

# Social Development Committee Inquiry into Domestic and Family Violence

## Submission

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# Introduction

The vision of the Victim Support Service (“VSS”) is that *all* victims of crime (“victims”) in South Australia receive the support *they* need. We do this by providing a bespoke response to each victim, combining therapeutic expertise with knowledge of the criminal justice system to help victims both emotionally and practically. Our approach is augmented by a team of volunteers who guide victims through the court process.

The organisation has been working with and for victims in South Australia since 1979. We deliver programs that focus on victim engagement and evidence-based practice in areas such as trauma, crime prevention, homicide, domestic violence and child sexual abuse. To do so, we partner with government, non-government organisations, the wider community, and all agencies of the criminal justice system.

VSS provides a range of services including:

- Free counselling;
- Assistance with claims for compensation;
- Supporting victims through the court process;
- Support for co-victims of homicide;
- Assistance with Victim Impact Statements;
- Statewide Victim Helpline (1800-VICTIM);
- Victimology Resource centre for victims, their families, professionals and students;
- Programs to prevent future victimisation, such as Staying Home, Staying Safe (SHSS);
- Royal Commission Support Services (Royal Commission into Institutional Responses into Child Sexual Abuse);
- Attendance and administration of Family Safety Framework meetings;
- Community education programs;
- Developing community partnerships to enhance victim services and support;
- Advocating for victims’ rights.

VSS has an annual turnover of \$3 million to provide services throughout South Australia. Two-thirds of the funds are provided annually by the South Australian Attorney-General's Department from the Victims of Crime Fund. Each year VSS must submit a request for continued funding to the Attorney-General to maintain services.

VSS appreciates the opportunity to comment on domestic and family violence (“DV”). VSS would like to emphasise the gendered nature of DV. In approximately 60% of homicides with female victims, DV is a factor in the crime, and DV is the leading cause of physical injury to women of reproductive age (Meyer, 2014). One in three Australian women will experience DV in their lifetime and women are most likely to be assaulted in the home (DSS, 2010). According to the Australian Institute of

Criminology, women are assaulted by family members at a much higher rate than men; over 180 per 100,000 people, compared to about 75 per 100,000. These statistics speak to the gendered nature of DV, which must inform the provision of support services.

As VSS is victim based, our programs primarily focus on tertiary DV prevention, and aim to stop and prevent further incidents of DV. However, VSS acknowledges the need for a holistic approach to DV. This includes primary prevention programs which aim to prevent abuse occurring in the first instance and secondary services that respond to abuse, such as police and emergency services, health care workers, and emergency housing.

# Executive Summary

Domestic and family violence is a national emergency. Victim Support Service (“VSS”) welcomes the intent of the Federal and South Australian Governments to reduce and prevent violence against women and their children. The national and state initiatives referred to in our submission, and the establishment of the Social Development Committee Inquiry into Domestic and Family Violence, are fundamental to creating cultural, behavioural, and attitudinal change to reduce and prevent violence against women and their children in our community.

VSS is concerned, however, by the uncertainty regarding the funding of programs and services for women who have experienced domestic and family violence. For example, the current impasse on the National Affordable Housing Agreement (NAHA) and the National Partnership Agreement on Homelessness (NPAH) is at odds with the scale and speed of political response that DV requires.

In addition to funding uncertainty, there is a significant gap in services for children exposed to domestic and family violence. If left unresolved, the traumatic effects of exposure to DV can last into adulthood, with a corresponding emotional and financial cost to children, families, communities and the wider society.

In recognition of the severe and potentially long-term impact of domestic violence on women and their children, VSS is calling for an amendment to the Criminal Law Consolidation Act to include a crime of domestic violence, which clearly defines emotional, psychological, verbal, physical, sexual, and financial abuse.

These issues are explored further in our Submission.

# Recommendations

VSS recommendations that:

## **Recommendation 1**

Increased and ongoing funding for tertiary prevention programs such as Staying Home, Staying Safe (SHSS).

## **Recommendation 2**

Revival of a specialist DV Unit to provide evidence-based, comprehensive and consistent training to service providers about DV and DV-related initiatives, such as the Family Safety Framework.

## **Recommendation 3**

Reform funding arrangements to provide more certainty to service providers, their clients and their employees.

## **Recommendation 4**

A partnership between the Focus Schools Program and VSS in order to increase understanding amongst children about how to recognise and respond to DV, and how to access appropriate support services.

