



SUBMISSION TO THE SOUTH AUSTRALIAN  
ATTORNEY-GENERAL'S DEPARTMENT

# Domestic Violence Discussion Paper

SEPTEMBER 2016



## VICTIM SUPPORT SERVICE

Victim Support Service (VSS) is a statewide not-for-profit organisation in South Australia that has been providing practical and therapeutic support to victims and witnesses of crime in South Australia since 1979.

We offer people who have been affected by crime:

### Safety

- Free and confidential services
- Safety assessments and home security upgrades
- Assistance with Intervention Orders

### Support

- Information and referrals through our 1800 VICTIM Helpdesk
- Supportive and therapeutic counselling
- Face-to-face, telephone and outreach services
- Assistance with Victim Impact Statements
- Support for co-victims of homicide
- Support services funded by the Royal Commission into Institutional Responses to Child Sexual Abuse
- Fact sheets and brochures
- Resource Centre

### Justice

- Legal advice regarding intervention orders
- Support to navigate the criminal justice system, including Court Companions
- Information about Victims of Crime Compensation
- An amplified voice through our research, advocacy, media and training

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## LIST OF RECOMMENDATIONS

Victim Support Service (VSS) makes the following recommendations to the Government of South Australia in response to the Domestic Violence (DV) Discussion Paper:

**RECOMMENDATION 1:** That the Government of South Australia invests the projected cost of the proposed DVDR in other, more effective crime prevention strategies to protect victims and potential victims of DV.

**RECOMMENDATION 2:** That the Government of South Australia works with Victim Support Service and the DV Coalition to estimate the amount of additional funds required to adequately resource support services for victims, or potential victims, beyond a crisis response, (i.e. counselling, home security, legal services, stable accommodation options).

**RECOMMENDATION 3:** Intervention orders should continue without an end date. All situations of domestic violence should be exempt from having an expiry date placed on an intervention order. i.e. The *Intervention Orders (Prevention of Abuse) Act 2009* should not impose a fixed time limit for all orders. The court should not be given discretion to impose a time limit that it deems appropriate.

**RECOMMENDATION 4:** The *Intervention Orders (Prevention of Abuse) Act 2009* should be amended to enable confirmed Intervention Orders to be varied by police if it appears to the police officer that there are grounds for issuing the order and the defendant is present before the police officer or in custody to reinstate greater levels of protection.

**RECOMMENDATION 5:** Section 12(1)(a)-(d) of the *Intervention Orders (Prevention of Abuse) Act 2009* (i.e. non-contact clauses) should be amended to include the following:

*Notwithstanding the terms of the order contact is permitted at dispute resolution or at a court hearing under the Family Law Act 1975, the Children's Protection Act 1993 or at any other court or tribunal hearing.*

*Notwithstanding the other terms of this order contact is permitted in accordance with an order or a court exercising jurisdiction under the Family Law Act 1975.*

*Notwithstanding the other terms of this order contact is permitted by a solicitor or police.*

**RECOMMENDATION 6:** Section 21(4a)(a) of the *Intervention Orders (Prevention of Abuse) Act 2009* should apply to private applicants such that, like police, private applicants are not bound by the rules of evidence.

**RECOMMENDATION 7:** Greater disincentives for breaches of an intervention order by failing to attend or complete a court mandated intervention program should be built into the *Intervention Orders (Prevention of Abuse) Act 2009*. The current fine and expiation fee are inadequate and do not achieve the object of the Act (s 5) to assist in prevention of domestic and non-domestic abuse.

**RECOMMENDATION 8:** SAPOL practices should include better supports for people who may be at risk and requiring protection but who do not meet the current SAPOL policy threshold for a police-issued interim intervention order.

**RECOMMENDATION 9:** Justice, Health and Welfare government agencies should enhance their databases to record identified circumstances of domestic violence.

**RECOMMENDATION 10:** The Government of South Australia should give regard to Recommendation 204 of the *Royal Commission into Family Violence Final Report and Recommendations* (Victoria).

**RECOMMENDATION 11:** The Office of Crime Statistics and Research in the Attorney-General's Department should receive funding for dedicated resources to collate and analyse the statewide government DV data.

**RECOMMENDATION 12:** South Australia should adopt the definition of family violence from the *Family Violence Protection Act 2008* (Vic).

**RECOMMENDATION 13:** That amendments are made to relevant legislation (e.g. the *Evidence Act 1929* (SA)) to allow police video recordings to be admissible as evidence.

**RECOMMENDATION 14:** Mandatory training and education for the judiciary, police and prosecutors regarding domestic violence and abuse victimisation and trauma-informed responses to victims of DV.

**RECOMMENDATION 15:** VSS also endorses a strengthening of the *Victims of Crime Act 2001* (SA) whereby s 8 is amended as follows:

*8—Right to information*

*(1) A victim ~~should~~ **must** be informed, ~~on request~~, about the following:*

*(aa) **any protections available to them, should the matter proceed to court***

**RECOMMENDATION 16:** That amendments to Division 9 of the *Evidence Act 1929* (SA) are made to improve confidentiality from client records of victims of domestic violence and abuse.

**RECOMMENDATION 17:** That assessments for drug and alcohol treatment is made mandatory for intervention order defendants as part of the intervention order process.

**RECOMMENDATION 18:** That psychological and/or psychiatric assessments are made mandatory for intervention order defendants as part of the intervention order process.

**RECOMMENDATION 19:** That additional funding is allocated to crime prevention strategies that focus on breaking the link between AOD abuse and violence against women.

**RECOMMENDATION 20:** That evidence-based programs are made available for defendants and protected-persons who are experiencing AOD and mental health issues.

**RECOMMENDATION 21:** That the Australian Government provide increased and ongoing funding for tertiary prevention programs such as Staying Home, Staying Safe (SHSS) that protect victims, and require perpetrators take responsibility for their actions.

**RECOMMENDATION 22:** That free, specialised, trauma-informed services are made available to children who have experienced domestic violence as an early-intervention strategy to help break the intergenerational cycle of abuse. Such services could be funded by the Victims of Crime Fund.

## INTRODUCTION

Victim Support Service (VSS) welcomes the opportunity to comment on the *Domestic Violence Discussion Paper* released by the Government of South Australia in July 2016.

The harm of family and domestic abuse and its associated social and economic costs are significant. On average, at least one woman is killed by her current or former partner each week in Australia.<sup>i</sup> Women are five times more likely than men to require hospitalisation or medical attention because of family and domestic abuse, and are five times more likely to report fearing for their lives.<sup>ii</sup> But these figures understate the significant impact that some individuals' abuse has on others, including children and lost productivity in the workplace.

We commend the Government of South Australia for its commitment to identifying strategies to reduce family and domestic abuse and improve the safety of women and children in our community. In 2011 the Government of South Australia launched 'A Right to Safety' as part of the South Australia's Women's Safety Strategy. The four key themes of the strategy are prevention, service provision, protection and performance.

