive I am “asset rich but cash poor”, we had a mortgage together so because of this I wasn’t able to access free legal representation because of the asset pool.*

The lack of continuity and understanding between court systems and perceived lack of acknowledgement of domestic violence issues in family law proceedings is seen as a key issue for women in both perpetuating systemic violence and more importantly in placing their children at continued risk of harm.

- *I learnt that court was about who could tell the biggest lies and afford the best lawyers. His affidavits contradicted themselves but it didn’t even seem to matter.*
- *It is not a fair justice system when someone can afford good legal representation and someone else cannot*
- *There are too many courts and no consistency across the courts. I had several different magistrates, one for my domestic violence application and another for all my family law. They didn’t know what was happening between both the courts and how both issues affected each other.*
- *My Family Court Orders are not clear enough and he continues to manipulate orders to restrict my contact with my child.*

For women who reported more positive experiences of the justice system there were several key themes that emerged:

- Timely access to specialised legal services for initial advice and information
- Access to high quality, trained legal representation.
- Support and practical assistance to navigate systems such as
 - Completing forms
 - Understanding language and terminology
 - Emotional and practical support

Women said:

- *I would suggest that lawyers be rated and recommended*
- *Without support services I would have fallen apart. I had nowhere to go, nowhere to get support and help. More people need to know about support services*

Social and Economic Impacts of Domestic Violence

The social and economic impacts of domestic violence on a victim of domestic violence are significant, ranging from mental health, post-traumatic stress and social isolation. The financial impacts range from loss of income from employment/ reliance on Centrelink payments through to loss of housing or homelessness and its financial impacts.

Womens examples include:

- *When you are crushed emotionally and financially it's very hard to keep going and fighting the systems.*
- *I could not work or continue to work full time and still complete all the stuff needed for court.*
- *Over two years I've been to 4 different types of court. Between paperwork, court dates and contact arrangements I've not been able to work.*
- *All of our assets were in his name so at the end of property settlement I was left with nothing. I am now in more financial hardship then when I started.*
- *He is still not being made to pay child support, so I'm still left with little disposable income.*
- *Child care is expensive, so as a single mother, it is not viable for me to work as most income is spent on child care. I've gone from working fulltime to being reliant on what little money I can get from the government.*
- *I felt isolated, ashamed and suffered for years and years – support services made a difference.*
- *It was hard to talk to friends because they don't understand DV very well.*
- *DV doesn't go away, it doesn't stop. There is no more trust. I don't think I will ever have another intimate relationship.*
- *I've had to give up work to keep my child in one piece.*
- *I've had to move out of our home and am now renting, money is very tight*
- *We currently live with my elderly parents which is not really ideal but we have no other option available to us. I cannot move forward on property settlement as I cannot afford the costly legal fees.*
- *I had to leave our home and move into crisis accommodation. I have been left with all the debts, rent, electricity, damage to the property. He isn't made responsible for anything.*

Key Recommendations:

Victim recommendations:

- Why is DV still treated as a civil matter when it would be criminal if it occurred on the street between unknown parties?
- Police should give women a DV package regardless of what Police action is taken. When the police attend a DV callout women can know where they can get support and can assess their situation when they are not in a heightened state.
- Increase accountability for perpetrators of violence – ensure that Police are adequately trained and respond at all points of contact particularly for breaches
- Retain and increase the number of specialist Domestic and Family Violence Coordinators
- Increase access to legal support and simplify application processes
- Legal aid lawyers should be rated on a 5 star rating and it should state who has worked in domestic violence before, so people know what they are getting. You should get to pick a lawyer who specializes in DV and they should have to be recommended.
- Ensure access to specialised support services to provide practical assistance and support to navigate systems and assist with recovery from domestic and family violence

Service Recommendations:

- Investment in Co-ordinated Community Responses
- Organisational development and response from QPS
 - programmed responses to outstanding breaches
 - pathway co-ordination with Probation and Parole
 - high risk response pathways
 - co-ordination with current referral pathways (Supportlink)
- Investment in responses for high risk victims of domestic and family violence in collaboration with specialist domestic violence services. Joint outreach model of support following incident or repeat call outs. <http://www.seattle.gov/police/vst/>
- Integrated domestic violence courts - are “one family/one judge” courts that respond to the unique nature of domestic violence with one judge handling all criminal domestic violence cases and related family issues, such as custody, visitation, civil protection orders and matrimonial actions. Integrating criminal and civil response systems is the critical next step in improving victim safety and offender

**Brisbane Domestic
Violence Service**

AN INTEGRATED APPROACH

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accountability. <http://www.courtinnovation.org/project/integrated-domestic-violence-court>

In conclusion we thank you for the opportunity to provide input in to assisting the Legal Affairs and Community Safety Committee in examining strategies to prevent and reduce criminal activity in Queensland.

Regards

Karyn Walsh | Coordinator