## **Recommendation 5**

Greater collaboration between child protection services and domestic violence services.

## **Recommendation 6**

Funding for trauma-informed support services for children who have been exposed to DV.

## **Recommendation 7**

An amendment to the Criminal Law Consolidation Act to include a crime of domestic violence, which covers emotional, psychological, verbal, physical, sexual, social and financial abuse.

## **Recommendation 8**

Revising the practice of issuing intervention orders (IOs) so that a charge is laid in addition to the imposition of the IO.

## **Recommendation 9**

Reform of perpetrator programs to ensure compliance in line with the National Plan.

## **Recommendation 10**

State government advocacy on behalf of women to the Federal government, particularly in the area of work rights.

## **Recommendation 11**

State government advocacy on behalf of women to the Federal government,

particularly in the area of welfare rights.

**Recommendation 12**

State government advocacy on behalf of women, and legal services catering to women, to the Federal government.

**Recommendation 13**

State funding to alleviate shortfall in Federal funding for legal services.

**Recommendation 14**

Promote communication and collaboration between the Family Law Courts and the South Australian Magistrates Court in relation to Intervention Orders and Parenting Orders.

# Detailed response

## Effectiveness of current structures and initiatives

1. In our response VSS has examined the effectiveness of current structures and initiatives concurrently.
2. VSS is supportive of the 'Right to Safety' initiative (2011-2022) ("the State Plan"), and the National Plan to Reduce Violence Against Women and their Children, 2010-2022 ("the National Plan"). VSS commends the bipartisan support for the National and State Plans and acknowledges the positive outcomes from the 'Right to Safety' strategy, in particular the implementation of the Family Safety Framework ("FSF").
3. Despite these Plans, the current model for responding to domestic and family violence is a disjointed approach across State and Federal jurisdictions and departments. This can lead to DV incidents being responded to, and managed by, multiple services that fail to understand the full impact of the perpetrators behaviour. One of the key challenges, therefore, is how to build the structures that will permit a more holistic response to DV that links together areas such as health, education, social services, the criminal justice system, child protection, DV services and the legal profession.
4. VSS strongly supports initiatives that challenge attitudes and behaviours that underpin violence against women and their children. In particular, we strongly endorse the establishment of the Federal Government's Our Watch nation-wide campaign, and the launch of Australia's National Research Organisation for Women's Safety to Reduce Violence against Women and their Children ("ANROWS").
5. While we commend the aims and goals of the National and State Plans, VSS would like to see more quantifiable targets set for the assessment of funded initiatives.
6. Many DV services have been unable to maintain both crisis care and counselling services, leading to a prioritisation of emergency services. As a result of this, counselling services, such as VSS, have experienced a significant increase in DV-related client referrals. In 2013-14, for example, VSS responded to 11,562 client contacts relating to DV. This is exemplified in a recent media article in *Daily Life*: <http://www.dailylife.com.au/life-and-love/real-life/our-shelters-for-domestic-violence-victims-are-in-crisis-20150217-13gtyz.html>.
7. VSS is a strong supporter of 'safe at home' models that work to prevent both DV and homelessness. DV has a strong connection to homelessness. Johnson, Gronda and Coutts (2008) identify domestic violence as one of the five 'typical' pathways to

homelessness. The Synthesis Report on Women, Domestic and Family Violence and Homelessness (2008) notes that safe at home programs are one of the most appropriate strategies for preventing homelessness that stems from DV. Safe at home models hold the perpetrator of the violence accountable for their actions by removing them from the family home, thereby not penalising the women and children who have been subjected to violence. Critically, safe at home models also retain the link between the victims and their local community, schools and support network.

### Staying Home, Staying Safe (“SHSS”)

8. 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) that have been affected by DV.
9. SHSS is funded as an initiative under NAHA and NPAH. It is currently funded until June 2015. Table 1 shows a 40% increase in referrals to the program from 475 in 2011-12 to 677 in 2013-14. In 2014-15 the program is expected to support around 800 women and families.