The Government of South Australia faces an enormous challenge to address the cost of family and domestic abuse in our community. To create meaningful and lasting change for victims and their children, the Government of South Australia must ensure support services that provide counselling, legal support and work with victims to reduce their risk of homelessness are adequately resourced to do so.

It is difficult to reconcile the Government's overt commitment to address DV with the current reluctance to release funds from the Victims of Crime Fund. With more than \$230 million available to 'assist in the prevention of crime or advance the interests of victims of crime', it is time to acknowledge that the release of monies from the Victims of Crime Fund is strongly supported by the community and can meaningfully effect positive change for the people of South Australia.

In the wake of anticipated reductions to Commonwealth National Affordable Housing Agreement (NAHA) funding, there is a strong case to identify new sources of revenue to appropriately fund new and existing strategies to reduce and prevent family and domestic abuse.

Our submission outlines areas where immediate action can be taken to reduce the risk of harm and death to people impacted by family and domestic abuse in South Australia. We promote practical steps that the Government of South Australia can take to reduce the social and economic burden of family and domestic abuse. These recommendations are based on the lived experiences of the people we support who have been impacted by family and domestic abuse.

## TOPIC 1: DOMESTIC VIOLENCE DISCLOSURE SCHEME

1. Who should be allowed to make an application for disclosure?
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3. If a DVDS was introduced in South Australia should it apply only to those in a current intimate relationship, as is the case in the UK, or to both current and former intimate relationships, as is the case in NSW?
4. How should intimate relationships be defined?
5. Should a third party be entitled to make an application on behalf of someone else in South Australia? If yes, in what circumstances should it occur?
6. Should applications be made to South Australian Police or some other agency?
7. Should there be an age limit for both the applicant or person identified and the subject?
8. How should an application be made and who should be the first point of contact?
9. What initial checks should be carried out?
10. What assistance should be made available for people who may need help in completing their application?
11. Should a checklist be developed to ensure that applications are assessed, and support offered, in a consistent manner?
12. What factors should be taken into account in determining whether an immediate disclosure is required?
13. Who should have responsibility for assessing applications for disclosure and making a determination?
14. What sort of risk assessment should occur?
15. What factors should the decision-making body take into account in determining whether or not to make a disclosure?
16. When should information be disclosed?
17. What principles should be considered in making a determination to disclose?
18. What offences should be included? Should they relate to domestic violence convictions only or should convictions for other offences be included? Should allegations be included?
19. What offences should be excluded? For example, should spent convictions or juvenile convictions be disclosed?
20. Should current and/or prior intervention orders be included?
21. If current and/or prior intervention orders are to be included, should there be an assessment of the level of risk posed by that order before determining whether a disclosure should be made?
22. What information should be disclosed? Should disclosure be limited to the existence of a relevant offence or an intervention order or should further details be disclosed, for example, the date of the offence, the facts of the offence and any sentence imposed?
23. Who should make the disclosure and where should it occur?
24. Should information be able to be disclosed to a third party?

25. Once disclosure has occurred, what sort of support should be made available to the person?
26. Should the subject be informed of a disclosure? If so, in what circumstances and should the subject have a right to appeal a decision to disclose?
27. Should there be safeguards in place to protect against the misuse of information once it has been disclosed? For example, should the person receiving the disclosure be required to sign an undertaking that they will not share or misuse the information provided?
28. What should the process be if a decision is made not to disclose information?
29. Should the applicant have a right to appeal a decision not to disclose?
30. Should the at risk person be referred to appropriate support services? Should these support services be present when the at risk person is advised that no disclosure will be made?

### **THE DEVELOPMENT AND IMPLEMENTATION OF A DOMESTIC VIOLENCE DISCLOSURE SCHEME IN SOUTH AUSTRALIA**

We commend the Government of South Australia for looking to other jurisdictions for evidence-based strategies to address family and domestic abuse in our community and improve the safety and support of victims. However, the development and implementation of a Domestic Violence Disclosure Scheme (DVDS) in South Australia based on similar models developed in the United Kingdom (UK) and New South Wales (NSW) requires a number of risks to be considered.

It is our understanding that the primary objectives of the UK DVDS are to reduce incidents of domestic violence, and to strengthen the ability of police and agencies to provide appropriate protection and support to victims of family and domestic abuse. Similarly, the NSW scheme ‘aims to increase the safety of people potentially at risk of domestic violence and holds perpetrators to account’.<sup>iii</sup>

However, we note the UK and NSW models have not been adequately evaluated to assess the impact they have had on improving the safety of victims or reducing the prevalence of family and domestic abuse in their respective communities. The impact of the DVDS in both the UK and NSW is unknown. This is in part because the UK Pilot evaluation focussed on processes rather than outcomes. It was not designed to consider any impact the scheme may have had on victims.<sup>iv</sup>

It is difficult to accept, therefore, that the development and implementation of a DVDS in South Australia, and the significant resource commitment required to be invested in such a scheme, will have a meaningful impact on addressing domestic abuse and improving the safety of victims, including their children. It is not clear what, if any, impact a DVDS in South Australia would have on victims’ safety and the prevalence of domestic violence in our community.

### **‘IF SHE KNOWS HE IS A PERPETRATOR OF DOMESTIC VIOLENCE, WHY DOESN’T SHE JUST LEAVE?’: THE IMPACT OF VICTIM-BLAMING**

The proposed scheme demonstrates a narrow understanding of the complexities of family and domestic abuse. The DVDS puts the onus on the victim to change their behaviour instead of the perpetrator. It is based on the assumption that once a person is informed of their partner’s history they will make ‘an informed-decision’ to leave the

relationship, which begs the question, 'If she knows he is a perpetrator of domestic violence, why doesn't she just leave?'

Leaving an abusive relationship is not straight-forward and strategies that focus on why a woman<sup>1</sup> does not leave, rather than why a man is violent or abusive, makes it harder for women to live their lives free from violence.

Victims of domestic violence face many barriers to leaving an abusive relationship, including having nowhere to go, or a lack of financial resources, isolation from their family, friends and other supports, or the fear of losing their children to child protection services.<sup>v</sup>

At the point a victim intends to leave an abusive relationship, many victims worry about the very real risk of homelessness and may also be concerned about further or escalating violence. They are right to be worried: research shows that abuse and violence are more likely to escalate when the relationship ends. Women are at the highest risk of being killed by a partner or ex-partner when trying to leave the relationship, and just having left an abusive partner.<sup>vi</sup>

Many of the women we support make several attempts to leave before they are able to do so successfully. It is, therefore, extremely important that support services for victims of domestic violence are adequately funded in South Australia.

Failing to adequately fund support services puts victims of domestic violence at risk of homelessness, serious injury and death.

## THE COST OF A DVDS

The *Domestic Violence Discussion Paper* states, 'A DVDS would aim to reduce the incidents of domestic violence and strengthen the ability of police and agencies to provide protection and support to victims of abuse'.

Cost estimates outlined in the UK DVDS Assessment Report indicate the average cost of a DVDS application is AUD\$1,296.<sup>2</sup> This figure is based on the estimated time required of police officers and other agency workers at each stage of the process to perform research and checks on a request, as well as attendance at a decision-making forum and delivering a disclosure. According to the Home Office (UK), 'these costs are likely to be underestimates because of conservative assumptions about the time taken on certain stages of the process'.<sup>vii</sup> The estimated average cost of a DVDS application did not include training costs.

The Home Office (UK) estimated the DVDS would generate approximately 4,302 applications at a cost of AUD\$5.7 million each year in the county of Wiltshire (population: 684,000).<sup>viii</sup> It is worth noting that this estimate only considered the direct costs of the scheme and did not include any additional funds to adequately resources support services for victims, or potential victims, following a disclosure.

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<sup>1</sup> VSS acknowledges that men are also victims of domestic violence. However, in the main, DV is a gendered violence with the majority of victims of DV being female. In addition, our Women's DV Court Assistance Service has been specifically funded to support women who have experienced DV. As a result, we will generally refer to victims of DV as women in this section.

<sup>2</sup> 1 British Pound equals 1.75 Australian Dollar as at 6 September 2016.

If we extrapolate this to South Australia's population of 1,698,000 (disregarding differences in geographical size and presuming the application rate to be similar), we would estimate 10,679 applications at a total cost of \$13,840,666.

An [Impact Assessment of the UK DVDS](#) estimated that it 'would have to reduce [the] total costs of domestic violence and abuse by 0.02% to break even, [which is] equivalent to preventing domestic violence and abuse in around a third of cases going through the scheme.'<sup>ix</sup> The economic analysis of the UK pilot indicates 'that the net economic and social impact... is equivalent to a return of 23 pence for every pound spent...'<sup>x</sup>, or a return of 40 cents for every Australian dollar. **This is a negative return on investment.**

We acknowledge the DVDS model proposed for South Australia is resource intensive for police, but it must also be recognised that it will be resource intensive for victim services following a disclosure. The *Domestic Violence Discussion Paper* does not articulate clearly how the costs to victim services will be adequately addressed should a DVDS be developed and implemented in South Australia.

VSS does not support investing the substantial resources required for this scheme (projected at almost \$14 million based on UK data) when there exist other more effective strategies and interventions that could reduce DV and better protect victims of DV.

#### **RECOMMENDATION 1:**

That the Government of South Australia invests the projected cost of the proposed DVDR in other, more effective crime prevention strategies to protect victims and potential victims of DV.

#### **RECOMMENDATION 2:**

That the Government of South Australia works with Victim Support Service and the Coalition of Women's DV Services SA to estimate the amount of additional funds required to adequately resource support services for victims, or potential victims, beyond a crisis response, (i.e. counselling, home security, legal services, stable accommodation options)..

## TOPIC 2: EXPIRY DATES ON INTERVENTION ORDERS

1. Should the current legislation be amended to impose an expiry date on intervention orders?
2. Should the Act impose a fixed time or should the court be given the discretion to impose a time limit that it deems appropriate (or both)?
3. If a time limit is thought to be appropriate, what time limit is considered appropriate?
4. Are there certain types of situations of domestic violence that should be exempt from having an expiry date placed on an intervention order?
5. Should only those orders that are consented to by a defendant expire after a certain period of time?

### WOMEN'S DOMESTIC VIOLENCE COURT ASSISTANCE SERVICE (WDVCAS)

VSS is funded by the South Australian Office for Women to deliver the Women's Domestic Violence Court Assistance Service (WDVCAS). WDVCAS directly assists victims of family and domestic abuse to navigate legal matters regarding intervention orders. This is a free, confidential service. Our lawyers provide support and advocate on behalf of women who need help to apply for an intervention order, vary an existing intervention order, or raise safety concerns.

WDVCAS provides a greater level of support within the court system for women who experience family and domestic abuse. Since its inception in July 2015, the WDVCAS has assisted more than 450 women.

WDVCAS is based on the premise that intervention orders can successfully keep women and their children safe. While there is no doubt that intervention orders can assist in promoting the safety of families, they are best used as one of a range of strategies to promote the safety of women and children.

### THE STRENGTH OF AN SA INTERVENTION ORDER IS ITS LONGEVITY

VSS strongly disputes any expiry dates on intervention orders in South Australia. Currently, the ongoing nature of Intervention Orders in South Australia is a key strength of the South Australian model and an element that brings women seeking greater protection to South Australia from other Australian jurisdictions.

The existing legislation provides rights for the defendant to request an Intervention Order be revoked while also providing protection for the protected person(s). Under s 11 of the *Intervention Orders (Prevention of Abuse) Act 2009*, an intervention order is ongoing and continues in force until it is revoked. A defendant may apply for an Intervention Order to be varied or revoked after 12 months of the date of issue (s 15). When an application to revoke is filed, the applicant is dealt with pursuant to section 26(4). These considerations are generally in favour of the protected person and we do not see any reason to amend these provisions or to introduce an expiry date.

## ADMINISTRATIVE BURDEN OF INTERVENTION ORDERS

The discussion paper proposed that by not having an expiry date, intervention orders may criminalise behaviour that is otherwise lawful.

A key strategy to ensure that Intervention Orders are revoked, should the defendant no longer present a risk of harm to the protected person(s), is to ensure that all parties are aware of their rights and obligations under the *Intervention Orders (Prevention of Abuse) Act 2009*.

VSS struggles to see how maintaining a record of ongoing Intervention Orders by SAPOL and the CAA is particularly arduous given neither agency is required to monitor the impact or benefit of the Orders *per se*. Indeed, it is not until an Intervention Order is breached that work is required of SAPOL, and significant breaches will illustrate why there is a need for an Intervention Order to be in place and ongoing.

## POLICE POWERS TO VARY A FINAL INTERVENTION ORDER

VSS notes that it is very difficult for a protected person to increase the levels of protection an Intervention Order offers once it has been confirmed by the Court. In some cases, where the conditions allow for contact, over time the risk of harm from the defendant may increase or change. In these cases it is not possible for the police to increase protections under a police-issued Intervention Order. Instead, the protected person must reapply to the Court to vary the conditions (under s 26 of the *Intervention Orders (Prevention of Abuse) Act 2009*).

This means that if there is an instance of domestic violence, the police may issue an interim order on the spot to protect the protected person (s 18 *Intervention Orders (Prevention of Abuse) Act 2009*) in cases where no existing Intervention Order is in place. If there is a confirmed intervention order and it is insufficient to protect the protected person, police cannot vary or amend the conditions on the spot to restrict contact between the defendant and the protected person(s).

VSS supports legislative changes to enable Intervention Orders to be varied by police, on the spot, to reinstate greater levels of protection where risk may have changed over time (i.e. reduced and then re-increased).