**Table 1 - Number of SHSS referrals 2011 – 2014**

Financial Year	Total Number of Referrals to SHSS
March – June 2011	97
2011-2012	475
2012-2013	587
2013-2014	677

10. 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 and tailored so that the program could continue to provide support to women within the confines of its budget.
11. SHSS safety packages include assistance with safety planning, provision of mobile phones and/or duress alarm phones, 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.
12. The effectiveness of SHSS is illustrated in part through its continual growth in referrals, as well as feedback provided by women who have benefited from the program. Three case studies are listed below to illustrate this success.

## **Case Study 1**

Marina is a 45 year old single mother who resides with her 14 year old daughter Jane. Marina and Jane have both endured physical, verbal and financial abuse from Marina's 19 year old son John for the past 5 years. John has been a daily marijuana smoker for approximately six years; John's behaviour has escalated in the past 12 months as he is now a regular methamphetamine user.

There is a 'no contact' Intervention Order (IO) in place which lists Marina and Jane as protected persons however John continues to breach this. John gains access to Marina's private rental property through the back door (the back door no longer closes securely due to previous property damage caused by John trying to gain access to the house). In the past John has taken a television, jewellery and money from Marina's purse; Marina no longer keeps anything of value at her home.

On two occasions (most recent being last week), Marina has woken to John sleeping on her couch. She has called the police and asked him to leave. This has resulted in John physically assaulting Marina by punching her to the head and strangling her. John also threatened to come back to kill Marina and Jane. Police attended the property, John was arrested and has been refused bail; his next court date is in three weeks.

As a consequence of John's actions, Marina has been unable to sleep at night due to fear of John returning to the property; Marina has taken a lot of time off from work due to physical injuries and ill health caused by living in constant fear. Jane sleeps at friends' houses as much as she can and there has been a noticeable decline in her school work. When Jane does stay at home, she sleeps in the same room as Marina.

### **Staying Home, Staying Safe Intervention**

Developed safety plan with Marina and Jane

Provided safety pack which includes window/door alarms and personal alarms.

Installed sensor lights to front and rear of property

Installed 2 security screen doors with triple locking mechanism and DVA mesh

### **Feedback**

Marina reports that since installation of the sensor lights, security doors and window/door alarms she is able to sleep much better as she knows she will be alerted if John tries to gain access to the property. Jane is sleeping at home more and has reported to Marina she also feels safer knowing they have an action plan in place for if/when John attends the property.

## **Case Study 2**

Amanda is a 31 year old woman who has two children aged 2 and 4; the perpetrator is Amanda's husband, Barry, of five years.

Amanda was referred to Staying Home Staying Safe (SHSS) by SAPOL after patrols were called to the property by concerned neighbours who could hear yelling, screaming and young children crying at Amanda and Barry's home. When police arrived they found Amanda hiding in her bedroom with the children; Amanda had sustained a number of injuries as a result of Barry physically assaulting her.

Amanda disclosed to the SHSS worker that she has endured physical, sexual, emotional, financial and social abuse during her marriage to Barry. In the last 6 months, frequency of violence has increased and Amanda reports that Barry assaults her approximately 2 to 3 times a week. Incidents include Barry strangling Amanda in front of the children to the point of unconsciousness, holding knives to her neck and threatening to kill her while the children watch and throwing household objects at her like shoes and coffee cups. Barry has told Amanda that if she reports him to the police, he will take the children and go interstate where she will never find them.

Whilst at the property, police served an Interim Intervention Order which listed Amanda and both children as protected persons. Barry is not allowed any contact with Amanda or the children and is not allowed to return to the family home. Barry was taken into police custody and granted bail by the courts the following day. This was three days ago and Amanda advised Barry has not made any attempts to contact her since his release.

Amanda advised that she has tried to leave Barry before however he reported the vehicle she drove as stolen (car was registered in his name) and emptied all the bank accounts. Amanda was able to secure emergency accommodation for one night in a motel however had no choice but to return to Barry as she and the children had nowhere else to go and no money to buy food.

Amanda is extremely fearful of repercussions from Barry now that police are involved because this means he has now lost control of the situation. Amanda has not spoken to family members for nearly two years and has no support network due to social abuse perpetrated by Barry. Amanda is very concerned about how she is going to cope financially as bank accounts, utilities and phone bills are all registered in Barry's name.