## TENSIONS BETWEEN INTERVENTION ORDERS AND FAMILY COURT

There are tension between Intervention Orders and Federal Circuit Court Orders if the Intervention Order prohibits contact (under s 12 *Intervention Orders (Prevention of Abuse) Act 2009*). This is problematic unless s 12 terms of the Intervention Order

*WDVCAS recently acted for a woman who had a confirmed final intervention order from Victoria (Vic). The woman registered her Vic intervention order in South Australia (SA), pursuant to s 30 of the Intervention Orders (Prevention of Abuse) Act 2009 (IO Act SA), prior to the Vic expiry date of August 2015.*

*The defendant made an application to have this revoked after 12 months, as per s 15. The application to revoke was dismissed by the Magistrate who believed that the woman was still at risk of harm from the defendant. The woman is now protected by an ongoing final intervention order in SA where she now resides, despite her Vic intervention order having expired.*

specifically address these issues. If the parties share children then the standard clauses should be as follows:

*Notwithstanding the terms of the order contact is permitted at dispute resolution or at a court hearing under the Family Law Act 1975, the Children's Protection Act 1993 or at any other court or tribunal hearing.*

*Notwithstanding the other terms of this order contact is permitted in accordance with an order or a court exercising jurisdiction under the Family Law Act 1975.*

*Notwithstanding the other terms of this order contact is permitted by a solicitor or police.*

These orders are now common place for private civil intervention orders but are not generally included in intervention orders sought by SAPOL. If they were included in the Act there would be consistency of practices.

Further, Magistrates are resistant to exercising powers given to them pursuant to s 68R of the *Family Law Act 1975*. If they were educated to better understand the scope of this section of the *Family Law Act* then many issues that arise when the parties are in dispute about children could be overcome without further court action.

## **RULES OF EVIDENCE**

Section 21(4a)(a) of the *Intervention Orders (Prevention of Abuse) Act 2009* states that 'if the applicant is a police officer the Court is not bound by the rules of evidence but may inform itself as it thinks fit'. WDV CAS advocates that the evidence to bring a private civil intervention order be the same. Section 21(4a)(a) should apply to private applicants i.e. those other than police officers.

This would allow the stories of abuse seen by children and other evidence that is hard to prove to be submitted to the court.

## **PENALTIES FOR BREACHES OF INTERVENTION ORDERS**

VSS notes that a defendant who breaches an intervention order by failing to attend or complete a court mandated intervention program may pay a fine or expiation notice under s 31(1) of the *Intervention Orders (Prevention of Abuse) Act 2009*.

VSS fails to see how this helps to protect the protected persons. We advocate for the penalty for failing to attend or complete a court mandated intervention program to be something that will reduce the risk of harm to the victim.

Furthermore, it is likely that if the defendant is facing criminal charges for the actions that led to the issuance of the Intervention Order, that they will be unlikely to

*WDVCAS acted for a Client where there was financial abuse as per s 8(5) of the Act.*

*The parties owned a house as joint tenants (i.e. the defendant had as much legal right to the house as the applicant). The defendant was refusing to pay the mortgage and as a result, the bank issued a default notice.*

*WDVCAS helped the client access Centrelink payments and a Child Support Assessment. As a result, she was able to show she could make the mortgage payments.*

*The Magistrate agreed to issue an interim intervention order under s 21 of the Act, removing the defendant from the house. The Client and her four children have been able to stay in the family home for 10 months now.*

*Prior to the Act, the parties would have had to initiate proceedings in the Federal Circuit Court for a final property settlement.*

participate in a DV Perpetrator Program and 'admit' their status as a DV perpetrator. There is a challenge then in creating an incentive for defendants to participate in a court mandated intervention program given that a \$160 fine is little de-incentive not to breach that condition. Furthermore, paying a fine reaffirms the power imbalance between the victim and the offender.

### CONTACT WITH POLICE

The discussion paper includes a flow chart when a domestic violence situation is brought to the attention of police (p. 20). The Flowchart states that if the (protected) 'persons [are] needing protection', police will issue an interim intervention order and lodge it with the court.

VSS disputes this.

In our experience, SAPOL will only issue an interim intervention order where there is a reasonable suspicion of criminal behaviour (e.g. sexual or physical assault). In more complex cases of domestic abuse (e.g. where there is emotional or psychological harm, denial of personal autonomy; refer s 8 of the *Intervention Orders (Prevention of Abuse) Act 2009*), SAPOL will not issue an interim order.

Further, the flowchart completely overlooks the excellent work done by WDVCAS in assisting women to take out private intervention orders.

VSS suggests that to ensure all victims of domestic violence and abuse receive the support they need, the flow chart (and current SAPOL practices) should include a mandatory referral to a domestic violence service (through the DV Gateway) and Victim Support Service for linkages into counselling, WDVCAS and increased home security through our Staying Home, Staying Safe (SHSS) Program.

### RECOMMENDATION 3:

Intervention orders should continue without an end date. All situations of domestic violence should be exempt from having an expiry date placed on an intervention order. i.e. The *Intervention Orders (Prevention of Abuse) Act 2009* should not impose a fixed time limit for all orders. The court should not be given discretion to impose a time limit that it deems appropriate.

### RECOMMENDATION 4:

The *Intervention Orders (Prevention of Abuse) Act 2009* should be amended to enable confirmed Intervention Orders to be varied by police if it appears to the police officer that there are grounds for issuing the order and the defendant is present before the police officer or in custody to reinstate greater levels of protection.

### RECOMMENDATION 5:

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*Notwithstanding the other terms of this order contact is permitted by a solicitor or police.*

**RECOMMENDATION 6:**

Section 21(4a)(a) of the *Intervention Orders (Prevention of Abuse) Act 2009* should apply to private applicants such that, like police, private applicants are not bound by the rules of evidence.

**RECOMMENDATION 7:**

Greater disincentives for breaches of an intervention order by failing to attend or complete a court mandated intervention program should be built into the *Intervention Orders (Prevention of Abuse) Act 2009*. The current fine and expiation fee are inadequate and do not achieve the object of the Act (s 5) to assist in prevention of domestic and non-domestic abuse.

**RECOMMENDATION 8:**

SAPOL practices should include better supports for people who may be at risk and requiring protection but who do not meet the current SAPOL policy threshold for a police-issued interim intervention order.

## TOPIC 3: COMPREHENSIVE COLLECTION OF DATA

1. Which agencies of government should be expected to enhance their databases to record identified circumstances of domestic violence?
2. Where should such information be directed to? How should this information be used?
3. Should a court be provided with the ability to flag circumstances of domestic violence before it? How should this information be used – for reporting or sentencing, for example?
4. What behaviour should be included within a ‘flag’ of domestic violence? Should it be based on the definition under the act or broader?

VSS found the discussion paper was unclear about exactly which ‘data’ it is referring to. The paper seemed to take a justice-centric approach to DV as primarily a criminal act, whereas we are aware that in many cases of DV, the acts perpetrated are not considered criminal under our legislation or case law e.g. emotional or psychological harm, denial of financial, social or personal autonomy.

### DATA COLLECTION WITHIN GOVERNMENT

VSS acknowledges that DV is everybody’s business. This is reflected in the MAPS and Family Safety Framework models and in the State Government’s policy paper, *Taking a Stand*. It follows then that we endorse better data collection for all agencies that support people who have experienced domestic violence and abuse. This means that many government agencies should better record circumstances of domestic violence, including the following portfolios:

- justice (e.g. SAPOL, ODPP, Courts, Corrections, Youth Justice),
- health (e.g. Women’s and Children’s, Child and Adolescent Services, Mental Health, Drug and Alcohol Services, Yarrow Place, Emergency Services, GPs) and
- welfare (e.g. Child Protection, Education, Housing, Disability) portfolios.

We support recommendation 204 of the Victorian Royal Commission into Family Violence (RCFV), which states:

*The Victorian Government work with the recommended Family Violence Agency and the Crime Statistics Agency to improve statewide family violence data collection and research [by 1 July 2018], including through:*

- *setting a strategic direction and addressing recurrent data gaps*
- *developing a statewide data framework, informed by relevant Commonwealth standards—for example, relevant Australian Bureau of Statistics frameworks such as the National Data Collection and Reporting Framework guidelines and ANROWS (Australia’s National Research Organisation for Women’s Safety)*

*guidance. This should include shared data definitions and performance indicators, guidelines on the collection of demographic information—in particular, on older people, people with disabilities and people from Aboriginal and Torres Strait Islander, culturally and linguistically diverse and lesbian, gay, bisexual, transgender and intersex communities— and shared best-practice and auditing standards and procedures to foster consistency and quality among Victorian data sets*

- *exploring opportunities for data linkage between existing data sets and other enhancements to increase the relevance and accessibility of existing data*
- *holding regular stakeholder meetings to review the function and quality of the Victorian Family Violence Database.*

## COLLATION AND USE

There should be centralised data collection and collation. This could possibly be facilitated through increased, dedicated resourcing of the Office of Crime Statistics and Research in the Attorney-General's Department which has considerable expertise in data collection and analysis.

The data and information collected should be used to inform prevention and early intervention strategies, determine the service gaps and needs for service provision (in terms of location and type, for example) and to better understand the incidence and prevalence of domestic violence in the state.

For example, better data collection and 'flagging' could help us in determining 'whether sentences for family violence offences are more or less severe than sentences imposed for the same offences outside the family violence context'.<sup>xi</sup>

A key way to hold all government departments accountable is to embed a measure relating to DV into the *State Strategic Plan*. Currently Target 18 of the SA Strategic Plan is to achieve:

*A significant and sustained reduction in violence against women through to 2022.*<sup>xii</sup>

This is a very difficult target to measure, given we do not have a reliable baseline. Perhaps a more meaningful target could relate to all South Australian Government departments establishing and enhancing their databases to record identified circumstances of domestic violence in a standardised way that can then be collated centrally. Only then can we truly realise whether we are noting a reduction in violence against women or a reduction in the reporting of violence against women (or other changes).

## DEFINITION OF DOMESTIC VIOLENCE

In terms of a definition of domestic violence, we support a very broad interpretation.

We endorse the definition from the *Family Violence Protection Act 2008* (Vic). 'This definition recognises that violence need not be physical to cause harm and to keep a victim living in fear'.<sup>xiii</sup> Section 1 of that Act states:

*[F]amily violence is:*

*(a) behaviour by a person towards a family member of that person if that behaviour—*

*(i) is physically or sexually abusive; or*

*(ii) is emotionally or psychologically abusive; or*

*(iii) is economically abusive; or*

*(iv) is threatening; or*

*(v) is coercive; or*

*(vi) in any other way controls or dominates the family member and causes that family member to feel fear for the safety and wellbeing of that family member or another person.*

*(b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in paragraph (a).*

**RECOMMENDATION 9:**

Justice, Health and Welfare government agencies should enhance their databases to record identified circumstances of domestic violence.

**RECOMMENDATION 10:**

The Government of South Australia should give regard to Recommendation 204 of the *Royal Commission into Family Violence Final Report and Recommendations* (Victoria).

**RECOMMENDATION 11:**

The Office of Crime Statistics and Research in the Attorney-General's Department should receive funding for dedicated resources to collate and analyse the statewide government DV data.

**RECOMMENDATION 12:**

South Australia should adopt the definition of family violence from the *Family Violence Protection Act 2008* (Vic).

## TOPIC 4: ALLOWING VIDEO EVIDENCE

1. Are amendments to the *Evidence Act 1929* (SA) warranted to allow police video recordings to be admissible as evidence when the substantive charge comes to trial?
2. Should such reform be limited to hearings for final intervention orders?

VSS endorses any approach that reduces the likelihood of secondary victimisation of victims of crime by the criminal justice system. In principle, VSS supports legislative amendments to allow police video recordings to be admissible as evidence.

VSS has some concerns about such evidence being used to discredit victims, where the judiciary and criminal justice agencies do not have a strong understanding of domestic violence and abuse. For example, such footage may show the protected person acting in an emotional way that may be used as an opportunity for victim-blaming or to minimise the domestic violence and abuse. To minimise the chance of this occurring, VSS would like to see mandatory training and education for the judiciary, police and prosecutors regarding domestic violence and abuse victimisation and trauma-informed responses to victims of DV.

VSS also endorses a strengthening of the *Victims of Crime Act 2001* (SA) whereby s 8 is amended as follows:

*8—Right to information*

*(1) A victim ~~should~~ **must** be informed, ~~on request~~, about the following:*

***(aa) any protections available to them, should the matter proceed to court***

*(a) the progress of investigations into the offence;*

*(b) the charge laid and details of the place and date of proceedings on the charge;*

*(c) if a person has been charged with the offence—the name of the alleged offender;*

*(d) if an application for bail is made by the alleged offender—the outcome of the application;*

*(e) if the prosecutor decides not to proceed with the charge, to amend the charge, or to accept a plea to a lesser charge or agrees with the defendant to make or support a recommendation for leniency—the reasons for the prosecutor's decision;*

*(f) the outcome of the proceedings based on the charge and of any appeal from those proceedings;*

*(g) details of any sentence imposed on the offender for the offence;*

*(ga) details of any order made by a court on declaring the offender to be liable to supervision under Part 8A of the Criminal Law Consolidation Act 1935;*

(h) if the offender is sentenced to imprisonment and later makes an application for release on parole—the outcome of the proceedings and, in particular, any condition imposed to protect the victim from the offender;

(i) if the offender is subject to a supervision order under Part 8A of the Criminal Law Consolidation Act 1935 and the offender, or any other person, later makes an application for variation or revocation of the order or an application for review of the supervision order is made—the outcome of the proceedings and, in particular, if the offender is released on licence, any conditions imposed on the licence.

...

(4) A victim ~~should~~ **must** be informed, ~~on request~~, about procedures that may be available to deal with a grievance the victim may have for non-recognition or inadequate recognition of the victim's rights under this Part.

#### **RECOMMENDATION 13:**

That amendments are made to relevant legislation (e.g. the *Evidence Act 1929* (SA)) to allow police video recordings to be admissible as evidence.