### **Staying Home, Staying Safe Intervention**

Referral sent to relevant Family Safety Framework chair person

Referred to local Domestic Violence Services

Safety plan developed with Amanda

24 hour monitored Duress Alarm Phone provided for 3 months

All locks at the property changed (Barry had keys on him when arrested)

Sensor lights installed to front and rear of property

Brava deadlock installed to connecting internal door between garage and kitchen  
Patio bolt installed on back sliding doors  
DVA mesh security screens installed on all front windows of the property

### **Feedback**

Referral to Family Safety Framework meeting was accepted and a positive action plan to assist Amanda was implemented. Amanda is engaged with DV services that have been able to assist her financially and advocate with utility companies. Amanda advised she is feeling much safer in the property with the security upgrades and Duress Alarm Phone. Barry attended the property 2 weeks after he was bailed; Amanda was able to utilise Duress Alarm Phone and implement the safety plan by the time police arrived and arrested Barry. Amanda is engaged with a counselling service and stated she feels optimistic about her future.

### **Case Study 3**

Sue is a 35 year old woman who has no children; she has been in a relationship with Ben for the last 3 years.

Ben has been diagnosed with borderline personality disorder and bi-polar for which he takes prescribed medication. Sue advises that Ben “mostly” takes his medication however consumes alcohol to the point of intoxication approximately four times a week; this has led to increasingly violent and paranoid behaviour.

Sue has a full time job and Ben does not work, they reside in Sue’s property (she is the sole owner/mortgage holder). When Ben “has an episode” he punches holes in the walls, breaks Sue’s property and threatens to kill her. There have been two occasions where Ben has locked Sue in the bathroom for 24 hours as he was “punishing her” as he suspected she was cheating on him.

Ben has attempted suicide three times in the past two years when Sue has tried to end the relationship; on all three occasions Ben was detained for a short time under the Mental Health Act 2009.

The most recent incident occurred approximately 2 weeks ago when Sue told Ben she wanted to end the relationship as his abusive behaviour has escalated and he had started to physically push Sue when he was angry. Ben became enraged and broke all of Sue’s doors and punched holes in walls. As Ben left he told Sue to sleep with one eye open because he will be back.

Police were called and Ben is yet to be located, once he has been located he will be served with a ‘no contact’ Interim Intervention Order. Since the last incident Sue advised she spends most of her time in her bedroom with her chest of draws pushed against the door to prevent Ben from gaining access to her. Sue will not go out at night as she does not want to risk Ben waiting in the shadows for her when she returns home. Sue advised she jumps at every noise and is constantly looking over her shoulder when she is at work as she is concerned he will attend there.

Sue does not have home or contents insurance as she has been refused a service due to multiple claims to fix property damage caused by Ben. Sue is unable to pay

for the doors to be fixed and her house is currently not able to be secured. Sue will not access emergency accommodation as she has pets.

### **Staying Home, Staying Safe Intervention**

Referral sent to relevant Family Safety Framework chair person

Safety plan developed with Sue

Provided safety pack with window/door alarms and personal alarms

Spare mobile phone provided to Sue so that it can be kept in Sue's bedroom on charge at all times, this enables Sue to contact SAPOL in the event she does not have her primary mobile phone with her

Replace all three entry points with DVA mesh security screen doors with triple locking mechanisms

### **Feedback**

Ben was located and subsequently arrested by SAPOL, when granted bail he attended Sue's property that evening. Ben was unable to gain access to the property, Sue implemented safety plan and police arrived very quickly and arrested Ben for breach of IO and bail conditions. Sue reported that she felt empowered by her safety plan and that the new security doors prevented Ben from gaining access to the property. Sue stated she no longer sleeps with her chest of draws against her bedroom door.

13. Currently, SHSS funding runs until June 2015. The current impasse on NAHA and NPAH funding makes service planning beyond June impossible, leading to uncertainty about staffing, new client referrals, and the ongoing procurement of safety devices.

14. The current impasse is out of step with the intent of both the National and State Plans on DV, and reduces the impact of legislative changes. For example, the Intervention Orders (Prevention of Abuse) Act 2009 was designed to support female DV victims to remain in their own home. The SHSS program clearly complements this legislation.

### **Secondary responses to DV**

15. Women's Health Services

The McCann Review recommended a restructuring of women's health services, better targeting of resources, and allied reductions in funding. Women's health services are a key access point for victims of DV. VSS is concerned by any measure to decrease the funding of these services.