#### **RECOMMENDATION 14:**

Mandatory training and education for the judiciary, police and prosecutors regarding domestic violence and abuse victimisation and trauma-informed responses to victims of DV.

#### **RECOMMENDATION 15:**

VSS also endorses a strengthening of the *Victims of Crime Act 2001* (SA) whereby s 8 is amended as follows:

*8—Right to information*

(1) A victim ~~should~~ **must** be informed, ~~on request~~, about the following:

**(aa) any protections available to them, should the matter proceed to court**

## TOPIC 5: CONFIDENTIALITY

Are amendments to the *Evidence Act 1929* (SA) warranted to improve confidentiality for client records for domestic violence victims?

VSS supports amendments to Division 9 of the *Evidence Act 1929* (SA), 'Protected Communications' such that 'therapeutic context' is extended to cover victims of domestic violence.

*therapeutic context*—a communication relating to a victim or alleged victim of a **sexual offence** [emphasis added] is made in a therapeutic context if—

(a) the communication is made—

(i) to enable a counsellor or therapist to assess the nature and severity of the trauma suffered by the victim or alleged victim, or consequent psychiatric, psychological or emotional harm; or

(ii) for the purposes, or in the course, of psychiatric or psychological therapy provided to the victim or alleged victim; and

(b) the communication is made in circumstances that give rise to a duty of confidentiality or a reasonable expectation of confidentiality.<sup>1</sup>

VSS also notes that many victims of sexual violence have experienced that violence in the broader context of domestic violence.

### RECOMMENDATION 16:

That amendments to Division 9 of the *Evidence Act 1929* (SA) are made to improve confidentiality from client records of victims of domestic violence and abuse.

## TOPIC 6: DRUG AND ALCOHOL TREATMENT

1. Should assessments for drug and alcohol abuse, for attendance at a treatment program, be mandatory as part of the intervention order process?
2. Should a court be required to refer a defendant to a program where certain factors exist in a matter?
3. Are the current intervention programs available sufficient to meet the needs of defendants?

VSS supports assessments for drug and alcohol (AOD) treatment being made mandatory for intervention order defendants. VSS understands that this is already possible under s 13 of the *Intervention Orders (Prevention of Abuse) Act 2009 (SA)*, given that intervention program includes ‘supervised treatment’, ‘supervised access to support services’ etc under s 3. This proposal would strengthen that section, such that the order would be rephrased from ‘may require the defendant to undergo an assessment...’ to ‘**must** require the defendant to undergo an assessment...’

VSS supports psychological and/or psychiatric assessments to also be made mandatory for intervention order defendants as part of the intervention order process.

VSS recognises that AOD abuse, while correlated with domestic violence, does not diminish the offender’s responsibility for the violence and abuse that they perpetrate. Domestic violence is complex behaviour with multiple factors and influences. What we do know is that the risk of violence increases when alcohol is involved, and that the victim’s injuries are more severe in those instances. Children are affected by witnessing domestic violence and alcohol also increases the risk of children being abused, neglected and emotionally damaged.

Research undertaken by the Centre for Alcohol Policy Research,<sup>xiv</sup> found that alcohol is estimated to be involved in up to half of partner violence in Australia and 73 per cent of partner physical assaults. It features prominently in police data, although not all jurisdictions keep consistent records. Given incidents reported to police are often the most severe cases, and only one-third of domestic violence is reported anyway, the figures discussed above clearly under-represent the full extent of alcohol-related domestic violence.

Alcohol also features strongly in domestic violence murders. According to the Australian Institute of Criminology almost half (44%) of all intimate partner homicides between 2000 and 2006 were alcohol-related, involving consumption by the victim, offender, or both. This rate is even higher for Aboriginal Australians. Intimate partner deaths involving an Indigenous offender and victim are 13 times as likely to be related to alcohol.

We would advocate for additional funding to be further allocated to crime prevention strategies, in addition to requiring Intervention Order Defendants to undergo assessment and treatment of their AOD abuse. Focusing prevention efforts on alcohol

is not a way of excusing or diminishing men's responsibility for their drinking or violence. Rather, it offers a possible lever for change in an intractable problem.<sup>xv</sup>

VSS believes that the current intervention programs available are not sufficient to meet the needs of defendants. VSS supports evidence-based, timely intervention that is able to target both AOD and mental health needs for offenders with dual diagnoses.

VSS also acknowledges the dearth of support services for protected persons (including children) to support them in addressing substance abuse and mental health issues that are the result of exposure and experience of domestic violence and abuse.

**RECOMMENDATION 17:**

That assessments for drug and alcohol treatment is made mandatory for intervention order defendants as part of the intervention order process.

**RECOMMENDATION 18:**

That psychological and/or psychiatric assessments are made mandatory for intervention order defendants as part of the intervention order process.

**RECOMMENDATION 19:**

That additional funding is allocated to crime prevention strategies that focus on breaking the link between AOD abuse and violence against women.

**RECOMMENDATION 20:**

That evidence-based programs are made available for defendants and protected-persons who are experiencing AOD and mental health issues.

## TOPIC 7: DV AND HOUSING AND HOMELESSNESS PRIORITIES

1. What are your views on the way homelessness services are currently delivered to people experiencing domestic violence?
2. How do we better support women and children's safety in circumstances where the perpetrator is still engaged in the family? Can you identify best practice models that can support workers to assertively engage with women and children in these circumstances?
3. Aboriginal women residing in regional and remote communities are particularly vulnerable to domestic and family violence. What are views on the way services are delivered in these areas? How can we provide better support?
4. What are the key strengths and limitations in the way services are currently delivered?  
How do we improve our understanding of the cultural context in which aboriginal domestic and family violence occurs in order to deliver effective service responses for aboriginal women and children?
5. How can the homelessness sector support young people who have experienced domestic and family violence trauma to transition successfully into independent pathways?

### DOMESTIC VIOLENCE INCREASES THE RISK OF HOMELESSNESS & HOMELESSNESS COMPOUNDS THE IMPACT OF DOMESTIC VIOLENCE

Family and domestic abuse is the most common reason for women seeking homelessness support in Australia.<sup>xvi</sup> In the context of family and domestic abuse, the term 'homelessness' refers to a woman in a temporary living situation where she does not have 'access to accommodation alternatives that are secure, safe and adequate (and the home in which they were subject to violence is not considered a safe alternative accommodation to their homeless situation)'.<sup>xvii</sup>

Responding to the issue of homelessness is a huge task. One of the strengths of the current South Australian model is that women can access supportive accommodation (units that include access to qualified support workers) to help them get their lives back on track. A key weakness is that places are extremely limited. Demand for crisis accommodation from victims of abuse currently far exceeds supply.

Between 2011-12 and 2013-14, there were 520,000 Australians who accessed specialist homelessness services; a third of these were individuals seeking assistance because of family and domestic abuse and 90 per cent of clients who accessed services during this period were female.<sup>xviii</sup> The lack of affordable and available housing in Australia compounds the emotional, psychological and financial impact of family and domestic abuse on women and their children.

## STAYING HOME, STAYING SAFE

VSS is working to break the link between family and domestic abuse and women becoming homeless. We believe that everyone has a right to live in their own home free from abuse, violence and fear. Our Staying Home, Staying Safe (SHSS) program has improved the safety and reduced the risk of homelessness of more than 4,000 women affected by family and domestic abuse in South Australia.

SHSS started in South Australia in March 2011. The overall purpose of the program is to reduce the risk of homelessness for women (and their children) who have been affected by family or domestic abuse. The program is funded until June 2017 as an initiative under the Commonwealth National Affordable Housing Agreement (NAHA) and the National Partnership Agreement on Homelessness (NPAH).

During the initial implementation of SHSS, home security upgrades were offered to the majority of women referred to the program, regardless of the level of risk.

In June 2013, SHSS safety packages had to be reviewed so that the program could continue to provide support to women within the confines of its budget.

SHSS safety packages include assistance with safety planning, provision of mobile phones and/or duress alarm phones, as well as window and personal alarms. In high risk cases a home security audit may result in home security upgrades, including security screen doors and sensor lights. Each client's needs are assessed individually so that the appropriate safety package can be implemented.

The effectiveness of SHSS is illustrated in part through its continual growth in referrals, as well as positive feedback provided by women who have benefited from the program.

*Our SHSS team recently supported a client who was extremely fearful of her ex-partner. The client had recently ended the relationship and her ex-partner had moved out of the family home.*

*The client was referred to SHSS by police after her ex-partner had smashed her bedroom window while she was sleeping. The client's two young children were sleeping in her bed at the time. The client called the police and her ex-partner fled. After this event, the client was extremely fearful that her ex-partner would come back and try to hurt her or the children. On several occasions the client had observed her ex-partner driving by her house to see if she was home.*

*Our SHSS team worked with the client to develop a safety plan. We also conducted a home security audit which resulted in the client's locks being changed and the installation of security screens on her doors and windows.*

*An application for an Intervention Order was made by police, however, the client told our SHSS worker that she was not informed of the conditions that prohibited her ex-partner from having contact with the children. She felt that the police should have spent more time with her to explain the Intervention Order process and what would happen if her ex-partner breached the conditions.*

## HELPING CHILDREN RECOVER FROM THE IMPACT OF FAMILY AND DOMESTIC ABUSE

When we think of child victims of crime we often consider children who have experienced abuse or neglect. Certainly, child victimisation is often synonymous with child maltreatment: the result of physical, sexual or emotional abuse, neglect or witnessing family/domestic abuse. Such maltreatment of children usually falls within the scope of statutory child protection agencies. But some children are the victims or witnesses of crimes that are not related to maltreatment such as murder, attempted murder, robbery, assault and extra-familial sexual assault. Experiencing crime is often

traumatic. Many of these children have limited access to appropriate and skilled support services that can help them make sense of their experiences of crime and move beyond the effects of trauma.

While VSS is funded to provide free, confidential and independent counselling and support to any adult in South Australia who self-identifies as a victim of crime, under the terms of our current funding agreement with the Attorney-General's Department, we are only funded to provide counselling services to people aged 18 years and above.

### **SUPPORT FOR CHILDREN AND YOUNG PEOPLE IMPACTED BY CRIME & ABUSE**

In 2015-16, VSS sought to highlight the need for improved victim services for children and young people. To raise the profile and urgency of this issue, on 10 November 2015 VSS, in partnership with Anglicare SA, VSS hosted the *Improving Justice and Support for Child and Adolescent Victims of Crime* Conference. At this event a diverse group of almost 100 representatives from across the non-government and government sectors with an interest in supporting young victims of crime met to hear experts in the field talk about the quality and extent of support for young victims and to consider and discuss what should be done to address the issues. The consistent experience of delegates was that children and young people who have experienced trauma as a result of crime, who fall outside the scope of child protection and mental health agencies, do not have access to the services they require to recover from their experiences, leading to issues in later life.

VSS undertook a snapshot survey of current clients from 14 December 2015 to 31 January 2016 to determine how many clients of VSS have children who have also been affected by crime, what supports have been contacted (if any) and what services they would seek for their children (were such services available).

Over the 28 work days that the survey was run, 20 adult clients were surveyed and they identified 41 children who have been impacted by the crime that led to the adult engaging with VSS.

Fifteen caregivers provided further information about the offending that has impacted on their children. The majority were domestic/family violence (n=9, 53.0%<sup>3</sup>), followed by sexual offences (n=5, 29.4%), assault (n=2, 11.8%) and homicide (n=1, 5.9%).

VSS also developed a discussion paper in response to the November Conference recommendations (e.g. one-stop-shop and court advocacy models). This builds on and continues the commitment and engagement of key stakeholders. The feedback from the discussion paper has been consolidated into a summary report.

In June 2016, VSS won a Crime Prevention Grant for \$97,690 for the Safely Together Program, which will provide a 'one-stop-shop' for children and protective parents to assist in recovery from the trauma of DV through effective, evidence-based strategies.

### **THE SAFELY TOGETHER PILOT PROGRAM**

The Safely Together Program will augment existing adult services, promoting a 'one-stop-shop' response with collaborative, wrap-around services for children and their families who have experienced DV and are at risk of future contact with the criminal justice system.

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<sup>3</sup> Percentage of known offence types.

### **Service 1: Counselling and therapeutic services for children who have witnessed or experienced DV.**

The model would involve 10 psychological sessions each with up to 32 children aged between 5 and 12 years, in northern or southern Adelaide. These sessions are likely to be a combination of one-on-one and family intervention depending on the needs and developmental level of the child and his or her family.

### **Service 2: My Safe Place**

Creating 'My Safe Place' for children to address fear of crime in their homes and develop a sense of security and agency from which they can begin to recover from the trauma of DV. The model would involve establishing 'My Safe Place' with up to 32 children from age 5 years in northern or southern Adelaide.

### **Service 3: Information and education sessions for parents/caregivers focusing on transition points in the child development cycle, attachment and effective positive parenting practices to promote healing together.**

Parents and support people will be able to engage in one of six 10-week courses run across three school terms in northern and southern Adelaide. The 10-week course will support parents to better understand their children's behaviour, how to support their children to understand their own feelings and feel safe and secure at home and in relationships. In addition, take-away material will be developed to support the group work.

Through VSS, which would effectively provide a 'one-stop-shop' for clients, mothers will also be able to access one-on-one counselling, legal advice, referrals into the Family Safety Framework (FSF) and safety upgrades through existing VSS services.

Finally, effective strategies to specifically address children's exposure to domestic violence include 'community education strategies that promote positive social and attitudinal changes to community attitudes towards domestic abuse and all the other forms of violence'. To this end, the Safely Together program will also develop information packs to encourage families' support networks (e.g. school counsellor, classroom teacher, GP, local health services) to provide informed, appropriate, trauma-informed responses to families involved in the program. This will also strengthen the place-based approach of the program.