#### 16. Domestic Violence Unit

The State Premier’s Response to the Zahra Abrahamzadeh Inquest (2014) included a recommendation to provide enhanced DV training for police. VSS believes that this recommendation should be extended to reinstate a specialist Domestic Violence Unit to develop and deliver training for a broad range of government and non-government workers, including police, but extended to health, Families SA, education, the criminal justice system, DV services, homelessness services and the legal profession. South Australia does not currently have a dedicated comprehensive DV training and awareness service, such as the Domestic Violence Resource Centre Victoria (“DVRCV”). This conflicts with the State Plan, which identifies training as a key area of service delivery improvement (Taking a Stand, 2014). As part of a whole-of-government response, VSS strongly advocates that an evidence-based training service should be established to ensure that key frontline workers can identify DV warning signs, direct women to appropriate services, and understand the various components of the ‘Right to Safety’ strategy, such as the Family Safety Framework.

#### 17. Women’s Domestic Violence Court Assistance Service

VSS strongly supports the recent recommendations made by the South Australian Government in ‘Taking a Stand’, in particular the proposal to establish a Women’s Domestic Violence Court Assistance Service to help victims navigate the court system. VSS also strongly endorses the response by SAPOL to introduce solicitors into their Police Prosecution Units to support the prosecution of complex DV cases.

#### 18. Supporting Victims in the Magistrates Court

VSS is currently exploring how more support can be provided to victims of DV in the Magistrates Court. This support may include improving access to information about victims’ rights, court companion support, and assistance in the preparation of Victim Impact Statements (“VIS”). We are also aware that Magistrates can issue fines for breaches of Intervention Orders where Prosecution can provide a receipt for goods and services that were procured by the victim as a result of the breach. However, our understanding is that such fines are rarely issued because Prosecution are unable to present a receipt as evidence. VSS often replaces household security items through its SHSS program that have been deliberately damaged by offenders, and believes that more can be done in the Courts to make offenders financially responsible for their actions.

#### **Recommendation 1**

Increased and ongoing funding for tertiary prevention programs such as Staying Home, Staying Safe (SHSS).

#### **Recommendation 2**

Revival of the specialist DV Unit to provide evidence-based, comprehensive and consistent training to service providers about DV and DV-related initiatives, such as the Family Safety Framework.

**Recommendation 3**

Reform of the funding model to provide more certainty to service providers, their employees and their clients.

**Improving current services**

**19. The Focus Schools Program**

The Focus Schools Program is a critical primary prevention program, focusing on healthy relationships. We believe there is an opportunity for collaboration with Focus Schools to bring a victim-based perspective to healthy relationships programs. We know that children do not always understand that what they have been exposed to or experienced constitutes a crime and how to report it. This is particularly true in cases of DV where the criminal behavior may have been normalised and committed by someone they know. Crime and victimisation should be incorporated in to healthy relationships programs as part of a whole-school approach to safeguarding and child protection. This will enhance longer term preventative measures to reduce DV, but also provide students with knowledge about how to recognise and respond to DV, and how to access appropriate support services.

**20. Court Intervention Programs**

Current intervention programs need to be expanded, monitored, evaluated, and appropriately resourced. Court-mandated participation in behaviour change programs needs to be more closely monitored, with greater consequences for non-compliance. VSS supports the National Plan initiative to conduct further research on the success of DV perpetrator programs. VSS understands that the New South Wales Government has established practice guidelines to run perpetrator programs.

**21. Specialist Support for Children Exposed to DV**

In 2007 it was estimated that 50,000 children were exposed to DV in a current parental relationship, and 400,000 were exposed to DV in a previous parental relationship (Tually, Faulkner et al, 2008). Children who are exposed to DV are often bereft of specialist support and therefore their specific needs can be overlooked. The long term effects of unresolved child trauma have been well documented, often leading to adult dysfunction. We believe that specialist support should be provided to children exposed to DV, helping them to report violent behavior and recover from their experience.

VSS recognises the lack of services for children who have been exposed to trauma associated with DV. Evidence shows that the harm caused by untreated childhood and adolescent trauma, such as exposure to DV, is significant. Research has confirmed that children who experience trauma that is left unresolved and untreated have higher presentations of longer term behaviours destructive to themselves and others. Research into the neurobiology of early life trauma shows there are at least four ways that trauma impacts children and adolescents:

1. Relational difficulties;
2. Developing maladaptive coping strategies;
3. Developing psychological disorders; and
4. Negatively impacting brain development.