#### **RECOMMENDATION 21:**

That the Australian Government provide increased and ongoing funding for tertiary prevention programs such as Staying Home, Staying Safe (SHSS) that protect victims, and require perpetrators take responsibility for their actions.

## TOPIC 8: FOSTERING SUPPORTIVE ENVIRONMENTS

How can we assist domestic violence victims to be more confident in seeking appropriate support and assistance in the workplace and other environments and what actions would be most effective?

### SUPPORT AND ASSISTANCE FOR VICTIMS OF DV IN THE WORKPLACE

Domestic violence is a workplace issue. It is our experience that many people often first tell someone about the experience of domestic violence at a point of crisis, and few report their experience directly to domestic violence services or police in the first instance. Instead, people impacted by violence or abuse are more likely to talk to their friends, family or a health professional (such as a general practitioner or other medical professionals) about their experience. They may also disclose their experience of abuse to a colleague. The response to a person's disclosure of domestic violence is often significant in determining their subsequent help-seeking behaviour.<sup>xxix</sup> With this in mind, it is important to increase the awareness and understanding of domestic violence across workplace settings.

It is estimated that between 55 per cent and 70 per cent of women who have experienced, or are experiencing, domestic violence are currently in the workforce.<sup>xxx</sup> This can come at a significant personal cost to the victim, and to their workplace. Some of the common costs associated with domestic violence in the workplace include:

- decreased staff performance and productivity
- increased staff turnover and absenteeism
- negative impact on the organisation's reputation and image.<sup>xxxi</sup>

One of the most dangerous times for women is when they are travelling to and from their workplace. Even if they get to their workplace safely, often the abuse continues when they are there. Many of our clients report that the perpetrator interferes at their work by repeatedly calling them or their colleagues in an attempt to speak to the client.

Ironically, staying in employment is critical to reducing the effects of violence and is key for women being able to successfully leave a violent relationship.

### WORKPLACE STRATEGIES

There are a range of strategies a workplace can put in place to ensure that they are providing adequate support to people affected by domestic violence. This can result in strong benefits for the employer, including higher retention rates, higher staff morale, and higher health outcomes for their employees.<sup>xxxii</sup>

Strategies include:

- Build workplace awareness by displaying education materials about domestic

violence and support services in common areas.

- Develop a Domestic Violence Workplace Education Program to teach staff and managers:
  - how to respond to incidents of domestic violence in the workplace
  - how to respond to disclosures by employees
  - how to link victims of domestic violence with support services
- Create clear procedures and a domestic violence policy.
- Include DV provisions in the Enterprise Agreement that cover paid time off, extended leave, flexible work hours, workplace security, personal alarms, and time off to attend court.
- Develop a workplace safety plan to help keep the workplace and all workers safe from threats of domestic violence.
- Complete the White Ribbon Australia Workplace Accreditation Program, which aims to empower and support workplaces to prevent and respond to violence against women.

## ADDITIONAL COMMENTS

### PREVENTION AND EARLY INTERVENTION

VSS has concerns with the table below (taken from p.71 of the report). We do not believe that the Child Protection response currently provided by Families SA should be considered to be preventative (unless you are considering the safety of children removed at birth from mothers who are known to have abused/neglected a sibling of the child).

We believe many of the initiatives marked at 'preventative' are reactive: for example, we are unclear how DV Workplace Policies can stop the violence before it happens, although they can certainly provide and improve services for women who have experienced violence and enable women to seek protection.

From the work we are currently doing, we believe that the Government of South Australia should be investing far more heavily in the prevention and early intervention streams than in reactive strategies.

### DEDICATED CHILDREN'S SUPPORT SERVICES

We argue that the Victims of Crime Fund should be used to better support children

#### Current initiatives

Pg		Performance must be measured so we know what is working, so our programs are evidence-based and we remain accountable		
		Prevention is about stopping the violence before it happens	Provision is providing and improving services for women who have experienced violence	Protection means enabling women who experience or fear violence to seek protection and access to legal remedies
13	Intervention Orders Legislation		✓	✓
72	Domestic Violence Workplace Policies	✓	✓	✓
72	White Ribbon Workplace Accreditation	✓		
74	Domestic Violence Leave Entitlement		✓	✓
77	D3 Digital Challenges	✓	✓	✓
77	Health Responses	✓	✓	
78	Child Protection Response	✓	✓	
78	Safeguarding Women with Disability	✓	✓	✓
79	Cross-Border Justice Scheme		✓	✓
80	Information Sharing	✓	✓	✓
82	Domestic Violence Serial Offenders Database		✓	✓
85	Women's Domestic Violence Court Assistance Service		✓	✓
85	Family Court Support		✓	✓
86	Witness Assistance Service		✓	✓
88	Vulnerable Witness Provisions			✓
88	Safe at Home		✓	✓
89	Domestic Violence and Housing and Homelessness Support		✓	✓
92	Tenancy Assistance		✓	✓
92	Domestic Violence Response Review		✓	✓
93	Domestic Violence Courts and Perpetrator Treatment Programs		✓	
97	Coronial Domestic Violence Information System		✓	✓
97	National Domestic Violence Order Scheme			✓
98	Council of Australian Governments (COAG)	✓	✓	✓

who have experienced domestic violence, to help address the trauma of adverse childhood experiences with a timely response, rather than such experiences remaining unresolved and leading to later cost pressures on the health, welfare and justice systems.

Research shows that adverse childhood experiences – including experiencing domestic violence and crime – have been linked to:

- alcohol abuse, illicit drug use and smoking (including early onset smoking)
- chronic health conditions including heart disease, liver disease, depression and suicidality, and an overall poor health-related quality of life
- low academic achievement and work performance and associated financial stress
- increased risk of intimate partner violence, sexual violence, sexually transmitted diseases, unintended pregnancies and adolescent pregnancy.<sup>xxiii</sup>

**RECOMMENDATION 22:**

That free, specialised, trauma-informed services are made available to children who have experienced domestic violence as an early-intervention strategy to help break the intergenerational cycle of abuse. Such services could be funded by the Victims of Crime Fund.

## ENDNOTES

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- <sup>iii</sup> Government of New South Wales (2015) *NSW Domestic Violence Disclosure Scheme Discussion Paper*, p. 2 At <http://www.haveyoursay.nsw.gov.au/assets/Uploads/DVDS-Discussion-Paper.pdf> Accessed 5 September 2016.
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- <sup>v</sup> Lindon Deathe and Stephanie Rich (2015) *Speaking publicly about preventing men's violence against women*, p. 23 At: <http://whwest.org.au/resource/speaking-publicly-about-preventing-mens-violence-against-women/> Accessed 1 September 2016.
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- <sup>vii</sup> Home Office (2014) *Domestic Violence Disclosure Scheme (DVDS) Pilot Assessment*, p. 4 At: <https://www.gov.uk/government/publications/domestic-violence-disclosure-scheme-pilot-assessment> Accessed 1 September 2016.
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