VSS strongly believes that all children who have been exposed to DV should be afforded access to trauma-informed support services.

## 22. Support for Mothers

One of the common responses to victims of DV is “why didn’t she just leave him?”. This response fails to acknowledge the complexity of DV and the imbalance that often exists in male/female relationships. Unfortunately, when victims of DV remain in violent relationships they can often be accused of emotionally abusing and failing to protect their children. In order to address this, greater training and understanding of DV is needed in child protection services, so that child protection agencies and domestic violence services can work with women using a client-centred approach to produce a safe outcome for mother and child.

## 23. Reform of the Criminal Law Consolidation Act

VSS recommends reform of the Criminal Law Consolidation Act to include a specific crime of domestic violence. The rhetoric surrounding DV is that it is a crime, and that it is unacceptable. However, in practice, most domestic violence does not meet the current legislative threshold for a crime. Such a reform would send a clear and unambiguous message to the community about what DV is, and that it is unacceptable. Subsequently, a National Police Check would show that a person had been convicted of DV, as opposed to assault, or another crime, emphasising its seriousness. A crime of domestic violence, which not only included physical or sexual assault, but also verbal abuse, emotional abuse, psychological abuse, financial abuse or social abuse, while still challenging to prosecute, would offer a broader range of recourse for victims. Even if the prosecution rates were low, the fact that emotional or psychological abuse, for example, could be criminally prosecuted would emphasise the breadth of behaviours that constitute DV.

## 24. Intervention Orders (IOs)

VSS recommends that the process of issuing IOs be altered in addition to the reform of the Criminal Law Consolidation Act to create a specific crime of domestic violence.

Currently if an IO is issued and never breached it remains a civil matter, and the person who perpetrated the initial abuse is never held accountable for their crime, unless they breach the Order. This allows perpetrators to find new victims and continue perpetrating without criminal consequence. Under our proposal, upon the issuance of an IO, the perpetrator would also be charged with DV, which would allow for criminal recourse against perpetrators who do not breach IOs, still provide the protection of an IO to victims, and reinforce the social message around the seriousness of DV.

**Recommendation 4**

A partnership between the Focus Schools Program and VSS in order to increase understanding amongst children about how to recognise and respond to DV, and how to access appropriate support services.

**Recommendation 5**

Greater collaboration between child protection services and domestic violence services.

**Recommendation 6**

Funding for trauma-informed support services for children who have been exposed to DV.

**Recommendation 7**

An amendment to the Criminal Law Consolidation Act to include a crime of domestic violence, which covers emotional, psychological, verbal, physical, sexual, and financial abuse.

**Recommendation 8**

Revising the practice of issuing intervention orders (IOs) so that a charge is laid in addition to the imposition of the IO.

**Recommendation 9**

Reform of perpetrator programs to ensure compliance in line with the National Plan.

**Workplace and industry support**

25. VSS congratulates the South Australian government on its initiatives within the public sector to support women in domestic violence situations by providing special leave

for DV, and to access support services. In leading by example, the South Australian government has shown its commitment to preventing DV, and changing cultural and social attitudes. DV workplace policies should be promoted and publicised across all South Australian workplaces.

26. One of the greatest challenges facing women escaping domestic violence is financial hardship. Domestic violence has an impact on a woman's ability to perform at work, due to the emotional and mental stress of living in a violent situation. Further, women may seek to take time off for physical injury, emotional distress, to attend court, or seek services to assist them. Henderson (2000) estimated that 35% of victims were late to work or leaving work early for DV related reasons. The workplace is a known location that perpetrators often target when seeking to make contact with victims. In accordance, all workplaces in South Australia should have an action plan and policy in place for dealing with employees experiencing DV.

27. For unemployed women, leaving a domestically violent situation is particularly difficult. Centrelink support for women leaving domestic violence is often too slow, the requirements too onerous, and the payments inadequate. Measures such as lowering the child age at which parenting payments cease is a significant barrier to female victims. Crisis payments are difficult to obtain, and only equivalent to one week of the type of payment the claimant receives. If the woman needs to leave her home, this sum is usually inadequate, especially when she is the primary care giver. Perpetrators often use financial tactics to exacerbate their abuse, which are frequently compounded by the welfare system.

As part of its obligation under the National Plan, the State government should advocate for a revision in the welfare system that would substantially improve access to parenting payments and crisis payments for victims of DV. A specific domestic violence assistance payment should also be considered to support woman escaping domestic violence to sustain their financial independence from the perpetrator.

28. VSS recommends that the proposed DV Unit outlined in section 16 should provide training across the South Australian public service, non-government organisations, the business community and unions in DV, focusing on what employers can do to better support women in DV situations.

29. The South Australian government should advocate for the inclusion of domestic violence policies in all South Australian workplaces and support initiatives whereby workplace awards and enterprise bargaining agreements would provide for domestic violence leave arrangements. VSS is leading by example in this area by including DV-related provisions in our enterprise agreement.

30. VSS urges the South Australian Government to lobby the Federal government to amend the National Employment Standards to provide for domestic violence assistance and support in the workplace, including the right for flexible working arrangements for DV victims and those caring for them.

**Recommendation 10**

State government advocacy on behalf of women to the Federal government, particularly in the area of work rights.

**Recommendation 11**

State government advocacy on behalf of women to the Federal government, particularly in the area of welfare rights.

**Federal Government Funding**

31. Specialist domestic violence services funded through the Federal National Affordable Housing Agreement (NAHA) and the National Partnership Agreement on Homelessness (NPAH) face significant cuts. Katrine Hilyard, MP summarised "...the National Partnership Agreement on Homelessness was not included in forward estimates and \$44 million has been cut from the agreement...only committing to funding for 2014-2015...seriously putting at risk...women's domestic violence services." As a result of these cuts there is a serious risk to the gains made during the first stage of the National Action Plan, "Building a Strong Foundation". In addition, funding arrangements are not likely to be clarified until the May 2015 Budget, leaving very little time for organisations to plan, and creating great uncertainty, and thus inefficient service.
32. The 2014 Budget announced significant funding cuts to legal services, creating a significant service gap as noted by the Productivity Commission in its Report into Access to Justice (December 2014). The report observed that the vast majority of self represented litigants (SRLs) self represented because they could not afford representation and did not qualify for legal aid. In addition data from Victoria Legal Aid showed that DV was the most common civil or family matter that SRLs sought advice on from duty lawyers. Research shows that there has been a significant increase in SRLs in the Family Law Courts in Victoria since new funding guidelines for Victoria Legal Aid came into force.
33. Community Legal Services in South Australia, as well as the Family Law section of the Legal Services Commission's provision of Legal Aid, faces significant challenges given their reliance on Federal funding.

34. VSS recommends that the State government demonstrates how the legal funding shortfall will impact on victims of DV, and considers how to best meet its obligations under the State and National Plans in the current fiscal climate.
35. One of the most significant issues facing victims of DV is jurisdictional conflict. The court system of Australia is separated into Federal and State jurisdictions, with most criminal matters falling into State jurisdiction, while the Family Law Courts reside in the Federal jurisdiction.
36. Domestic violence does not occur in a vacuum and frequently there are State-based criminal and civil (IOs) claims relating to DV occurring concurrently with Family Law matters. Although it is specifically provided for in the *Family Law Act 1975* (Cth), s68R that a State or territory may revive, vary, discharge or suspend parenting orders and recovery orders, we believe there is a reluctance on the part of Magistrates to make orders with regards to IOs that include children who are subject to Federal Court Orders. The reasoning for this is that the Federal courts are superior courts to the South Australian Magistrate Courts, and it is not the general practice for an inferior court to overrule a higher court.
37. It is clear in the legislation that Magistrates do have the power to overrule Federal Court Orders when making family violence orders, but the reluctance to do so means that women who have an IO against a partner with whom they have children are left to navigate compliance with a Federal Court Order while protecting themselves.
38. This system is untenable. Greater communication between the Family Law Courts and the South Australian Magistrates Court would significantly alleviate this problem, especially if Magistrates were able to obtain verbal approval from the Federal Court to alter the Orders. This would alleviate concerns from the court that it was acting outside its jurisdiction, and promote a more holistic approach to DV in the criminal justice system.

**Recommendation 12**

State government advocacy on behalf of women, and legal services catering to women to the Federal government.

**Recommendation 13**

State funding to alleviate shortfall in Federal funding for legal services.

**Recommendation 14**

Promote communication and collaboration between the Family Law Courts and the South Australian Magistrates Court in relation to Intervention Orders and Parenting Orders.

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